

# **TOWN OF NORWOOD**

## **ZONING BYLAWS**



**APPROVED BY TOWN MEETING - NOVEMBER 2, 2009**

**APPROVED BY THE ATTORNEY GENERAL - FEBRUARY 23, 2010**

**WITH AMENDMENTS THROUGH May 12, 2014**

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# NORWOOD ZONING BYLAWS

## SECTION 1.0 PURPOSE AND AUTHORITY

**1.1 PURPOSE.** These Bylaws are enacted to promote the general welfare of the Town of Norwood, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, and to increase the amenities of the Town, all as authorized by, but not limited by, the provisions of the Zoning Act, G.L. c. 40A, as amended, and Section 2A of 1975 Mass. Acts 808.

**1.2 AUTHORITY.** These Bylaws are enacted in accordance with the provisions of the General Laws, Chapter 40A, any and all amendments thereto, and in accordance with Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

**1.3 SCOPE.** For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

**1.4 APPLICABILITY.** All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of these Bylaws. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of these Bylaws impose greater restrictions than those imposed by any other regulation, permit, restriction, easement, covenant, or agreement, the provisions of these Bylaws shall control. Nothing herein shall be construed to supersede the provisions of the State Building Code, 780 CMR 1.00, et seq.

**1.4.1 Applicability; Nonconformities.** Except as herein after provided, these Bylaws shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on these Bylaws or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

**1.4.2 Commencement of Construction or Operation.** Construction or operations under a building permit or special permit shall conform to any subsequent amendments to these Bylaws, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is

continued through to completion as continuously and expeditiously as is reasonable.

## **1.5 ZONING AMENDMENTS.**

**1.5.1 Initiation.** These Bylaws may be amended from time to time at an annual or special Town Meeting. An amendment may be initiated by the submission of a proposed amendment to the Board of Selectmen by the Board of Selectmen, Board of Appeals, Planning Board, an individual owning land in the Town to be affected by the amendment, ten registered voters of the Town if the amendment is to be acted upon at the annual Town meeting or 100 registered voters of the Town for a special town meeting, or the Metropolitan Area Planning Council.

**1.5.2 Hearing.** The Board of Selectmen shall submit proposed zoning amendments to the Planning Board within 14 days of receiving them. A public hearing shall be held by the Planning Board within 65 days after the proposed change is submitted to such Board. Notice of such hearings shall be mailed, postage prepaid, by the Planning Board to nonresident property owners who file an annual request not later than January 1, prepaying an annual fee of twenty five (\$25.00) dollars. The Planning Board shall mail notice to owners of affected property, to their abutters, whether residents or not, and to others judged to have important interests affected by the proposal, in cases where that entails notice to not more than twenty parties, or in other cases where deemed appropriate by the Board. Hearing notices shall be designed to enable lay readers to clearly understand the matter to be considered. The town meeting shall not act upon any zoning amendment until the same has been reported on by the Planning Board as herein provided or until 21 days has elapsed after the Planning Board hearing without submission of such report.

**1.5.3 Repetitive Petition.** No proposed amendment to these Bylaws or the zoning map which has been unfavorably acted on by the Town meeting shall be considered on its merits by the Town meeting within two years after the date of such unfavorable action unless adoption of the proposed change had been recommended in the final report of the Planning Board to the Town meeting.

**1.6 SEPARABILITY.** The invalidity of any section or provision of these Bylaws shall not invalidate any other section or provision herein.

## SECTION 2.0 DISTRICTS

**2.1 ESTABLISHMENT.** For the purposes of these Bylaws, the Town of Norwood is hereby divided into the following classes of districts.

### *RESIDENTIAL DISTRICTS*

Single Residence	S
Single Residence - 1	S1
Single Residence - 2	S2
General Residence	G
Multifamily	A

### *BUSINESS DISTRICTS*

General Business	GB
Business Districts - Central	CB
Highway Business	HB
Limited Business	LB

### *INDUSTRIAL DISTRICTS*

Office-Research	O
Limited Manufacturing	LM
Limited Manufacturing A	LMA
Manufacturing	M

**2.2 OVERLAY DISTRICTS.** In addition, the following overlay districts are also hereby established in Section 9.0:

Flood Plain Overlay District	FPOD
Water Resource Protection Overlay District	WRPOD
Wireless Communications Services Overlay District	WCSOD
Downtown Apartment Overlay District	DAOD
Saint George Avenue Smart Growth Overlay District.	SGASGOD

**2.3 ZONING MAP.** All districts herein referred to are located and bounded as shown on a map entitled "Town of Norwood, Mass., Zoning Map Supplementary to and Changing Original Zoning Map dated November 1926 and showing alteration of district boundaries under Amendment to Section 17 of the Zoning Bylaws as adopted June 15, 1928," dated April 27, 1935, bearing the signatures of the Planning Board and filed in the office of the Town Clerk, together with any and all amendments thereto subsequently adopted by the Town. Said map, together with all explanatory matter thereon, and amendments thereto, shall be deemed to accompany and be part of these Bylaws.

**2.3.1 Boundary Determination.** The location of the boundary lines of the districts shown upon

the Zoning Map shall be determined as follows:

*1. Streets and Similar References.* Where a boundary line is shown as following a street, railroad, or utility transmission line, the boundary shall be the centerline thereof unless otherwise indicated. Where a boundary line is shown as following or parallel to a street, utility, property or other line, said other line shall be deemed to be located as it existed on the date of the establishment of the zoning boundary line which is referred to it, and any subsequent changes in said other line (as through a street widening, relocation or abandonment, or a change of property) shall not alter the location of the zoning boundary line in question.

*2. Property Lines.* Where a boundary line is shown approximately on the location of a property or lot line and the exact location of the boundary line is not indicated by means of a figure, dimension, or otherwise, then the property or lot line shall be the boundary line.

*3. Parallel Lines.* Where a boundary line is shown outside of the lines of a street or railroad and approximately parallel thereto, such boundary line shall be deemed parallel to the exterior line thereof; and where a figure is placed upon the map between such boundary line and the street or railroad, it indicates the distance in feet of such boundary line from such exterior line (measured at right angles thereto, unless otherwise indicated).

*4. Other Cases.* In any case not otherwise covered by the provisions of this Section 2.3.1, the location of a boundary line shall be determined by the distance in feet, if given, from the other lines on the map or, if distances are not given, by the scale of the map.

*5. Uncertainty.* Wherever any uncertainty exists as to the exact location of a boundary line, the location of such a line shall be as determined by the Inspector of Buildings, with the advice and assistance of the Town Engineer, who shall file a written report of his finding with the Town Clerk. Such finding shall be subject to the right of appeal in the manner hereinafter provided.

## **2.4 SPLIT LOTS**

**2.4.1 Lot Split by District Boundary Line.** Where a district boundary line divides any lot existing at the time such boundary line is adopted, the lot shall be considered as if divided by that boundary into separate portions, with development of each portion of the lot to meet all requirements of the district in which it is located (including lot area, frontage, and yards) within that district. However, the lot shall be considered as a whole in the case of a use allowed in both districts, in which event the dimensional regulations of the district in which the majority of the lot frontage lies shall apply to the entire lot.



**2.4.2 Lot Split by Town Line.** When a lot in one ownership is situated in part in the Town of Norwood and in part in an adjacent municipality, the provisions of these Bylaws shall be applied to that portion of the lot lying in the Town of Norwood in the same manner as if the entire lot were situated therein.

## SECTION 3.0 USE REGULATIONS

**3.1 PRINCIPAL USES.** Except as hereinafter provided for Major Projects and for existing nonconforming uses or structures, no building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, except as permitted under Section 3.1.6, Table of Use Regulations. Uses permitted and uses allowed on special permit shall be in conformity with all the density and dimensional regulations and other pertinent requirements of these Bylaws.

**3.1.1 By Right and Prohibited.** A use listed in the Table of Use Regulations is permitted as of right in any district under which it is denoted by the letter "Y" subject to such restrictions as may be specified elsewhere in these Bylaws. A prohibited use is denoted by the letter "N".

**3.1.2 Special Permit; Board of Appeals.** A use designated in the Table by the letters "BA" may be permitted as a special permit only if the Board of Appeals so determines and grants a special permit therefore as provided in Section 10.4 of these Bylaws subject to such restrictions as are set forth elsewhere in these Bylaws, and such restrictions as said Board may establish.

**3.1.3 Special Permit: Planning Board.** A use designated in the Table by the letters "PB" may be permitted as a special permit only if the Planning Board so determines and grants a special permit therefore as provided in Section 10.4 of these Bylaws subject to such restrictions as are set forth elsewhere in these Bylaws, and such restrictions as said Board may establish.

**3.1.4 Interpretation.** Where a use might be classified under more than one of the categories set forth in the Table of Use Regulations, the more specific category shall determine permissibility. If equally specific, the more restrictive category shall govern. A use not classifiable under any listed category is forbidden in all zoning districts.

**3.1.5 Table of Use Regulations.**

	District												
	Residential					Business				Office & Industrial			
USE	S	S1	S2	G	A	GB	CB	HB	LB	O	LM	LMA	M
<b>A. Residential Uses</b>													
1. Single-family dwelling	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
2. Two-family dwelling	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N
3. Two family dwelling by conversion <sup>1</sup>	N	N	N	Y	Y	Y	Y	Y	Y	N	N	N	N
4. Multifamily dwelling	N	N	N	N	BA	BA	BA	BA	BA	N	N	N	N
5. Dwelling units in combination with stores or other permitted commercial purposes:													
One or two dwelling units	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N
Three or more dwelling units	N	N	N	N	N	BA	BA	BA	N	N	N	N	N
6. Assisted Living Residence <sup>2</sup>	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

<b>B. Institutional Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Religious or educational use exempted from prohibition by G.L. Chapter 40A, Section 3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Library or museum open to the public or connected with an allowed institutional use and not conducted as a gainful business	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Child care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Hospital, nursing, rest or convalescent home, other institution not for correctional purposes	BA	BA	BA	BA	BA	BA	BA	BA	BA	N	N	N	N
5. Social, civic or recreational use by a club, lodge, owned by members and customarily conducted as a nonprofit activity	BA	BA	BA	BA	BA	Y	Y	Y	Y	N	N	N	N
6. Municipal services	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
7. Sheltered Workshop operated by a nonprofit charitable organization for handicapped persons	N	N	N	N	N	Y	Y	Y	BA	N	BA	BA	Y
8. Essential services	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

<b>C. Open Land or Extensive Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Agricultural use:													
Extensive	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Intensive	BA	BA	BA	N	N	N	N	N	N	N	BA	BA	Y
Farm stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
2. Extension of an existing cemetery	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y
3. Reservation, wildlife preserve or other conservation area of a nonprofit organization or membership club	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Commercial recreation, outdoors	N	N	N	N	N	BA	BA	BA	N	N	N	N	N
5. Commercial golf course with a minimum area of thirty acres and all golf course activities to be restricted to daylight hours	N	N	N	BA	BA	BA	N	Y	N	N	Y	Y	N

<b>D. Retail Uses and Places of Assembly</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Motor vehicle, boat, motorcycle, trailer, truck or farm implement sales or auctions:													
Wholly within a closed building	N	N	N	N	N	Y	Y	Y	N	N	BA	BA	BA
With open-lot sales or storage	N	N	N	N	N	N	N	BA	N	N	N	N	BA
2. Other open lot sales area	N	N	N	N	N	N	N	BA	N	N	N	N	BA
3. Showroom for building supplies (including plumbing, heating and ventilating equipment)	N	N	N	N	N	Y	Y	Y	N	N	N	N	BA
4. Other retail stores													
Enterprises under 25,000 net square feet floor area	N	N	N	N	N	Y	Y	Y	Y	N	BA	BA	BA
Larger enterprises	N	N	N	N	N	Y	Y	Y	N	N	PB	PB	PB
5. Restaurant:													
With drive in, drive-through, or similar service subject to Section 7.3	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB
With service to persons standing or sitting outside the building	N	N	N	N	N	Y <sup>3</sup>	Y <sup>3</sup>	BA	N	N	N	N	BA
With both the above	N	N	N	N	N	N	N	N	N	N	N	N	N
With neither the above	N	N	N	N	N	Y	Y	Y	BA	N	BA	BA	BA
6. Commercial recreation, indoors	N	N	N	N	N	Y	Y	Y	N	N	BA	N	BA
7. Adult uses as provided by Section 7.1	N	N	N	N	N	N	N	N	N	N	N	BA	N
8. Drugstore	N	N	N	N	N	Y	Y	Y	Y	N	BA	BA	BA
With drive-in, drive-through, or similar service subject to Section 7.3	N	N	N	N	N	PB	N	PB	N	N	PB	PB	PB
9. Hotel or motel, rooming house, boarding house or lodging house	N	N	N	N	N	Y	Y	Y	N	N	BA	BA	Y

<b>E. Office Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Business or agency office, bank or other monetary institution	N	N	N	N	N	Y	Y	Y	Y	Y	BA	BA	BA
With drive-in, drive-through, or similar service subject to Section 7.3	N	N	N	N	N	PB	PB	PB	PB	PB	PB	PB	PB
2. Office for administrative, executive or professional purposes	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
3. Place of business of a building tradesman or caterer	N	N	N	N	N	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	BA <sup>9</sup>	N	N	N	Y
4. Cable Television Studio	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
5. Flex Space	N	N	N	N	N	N	N	N	N	N	Y	Y	N

<b>F. Service Establishments</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Personal or consumer service	N	N	N	N	N	Y	Y	Y	Y <sup>8</sup>	N	BA	BA	BA
2. Mortuary, undertaking or funeral establishment	N	N	N	BA	BA	Y	BA	Y	BA	N	N	N	BA
3. Medical or dental laboratory; clinic	N	N	N	N	N	BA	BA	Y	BA	Y	Y	Y	Y
4. Shop of a cabinetmaker, sign painter, job printer or upholsterer	N	N	N	N	N	Y	Y	Y	BA <sup>7</sup>	N	N	N	Y
5. Printing or publishing establishment	N	N	N	N	N	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	N	N	Y	Y	Y
6. Power laundry; dry cleaning plant or dying works; carpet or rug cleaning plant	N	N	N	N	N	Y <sup>6</sup>	Y <sup>6</sup>	Y <sup>6</sup>	N	N	BA	BA	Y
7. Private school conducted for profit, including business or trade school, dancing or music school	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	Y
8. Body Art Establishment	N	N	N	N	N	N	N	Y	N	N	N	N	N
9. Commercial kennel, animal or veterinary hospital	BA <sup>4</sup>	BA <sup>4</sup>	BA <sup>4</sup>	N	N	BA	BA	BA	N	N	N	N	N
10. Fitness Center	N	N	N	N	N	Y	Y	Y	Y <sup>8</sup>	N	BA	BA	BA



<b>G. Wholesale Business &amp; Storage</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Wholesale showroom, with storage limited to floor samples only	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	Y
2. Storage warehouse or distribution plant::													
a. Less than 25,000 gallons of toxic or hazardous materials	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
b. More than 25,000 gallons of toxic or hazardous materials	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
c. Other material or equipment	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
3. Open lot storage	N	N	N	N	N	N	N	N	N	N	N	N	BA

<b>H. Vehicular Service and Transportation Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Parking facility:													
Commercial	N	N	N	N	N	Y	Y	Y	BA	N	Y	Y	Y
Community or group facility solely for the parking of noncommercial motor vehicles of residents of nearby buildings	N	N	N	BA	BA	Y	Y	Y	BA	N	Y	Y	Y
2. Motor vehicle service:													
Motor vehicle service station	N	N	N	N	N	BA	BA	BA	BA	N	N	N	BA
Washing and cleaning of motor vehicles	N	N	N	N	N	N	N	BA	N	N	N	N	BA
Auto repair facility, with all major repairs conducted wholly within a building	N	N	N	N	N	BA	BA	BA	BA	N	N	N	BA
Motorcycle, truck, trailer, or farm implement repair	N	N	N	N	N	N	N	N	N	N	N	N	BA
3. Bus or railroad passenger station	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	Y
4. Taxi office or stand	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y
5. Ambulance dispatch operation	N	N	N	N	N	BA	BA	BA	BA	BA	BA	BA	BA
6. Truck terminal or motor freight station; servicing of trucks or buses	N	N	N	N	N	N	N	N	N	N	N	N	BA
7. Municipal airport or other municipal landing and servicing facility	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
8. Leasing motor vehicles	N	N	N	N	N	BA	BA	BA	BA	N	N	N	BA

<b>I. Manufacturing, Processing and Related Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Laboratory engaged in research, experimental or testing activities	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y
2. Food processing, bottling or packaging	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
3. Light manufacturing <sup>11</sup>	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
4. Manufacturing	N	N	N	N	N	N	N	N	N	N	N	N	Y
5. Earth removal (see Section 7.2)	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA

<b>J. Accessory Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Home occupation (see Section 3.3.1)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Licensed family day care home	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
4. Farm stand	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
5. Room and board for not more than two persons not members of the household (whether regular or transient)	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N
6. Light manufacturing (see Section 3.4.3)	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y
7. Dwelling for caretaker, watchman	N	N	N	N	Y	Y	Y	Y	Y	N	N	N	BA
8. Transient accommodations for business visitors to the premises	N	N	N	N	N	Y	Y	Y	N	Y	Y	Y	Y
9. Repair (conducted wholly within a building) and service for vehicles used in conjunction with the principal use of the premises	N	N	N	N	N	BA	BA	BA	BA	Y	Y	Y	Y
10. Scientific research and development, as provided at Section 3.4.4	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA
11. Clinic located within drug store or other principal use	N	N	N	N	N	BA	BA	BA	N	N	BA	BA	BA

<b>K. Accessory Parking:</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Automobiles, recreational vehicles, passenger vans (See Section 3.4.5)	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y	Y	Y	Y	Y	Y	Y	Y
2. Pickup trucks, not more than 6250 pounds gross vehicle weight	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y	Y	Y	Y	Y	Y	Y	Y
3. One other vehicle which neither exceeds 12,000 pounds gross vehicle weight, nor which exceeds 21 feet in length	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y	Y	Y	Y	Y	Y	Y	Y
4. Larger or additional commercial vehicles	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y
5. Accessory trailer (see Section 3.4.5)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
6. Employee restaurant, lunchroom, cafeteria or similar place for serving on-premises employees	N	N	N	N	N	Y	Y	Y	BA	Y	Y	Y	BA
7. Retail sale of products manufactured or stored as the principal use	N	N	N	N	N	Y	Y	Y	Y	Y <sup>10</sup>	Y	Y	BA
8. Open lot display or storage if goods products, materials or equipment:													
Occupying less than 25% as much area as covered by buildings on the premises	N	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y
Occupying a larger area	N	N	N	N	N	BA	BA	BA	N	N	BA	BA	BA
9. Incinerator for disposal of waste materials incidental to the principal use	N	N	N	N	N	N	N	N	N	N	BA	BA	BA

10. Rental or leasing of motor vehicles	N	N	N	N	N	BA	BA	BA	BA	N	BA	BA	BA
11. Livestock raising, for personal use and enjoyment of residents of the premises, but not for gain	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

### **3.1.6 Notes to Table of Use Regulations.**

1. Provided that: the dwelling existed on July 21, 1927 and is located on a lot meeting current lot area requirements for a single-family dwelling at that location; No interior enlargement is made which, together with any changes made during the preceding five years, increases the gross floor area of the house by more than 50 percent.
2. Assisted Living Residences are subject to Section 8.1.
3. Requires outdoor dining permit from the Board of Selectmen
4. Must be located on same premises as a dwelling unit.
5. Provided that the exterior of the building retains its residential appearance.
6. Not over 5,000 square feet gross floor area.
7. Not over 1,000 square feet gross floor area.
8. Not more than five persons regularly employed.
9. Change to "BA" when accessory parking is located in a residential district and serves a nonresidential use located on the same lot
10. Subject to Section 3.2.3.
11. Except for food processing, bottling or manufacturing which requires a Special Permit from the Board of Appeals.

## **3.2 MAJOR PROJECTS**

**3.2.1 Applicability.** Authorization for a net addition of more than twenty-five thousand square feet net floor area in nonresidential use or parking or storage for one hundred or more motor vehicles, measured cumulatively subsequent to the effective date of this provision, will be considered a "Major Project" if on a single lot or a set of contiguous lots in the same ownership at any time subsequent to the effective date of this provision, except for individual additions or alterations increasing floor area or vehicle parking or storage on that lot or set of contiguous lots by less than 10%.

**3.2.2 Special Permit Required.** Major Projects require authorization through a special permit from the Planning Board under the provisions of Section 10.4.

### **3.3 HOME OCCUPATIONS**

**3.3.1 General.** The use of a portion of a dwelling or of a building accessory thereto by a resident of the premises as an office, studio or workroom for the conduct of a profession or customary home occupation is allowed in all districts, subject to the following where that use would not be allowed as a principal use. In particular, uses permitted hereunder may include, but are not limited to, the office of a physician, dentist, lawyer, architect, engineer, real estate agent or insurance agent; the studio of an artist, musician or teacher; the workroom of a dressmaker, photographer; a beautician; a family day care provider; or facilities for incidental work and storage in connection with the off-premises occupation of a resident builder, carpenter, painter, plumber or other artisan, or a resident tree surgeon or landscape gardener.

#### **3.3.2 Conditions.**

1. Not more than two persons other than residents of the premises shall be regularly employed thereon in connection with such use.
2. No stock in trade shall be regularly maintained except for products of the occupation itself, or for goods or materials customarily used incidental to its performance.
3. Noise or other effects shall not be produced at levels observable at the lot lines in amounts exceeding those normal from residential use.
4. No change shall be made which alters the residential appearance of the buildings on the premises.
5. There shall be no exterior display or other outward evidence that the premises are being used for any nonresidential purpose (except for an accessory professional sign as hereinafter permitted).

### **3.4 ACCESSORY USES**

#### **3.4.1 Swimming Pools.**

1. *Enclosure.* Every outdoor swimming pool shall be completely surrounded at all times, whether or not filled with water, by a fence or wall not less than five feet in height. Each such fence or wall shall be so constructed as not to have openings, holes, or gaps larger than four inches in any dimension except for doors and gates and except for picket fences, whose gaps between pickets shall not exceed four inches. Every fence shall be anchored to posts set in the ground two feet or more. A building may be used as part of such enclosure.
2. *Gate.* All gates or doors opening through such enclosure shall be of not less than the



same height as the fence or wall and shall be equipped with a self-closing and self latching device located not more than one foot below the top of the fence or wall for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Each such gate or door shall be kept locked at all times when the swimming pool enclosure is not in use.

*3. Lighting.* All lighting of an outdoor pool or its enclosure shall be directed at the pool and the source of the light shall be shielded from view from any street or adjoining property. Such lighting is subject to the requirements of Section 5.3.

*4. Drainage.* Provisions shall be made for drainage of pool water without creation of hazard or nuisance on adjacent properties or within public ways. Such drainage provisions must be approved by the Board of Health.

*5. Setbacks.* Every outdoor swimming pool hereafter constructed shall be set back not less than seven and one-half feet from any side or rear lot line of the premises on which it is constructed and not less than thirty feet from any street line. The setback distance shall be measured to the nearest point of the pool, including overflow gutters but exclusive of walkways or other poolside areas. No existing swimming pool shall be enlarged so as to violate any of the foregoing setback requirements.

*6. Alarms.* All doors with direct access to the pool through that wall shall be equipped with an alarm in accordance with Section 9.2 of 780 CMR, the State Building Code, as may be amended.

*7. Occupancy Permit.* No swimming pool shall be used until an occupancy permit is issued by the Inspector of Buildings.

**3.4.2 Office - Research District Accessory Retail Sales.** In Office - Research District, facilities for the sale of those products which are manufactured or stored by the user of the premises are allowed provided that:

1. One parking space for each 500 square feet of floor space devoted to such sales is maintained in addition to the requirements of Section 6.1 of these Bylaws;
2. Sales to persons, other than employees of the user, are limited to 2 days a month;
3. The gross floor space of such facilities are limited to 0.5% of the premises or 5,000 square feet, whichever is less; and
4. No products are to be brought upon the premises by the user solely for the purpose of selling the same under the provisions hereof.

**3.4.3 Accessory Light Manufacturing.** In Limited Business and General Business Districts, light manufacturing is allowed as a use accessory to permitted principal uses, provided that:

1. Such manufacturing does not occupy more than 25% of the floor area on the premises; and
2. Off-premises sale of the manufactured product is only incidental to on-premises sales.

**3.4.4 Accessory Scientific Research and Development.** Uses, whether or not on the same premises 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 allowed upon the issuance of a special permit provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

**3.4.5 Accessory Trailers and Major Recreational Equipment .**

*1. Residential Districts.* Major recreational equipment may be stored in a Residential District only on premises owned or occupied by the owner of the goods, and only if within a building or to the rear or side of the principal building and not within ten feet of any lot side or rear lot line and no closer to the front line than the front of the building, unless the Board of Appeals grants a special permit where such location will not cause substantial detriment to the neighborhood. Such equipment may not be used for habitation, storage of materials, or any business purpose.

*2. Nonresidential Districts.* Trailers may be stored as an accessory use in nonresidential districts, provided that no such trailer shall be used for habitation or the storage of goods or merchandise.

*3. Emergency Housing.* A mobile home may be placed on premises of a residence destroyed by fire or other holocaust for temporary residence for a period of up to twelve months.

*4. Construction Office.* A trailer may be used for a temporary office incidental to construction or development on the premises under then current building permits.

**3.5 TEMPORARY USES**

**3.5.1 Applicability.** The Board of Appeals may authorize by special permit a temporary building, structure, or use not in conformity with the provisions of this BYLAWS, provided that the Board makes the following findings:

1. The general decision criteria of Section 10.4 are satisfied;
2. The reasons for the proposal have a limited duration, so there is assurance that the nonconformity will have no reason to be continued for more than three years;
3. The proposal does not depart from the apparent intent of the zoning BYLAWS for the vicinity in question; and
4. Such use will not be detrimental or injurious to persons, property or improvements in the vicinity or the town.

**3.5.2 Term.** The term of the special permit, if granted, shall be for not more than one year, subject to renewal for a total of not more than three years, whether or not consecutive.

## **SECTION 4.0                      DIMENSIONAL REQUIREMENTS**

### **4.1        GENERAL REQUIREMENTS**

**4.1.1 Table of Dimensional Requirements.** The erection, extension, alteration, or moving of a structure or the creation of a lot or change in its size or shape (except through a public taking) must meet the requirements set forth in this Section 4.0 and the Table of Dimensional Regulations, except as may be otherwise set forth herein.

**TABLE OF DIMENSIONAL REQUIREMENTS**

<b>District</b>	<b>Min. Lot Area</b>	<b>Min. Lot Frontage</b>	<b>Max. Lot Cover</b>	<b>Min. Open Space</b>	<b>Max. Floor Area Ratio</b>	<b>Required Lot Width Through Building or Structure</b>	<b>Min. Front Setback</b>	<b>Min. Side Yard</b>	<b>Min. Rear Yard</b>	<b>Max. Building Height</b>
<b>S2</b>	15,000 sf	125 ft	25%	25%	No limit	125 ft	30 ft	20 ft <sup>4</sup>	35 ft <sup>10</sup>	30 ft
<b>S1</b>	12,500 sf	100 ft	25%	25%	No limit	100 ft	30 ft	15 ft <sup>5</sup>	30 ft <sup>10</sup>	30 ft
<b>S</b>	10,000 sf	90 ft	25%	25%	No limit	90 ft	20 ft	15 ft <sup>5</sup>	30 ft <sup>10</sup>	30 ft
<b>G</b>	10,000 sf <sup>1</sup>	90 ft	35%	25%	No limit	90 ft	20 ft	15 ft <sup>6</sup>	30 ft <sup>10</sup>	30 ft
<b>A</b>	10,000 sf <sup>2</sup>	90 ft	35%	25%	No limit	90 ft	20 ft	15 ft <sup>6</sup>	30 ft <sup>10</sup>	30 ft
<b>CB</b>	5,000 sf <sup>2</sup>	20 ft	80%	0%	No limit	20 ft	0 ft <sup>11</sup>	0 ft <sup>7</sup>	10ft	40 ft
<b>HB</b>	22,500 sf <sup>2</sup>	150 ft	50%	25%	0.5	150 ft	50 ft	15 ft	30 ft <sup>10</sup>	40 ft <sup>15</sup>
<b>LB</b>	10,000 sf <sup>2</sup>	20 ft	80%	10%	0.5	20 ft	0 ft <sup>8</sup>	0 ft <sup>7</sup>	10 ft <sup>10</sup>	30 ft
<b>GB</b>	10,000 sf <sup>2</sup>	20 ft	80%	10%	0.5	20 ft	0 ft <sup>8</sup>	0 ft <sup>7</sup>	10 ft <sup>10</sup>	30 ft
<b>O</b>	3 acres <sup>3</sup>	250 ft <sup>3</sup>	20%	40%	0.5	250 ft	100 ft	25 ft <sup>8</sup>	25 ft <sup>8</sup>	30ft
<b>LM</b>	3 acres <sup>3</sup>	250 ft <sup>3</sup>	50%	25%	0.67	250 ft	50 ft <sup>12</sup>	25 ft <sup>8</sup>	25 ft <sup>8</sup>	60 ft
<b>LMA</b>	3 acres <sup>3</sup>	250 ft <sup>3</sup>	50%	25%	0.67	250 ft	50 ft <sup>12</sup>	25 ft <sup>8</sup>	25 ft <sup>8</sup>	60 ft
<b>M</b>	10,000 sf	50 ft <sup>3</sup>	70%	10%	0.67	50 ft	0 ft <sup>13</sup>	10 ft <sup>9</sup>	10 ft <sup>9</sup>	40 ft <sup>15</sup>

**4.1.2 Notes to Table of Dimensional Requirements.** These notes shall have the force and effect of law.

1. 7,500 square feet per dwelling unit if that results in more than the basic minimum.
2. For multifamily dwellings, 10,000 square feet plus 3,500 square feet per dwelling unit after the first unit.
3. One-story accessory structures have no requirement.

Note: changes to subsection 4 apply to the side yard requirement for the S2 – Single Residential 2 District.

4. Fifteen feet for building portions not exceeding 15 feet height. Accessory buildings, if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; accessory buildings exceeding 120 square feet and meeting the minimum side yard requirement shall be limited to no more than 600 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length.

Note: changes to subsection 4 apply to the side yard requirement for the S2 – Single Residential 2 District.

5. Ten feet for building portions not exceeding 15 feet height. Accessory buildings, if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; accessory buildings exceeding 120 square feet and meeting the minimum side yard requirement shall be limited to no more than 600 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length.

Note: changes to subsection 6 applies to side yard requirements for the G – General Residential District and A – Multifamily Residential District.

6. For building portions not exceeding 15 feet height, yard may be 10 feet. Buildings, including dwellings, may attach to buildings on adjacent lots. Accessory buildings, if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; accessory buildings exceeding 120 square feet and meeting the minimum side yard requirement shall be limited to no more than 600 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length.

7. But not less than 10 feet from a residence district boundary. Any yard, if provided, shall be not less than 10 feet.

8. But not less than 150 feet from a residential district boundary. No yard required

abutting a railroad right-of-way.

9. But not less than 75 feet from a residential district boundary. No yard required abutting a railroad right-of-way.

10. Accessory buildings (i.e., sheds), if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; accessory buildings exceeding 120 square feet and meeting the minimum required rear yard requirement shall be limited to no more than 600 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length.

11. Increase to 20 feet for any part of a building within 200 feet of a residential district having frontage on the same street in the same block.

12. Increase to 150 feet where the opposite side of the street is in a residential district (including any in an adjacent municipality).

13. Increase to 75 feet where the opposite side of the street is in a residential district (including any in an adjacent municipality).

14. Access for fire apparatus or personnel may require larger yards, as determined by the fire chief under board of Fire Prevention Regulations, 527 CMR 25.00. Where emergency access is required, not less than 15 feet of unobstructed width must be provided.

15. Increase by one foot for each foot by which all setback and yard requirements are, at minimum, exceeded, to a maximum of 60 feet in height.



Maximum size accessory building; Shown is a detached 24'x 24' two-car garage.



Example of inappropriate accessory building located in a residential district on Dean Street near Tamworth Road.

Section 4.1.2 (4), (5), (6) and (10) amended 5/13/13 Town Meeting Article 2.



#### **4.1.2 Front Setbacks.**

**1. Corner and Through Lots.** Front setbacks must be maintained from each street on which a lot abuts.

**2. Setback Averaging.** No building need provide a front setback larger than the average of the front setbacks on lots abutting on either side, with a vacant lot (or a lot having no building within three hundred feet from the building in question), or a lot providing a setback larger than the required minimum, or an intersecting street being counted as though occupied by a building providing that required minimum setback.

**4.1.3 Lot Width.** In all Districts, no building or structure, except a one-story accessory structure, shall be constructed on a lot having less lot width, measured through that portion of the building or structure where the lot is narrowest and at any point between the frontage street and the nearest part of said building, than the "Required Lot Width Through Building or Structure" specified in the Table of Dimensional Requirements.

#### **4.1.4 Exceptions.**

*1. Inconsequential Change.* Lot line changes to nonconforming lots are allowed provided that they create neither additional lots nor create an increase in any nonconformity.

*2. Two or More Principal Buildings.* Not more than dwelling shall be erected on a lot, unless so authorized on Special Permit under Section 4.2.1. Two or more other principal buildings may be erected on a lot only if lot area requirements can be met for each such building without counting any land area twice. In addition, each such building must be served by access, drainage, and utilities determined by the Inspector of Buildings to be functionally equivalent to those required for separate lots by the planning board under its subdivision regulations.

### **4.2 SPECIAL REQUIREMENTS**

**4.2.1 Flexible Residential Development.** Two or more dwellings in the A, GB, CB, HB, or LB Districts may be erected on a single lot without division into separate lots, provided that such use is authorized on special permit by the Board of Appeals, upon its determination that:

1. The number of dwelling units being erected does not exceed the number which could reasonably be expected through development on separate lots meeting lot area and frontage requirements;

2. Access, drainage, and utility service to each dwelling is functionally equivalent to that required for separate lots under the Planning Board's Subdivision Regulations; and

3. Both side and rear yards of the parcel shall meet rear yard requirements, and dwellings on the same lot shall be separated by no less than twice the side yard requirement.

**4.2.2 Corner Visibility.** At all street intersections in residential or limited business districts, a triangular sight protection area is hereby established, bounded by the exterior lines of intersecting streets and a line joining points on such lines which are twenty-five feet from their point of intersection (or in the case of a rounded corner, from the point of intersection of their tangents). Within that area, the following restrictions apply.

1. No buildings or portions thereof shall be located.
2. No nonbuilding structure and no open display, storage, or other open use shall be located unless the Inspector of Buildings determines that there will be no interference with traffic visibility across the corner.
3. Trees, shrubs, and other plantings shall similarly be located and trimmed to avoid interference with traffic visibility.

## **SECTION 5.0 NONCONFORMING USES AND STRUCTURES**

**5.1 APPLICABILITY.** These Bylaws shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which these Bylaws, or any relevant part hereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

**5.2 NONCONFORMING USES.** The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

5.2.1 Change or substantial extension of the use; or

5.2.2 Change from one nonconforming use to another nonconforming use that is not more detrimental to the character of the district in which it is located than the existing use.

**5.3 NONCONFORMING STRUCTURES.** The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. Changes to single and two-family structures shall be governed by Section 5.4, below. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

5.3.1 Reconstructed, extended or structurally changed; or

5.3.2 Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

**5.3.3 Variance Required.** Except as provided in Section 5.4, below, with regard to single and two-family residential structures, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance from the Board of Appeals; provided, however, the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a special permit from the Board of Appeals.

**5.4 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES.** Nonconforming single and two family residential structures may be

reconstructed, extended, altered, or structurally changed upon a determination by the Inspector of Buildings that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. For the purposes of this subsection, the term “reconstruction” shall mean the partial, not total, reconstruction of a structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure as long as such addition does not increase the habitable floor area of the original structure by more than twenty five (25%) percent:

**5.4.1 Insufficient Area.** Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements;

**5.4.2 Insufficient Frontage.** Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements; or

**5.4.3 Side Yard Encroachment.** Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

**5.4.4 Increase in Nonconforming Nature.** In the event that the Inspector of Buildings determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change because the above-stated criteria do not apply, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

**5.5 OTHER NONCONFORMITIES.** Noncompliance with site development requirements, such as parking, landscaping, and lighting standards, does not make the premises nonconforming in use or structure, so changes, extensions, or alterations to existing uses and structures do not require a special permit simply because of such site development noncompliance. However, any change, alteration, or extension in use which increases the extent of noncompliance in site development may be allowed only on special permit, to be granted provided that the board of appeals determines that such change, alteration, or extension is not substantially more detrimental to the neighborhood than the existing condition.

**5.6 ABANDONMENT OR NON-USE.** Any nonconforming use or structure which has been abandoned, or not used for a period of twenty four months, shall lose its protected status and be subject to all of the provisions of this zoning BYLAWS.

**5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION.** Any nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

**5.7.1 Two Years.** Reconstruction of said premises shall commence within twenty four months after such catastrophe or demolition.

**5.7.2 As of Right.** Buildings as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure.

**5.7.3 By Special Permit.** In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.

**5.8 REVERSION TO NONCONFORMITY.** No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

## **SECTION 6.0                      GENERAL REGULATIONS**

### **6.1      OFF-STREET PARKING AND LOADING REQUIREMENTS**

**6.1.1 Applicability.** Off-street parking must be provided to service all increases in parking demand resulting from new construction, additions, or change of use to a use requiring more parking, without counting any existing spaces needed to meet requirements for the existing building and use. The number of spaces indicated in this Section shall be the basis for determining adequacy of provisions. Any existing spaces removed by development shall be replaced in kind unless they are either in excess of the number required or removed at the request of the town. Parking spaces also serving as loading areas shall not be credited towards meeting these requirements.

**6.1.2 Special District Reductions.** In the Central Business, General Business, and Limited Business districts the following provisions shall apply.

1. Off-street parking need be provided to serve nonresidential uses in those districts only if the number of required spaces exceeds twenty for uses in the central business district or five for uses in the general or limited business districts.
2. Legal on-street parking may be credited towards meeting these requirements if located between the premises, side lot lines on the same side of the street.
3. In the Central Business District only, the required number of spaces for nonresidential uses shall be 50% of the number indicated in this Section.

**6.1.3 Schedule of Minimum Requirements.** Parking shall comply with the following:

<b>SCHEDULE OF MINIMUM REQUIREMENTS</b>	
A. Dwellings	Three parking spaces per dwelling unit having more than one bedroom
	One per dwelling unit for all other dwelling units
B. Places of public assembly	One parking space for each three persons capacity based on the Massachusetts State Building Code
C. Rooming Houses	One and one-half spaces per rental room
D. Hotel, motel, other commercial accommodations	One parking space for each guest unit, plus one parking space for each units or fractions thereof
E. Nursing home one parking space per three patient rooms	One parking space per three patient rooms
F. Hospital	Two and one-half parking spaces per bed
G. Assisted Living Residence	0.5 parking spaces per dwelling unit, plus one space per three employees
H. Restaurant	One parking space per 3 persons seating capacity, plus 3 spaces per take out window or counter position dedicated to take out services
I. Commercial recreation	One parking space per two persons participant capacity, plus one space per three persons spectator capacity
J. Auto service station	3 parking spaces, plus 3 parking spaces (which may be parked in "tandem," i.e. bumper-to bumper, requiring attendant assistance) per service bay
K. Other service establishments, retail businesses, and offices	One parking space per 250 square feet of gross floor area on the ground plus one space per 400 square feet gross floor area on other floors, but not fewer than three spaces per separate enterprise
L. Medical or dental office or laboratory; clinic	One parking space per 200 square feet of gross floor area on the ground plus one space per 300 square feet gross floor area on other floors, but not fewer than four spaces per separate enterprise
M. Whole sale and industrial establishments	One parking space per 250 square feet of office area plus one space per 500 square feet of production area plus one space per 2,000 square feet of storage area, but capable of expansion to nor fewer than one space per 500 square feet gross floor area
N. Child care center or family day care	One space per number of employees on largest shift, plus one space per every six children enrolled
O. Other uses	A number of spaces to be determined by the inspector of buildings based upon evidence from similar uses under similar circumstances

#### **6.1.4 Loading Area Location and Design.**

1. Proximity. Required parking for nonresidential uses shall be either on the same lot as the activity it serves, or in a separate parcel if the parcel is located within 500 feet (800 feet for employees) walking distance of the building entrance to be served, is located in a zoning district permitting or allowing on special permit the activity it serves, and is permanently committed to serving the use involved.
2. Setback. Parking lots having seven or more parking spaces shall be set back from the street line at least as follows:
3. CB District: No requirement;
4. Setbacks from Route 1: 20 feet, landscaped as required at Section 6.4, Landscaping and Screening; or 10 feet if 50% more than the number of otherwise required shrubs is provided, and a landscaping plan is submitted prepared by a registered landscape architect;
5. All other locations: 5 feet, landscaped as required at Section 5330 Landscaping and

**6.1.5 Parking Configuration.** Dimensions of spaces and aisles shall adequately provide for clearance and movement, and shall accommodate needs of the handicapped in designated spaces. The planning board shall, following consultation with the town engineer, adopt, and may from time to time amend, standards for such dimensions, reflecting current vehicle sizes, and reflecting the distinction between the functional needs of active parking spaces and of spaces for storage or display of vehicles intended for sale.

1. All parking facilities serving new buildings and having seven or more parking spaces shall be so designed that no vehicle entering or exiting a parking space is required to back onto or off of a public way.

**6.1.6 Parking Design and Construction.** Access drives are subject to the same use restrictions as the use they serve, so must be located in a district allowing that use, or if granted a special permit, in a district permitting that use of special permit.

1. Parking area egress location and design and parking area construction shall be consistent with standards and specifications to be established by the Superintendent of Public Works.

**6.1.7 Parking Structures.** Parking shall be maintained only at ground level, not either elevated above grade or depressed below grade in structures provided, however, that above and below grade parking structures shall be allowed in an Economic Opportunity Area duly established



pursuant to the Massachusetts Economic Development Incentive Program approved by the Board of Selectmen and Town Meeting. Said parking structures shall otherwise be in conformity with the height and other dimensional requirements of this BYLAWS.

**6.1.8 Loading Requirements.** Except in the Central Business District, which is exempt from this requirement, adequate off-street loading facilities and space must be provided to service all needs created by construction of new structures.

1. Required facilities shall be so sized and arranged that no trucks need back onto of off of a public way, or be parked on a public way while loading, unloading, or waiting to do so.

**6.1.9 Bicycle Racks.** For premises requiring 40 or more parking spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per 20 parking spaces required or fraction thereof.

**6.1.10 Typical Parking Dimensions.** Parking shall comply with the Table set forth below:

TYPICAL PARKING DIMENSIONS IN FEET							
Parking Angle		Stall Width Parallel to Aisle	Stall Depth to Wall	Stall Depth to Interlock	Aisle Width	Wall to Wall	Interlock to Interlock
45°	8.5 ft. stall	12	17.5	15.3	13	48	44
	9.0 ft. stall	12.7	17.5	15.3	12	47	43
	9.5 ft. stall	13.4	17.5	15.3	11	46	42
60°	8.5 ft. stall	9.8	19	17.5	18	56	53
	9.0 ft. stall	10.4	19	17.5	16	54	51
	9.5 ft. stall	11	19	17.5	15	43	50
75°	8.5 ft. stall	8.3	19.5	18.8	25	64	63
	9.0 ft. stall	9.3	19.5	18.8	23	62	61
	9.5 ft. stall	9.8	19.5	18.8	22	61	60
90°	8.5 ft. stall	8.5	18.5	18.5	28	65	65
	9.0 ft. stall	9	18.5	18.5	26	63	63
	9.5 ft. stall	9.5	18.5	18.5	25	62	62

**6.1.11 Specific Requirements.**

1. Short-Term Parking: 9.5' wide. Short-term parking shall include but not be limited to parking of one hour (1Hr.) or less.
2. Medium-Term Parking: 9.0' wide. Medium-term parking shall include but not be limited to all other parking not otherwise defined as short-term parking as provided herein.

3. Long-Term Parking: 8.5' wide. Long-term parking shall include but not be limited to parking for a substantial portion of the normal work period.

4. Parallel Parking: 8' wide by 22' long - aisle width: 25 feet

**6.1.12. Special Permit.** When a proposed use or structure requires site plan review from the Planning Board, the Planning Board may, by special permit, authorize a deviation from any parking or loading requirement set forth in this Section 6.1, provided that such relief shall not result in substantial detriment to the neighborhood. When a proposed use or structure does not require site plan review, the Zoning Board of Appeals shall serve as the special permit granting authority for such relief.

## **6.2 SIGNS**

**6.2.1 Purpose.** The following sign regulations are intended to serve these objectives:

1. Protect and enhance the visual environment of this town and the safety, convenience and welfare of its residents;
2. Facilitate efficient communications to ensure that people are able to receive the messages they need or want;
3. Promote good relationships between signs and the buildings and environment to which they relate; and
4. Support business vitality by avoiding burdensome procedures and restrictions.

**6.2.2 Permit Procedures.** No sign shall be erected, placed or improved prior to the issuance of a sign permit issued by the Inspector of Buildings, except as exempted herein. Application for a sign permit shall be made in writing on a form furnished by the inspector of buildings and shall include plans as required and a fee as established.

1. *Inspector's Action.* The Inspector of Buildings shall act upon the application within thirty days after the filing of the completed application. If the proposed sign conforms to this bylaw, the sign permit shall be issued. If the sign permit is not granted, the Inspector of Buildings shall notify the applicant in writing, citing the reason(s) for denial. The applicant may reapply, complying with these Bylaws or appeal the decision of the Inspector of Buildings to the Board of Appeals.

2. *Permit Duration.* Any sign permit duly issued shall be deemed invalid unless the sign authorized by it has been commenced within six months after its issuance. The Inspector

of Buildings may authorize in writing a single six month extension upon written petition of the applicant.

### **6.2.3 Location.**

1. *Location.* No sign shall extend above the wall to which it is attached, and no sign shall be located on the roof of any structure in any district, except for decorative roof-like structures (often termed "mansards") with pitch no less than 20 vertical in 12 horizontal.

2. *Projection.* The following shall be observed by all signs except those on awnings, to which it does not apply. No sign parallel to the wall to which it is attached shall project more than twelve inches from the face of that wall and no sign perpendicular to the wall shall project by more than four feet from it. In the Central Business District only, projecting signs perpendicular to a building shall be allowed to extend over a public sidewalk, street or way by no more than four feet provided it meets the requirements of 6.2.6(3) - Projecting Signs.

3. *Overhanging Signs.* Any sign which projects into, on, or over a public sidewalk, street, or way is subject to the provisions of Article 14 of the State Building Code regulating signs projecting into, on, or over a public sidewalk, street, or way and shall be subject to bonding and/or insurance requirements as determined by the Board of Selectmen.

### **6.2.4 Illumination.**

1. *Lighting Type.* In all Districts except the Central Business District, signs shall be illuminated only by steady, stationary light either internal to the sign or directed solely at it by light sources shielded and directed away from any abutting street or residential district.

2. *Central Business District.* Any internally illuminated sign in the Central Business District shall require the grant of a special permit from the Planning Board.

3. *Hours of Illumination.* Signs on buildings or lots within or abutting a Residential District shall not be lighted between 11 p.m. and 5 a.m. unless the premises on which the sign is located are in active use during the hours the sign is lighted.

### **6.2.5 Sign Content.**

1. *Standard Displays.* Standard brand names, logos, symbols, or slogans of advertised products or services shall be displayed only if that brand comprises more than twenty-five (25) percent of the dollar value of sales on the premises, as declared by affidavit by the business owner or manager.

2. *Political Signs.* On order of the Massachusetts Attorney General, these Bylaws may not be enforced against the display of political signs in violation of the First Amendment to the United States Constitution.

#### **6.2.6 Sign Type.**

1. *Moving Signs.* No sign, any part of which moves, or is designed to move or to be moved by any means, shall be erected or maintained in any district, except such portions of a sign that is designed to be changed or altered by manual or electronic means. Changeable portions of a sign shall not exceed 25% of the allowable sign area and include the following types:

- a. Manually Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means. Manually activated changeable signs may be changed at will.
- b. Electronically Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by means of computer driven electronic impulses. Electronically activated changeable signs require a special permit from the SPGA as set forth in Section 6.2.21.

2. *Attachment.* No sign shall be painted or posted directly on the exterior surface of any wall but must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the building. The foregoing, however, shall not prevent installation of a sign consisting of individual letters or devices securely affixed to the exterior wall of the building. The material and construction of any sign and intermediary surface and the manner of attachment of the sign to the intermediary surface and the intermediary surface to the wall of the building shall be in accordance with applicable provisions of the State Building Code.

3. *Projecting Signs.* In the Central Business District, projecting signs perpendicular to a building shall be allowed to extend over a public sidewalk, street or way provided the signs meet the following conditions:

- a) Projecting signs shall project no more than four (4) feet from the façade of a building.
- b) Only one (1) projecting sign no larger than seven (7) square feet may be erected per business.
- c) Mounting hardware shall be placed to minimize its view from the sidewalk.
- d) Business owners shall mount a projecting sign so the top of the sign is no more than fifteen (15) feet above the sidewalk, and the bottom of the sign is no less than nine (9) feet above the sidewalk.

- e) The projecting sign is restricted to ground floor businesses.
- f) Projecting signs shall not be internally illuminated. LED strips or neon may be used to accent an element of the sign as long as the accent makes up no more than 20% of the entire area of the sign. The lit portion may not move, scroll or flash.
- g) The sign must meet building code standards. This requirement shall be confirmed prior to approval by a structural engineer or other professional approved by the Inspector of Buildings.
- h) The Planning Board issues site plan approval in accordance with Section 10.5. of the Zoning Bylaw – Site Plan Approval and adequate bonding and/or insurance, as determined by the Board of Selectmen, is provided .

### **6.2.7 Temporary Signs.**

1. *Applicability.* Unless specified to the contrary in this BYLAWS, temporary signs must comply with all applicable requirements for permanent signs, including issuance of a sign permit.

2. *Window Signs.* Temporary signs not meeting the requirements for permanent signs may advertise sales, special events, or changes in the nature of an operation and are restricted to devices made of paper, posterboard, cardboard, cloth, canvas, fabric, cardboard, or other light material placed behind display windows, or markings of removable paint or marker inscribed directly on glass, if such devices and markings cover not more than 30% of window area, are not permanently mounted, and are illuminated by building illumination only, but shall not otherwise be used to advertise a continuing or recurrent activity, and shall be removed within seven days after the information they display is out of date or no longer relevant.

3. *Real Estate and Construction Signs.* A temporary sign may be erected during sale, lease, rental, or construction of a building or subdivision. Such sign shall not exceed forty square feet in area for premises having frontage on Route 1, and in other cases shall not exceed six square feet in area in residential districts and ten square feet in area in nonresidential districts. Construction signs shall not be erected prior to the issuance of a building permit, or prior to commencement of work if said work does not require a building permit.

4. *Transient Event Signs.* Temporary signs which indicate garage or yard sales, bazaars, dinners, or other nonprofit events and similar occasional uses shall comply with the Town Bylaws, and any conditions imposed in granting of licenses for such events by the Board of Selectmen.

5. *Banners.* A temporary banner or similar sign, if permitted by the Board of Selectmen under its authority to control use of town ways under Norwood Town Bylaws may be placed above or across a public or private street or way upon such terms and conditions

as the Selectmen shall determine. When a business newly opens, the Inspector of Buildings may as a condition of site plan approval allow the placement of a banner on the premises for a period not to exceed two weeks.

6. *Vehicles.* A truck, trailer, or other vehicle shall be construed as a temporary sign, subject to the requirements applicable to permanent signs, if placed at a location especially prepared for display through special lighting or elevation, or in the case of commercial vehicles having lettering, logos, or similar devices, if such vehicles are placed at a location more prominent than a feasible alternative on the site for a cumulative total of ten or more days following written order not to do so by the Inspector of Buildings. Appeal of actions or inactions under this provision may be brought to the Board of Appeals under G.L. c. 40A, s. 8.

**6.2.8 Construction and Maintenance.** Signs shall be maintained in a safe and legible condition through prompt replacement of damaged, deteriorated, or missing elements, repainting, and structural replacement as necessary, in accordance with the State Building Code. Any sign that is not properly maintained within ten days following notification from the inspector of buildings to do so, or would require expenditures for improvement exceeding the limits of Section 6.2.9.3, below, shall be ordered by the Inspector of Buildings to be removed.

**6.2.9 Nonconforming Signs.** Any accessory sign made nonconforming as a result of adoption of regulations following its legal erection may remain, except as qualified below.

1. *Maintenance.* Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign, including sign maintenance, repainting (without lettering or design alteration), and replacement of broken or deteriorated parts of the sign or its supporting structure, if within the limits prescribed below.

2. *Restoration Limit.* Excluding the cost of changing movable parts of an approved sign that is designed for such changes or the repainting or reporting of display matter, any nonconforming sign which has deteriorated or been destroyed or damaged to such an extent that the cost of restoration or maintenance as required under Section 6.2.8 above would exceed 50 percent of the replacement cost of the sign at the time of the destruction or damage, shall be brought into conformity through being repaired, rebuilt, or altered to conform to the requirements of this BYLAWS, or it shall be removed. Compliance is the responsibility of the owner of the sign, and shall be carried out within thirty days of order by the Inspector of Buildings to do so.

3. *Removal.* Nonconforming non-accessory signs such as billboards shall be removed upon expiration of their permit from the outdoor advertising board or, if not under such permit, within thirty days of notification of violation by the Inspector of Buildings.

**6.2.10 Removal.** The removal of all signs is the responsibility of the business occupant. When the business ceases operation, the occupant shall remove the sign within twenty days of the cessation of business. In the event the business occupant ceases operation and fails to remove the sign within sixty days, the Inspector of Buildings shall find the sign has been abandoned and shall order the property owner to remove the sign.

1. An otherwise conforming sign will be made nonconforming if a change or termination in activities on the premises causes its message to no longer relate to the premises or activities thereon. In such cases the sign shall be removed, except that if the sign is otherwise conforming, the sign structure may be retained with the message portion covered with a single color permanent material.

**6.2.11 Nonaccessory Signs.** Nonaccessory signs are not allowed in any district in the Town of Norwood.

**6.2.12 Signs in All Districts.** Churches and private schools may erect a single sign not exceeding twelve square feet in area. Such sign shall either be a wall sign or a standing sign set back a minimum of five feet from the nearest exterior line of the street.

**6.2.13 Signs in Residential Districts.** Signs are permitted as follows in General Residence (G), Single Residence (S), Single Residence 1 (S1), Single Residence 2 (S2), and Multifamily (A) Districts.

1. *Number, Size and Type.* There may be one sign per lot, set back a minimum of five feet from each property line, indicating only the name or occupant, the street name and number, and a use or occupation permitted under this BYLAWS. Such sign may be a standing sign or a wall sign, but it shall not exceed two square feet or, where it indicates a permitted use or occupation, four square feet in area.
2. *Temporary Signs.* Temporary signs as regulated herein may be used but shall not be lighted.

**6.2.14 Signs in All Nonresidential Districts.**

1. *Temporary Signs.* Temporary signs may be used only as regulated herein.
2. *Directory Sign.* In addition to the sign or signs allowed below, one directory of the occupants of a building may be affixed to the exterior wall at each public entrance to the building. Such directory may provide up to one square foot for each separate occupant of the building, but in no event shall the directory sign area total exceed six square feet.

3. *Window Signs.* In addition to the sign or signs allowed below, a window sign may be painted, attached, or placed on the premises. A window sign may cover no more than 30% of the particular window upon which it is mounted.

4. *Sign Spaces.* Where a commercial building in existence prior to January 1, 1990 has a wall surface integrally designed and articulated for the location of a wall sign, that sign may fill the entire articulated area regardless of size, provided that the area enclosing all letters, figures, or representations on the sign is restricted to the sign area allowed below.

#### **6.2.15 Permanent Signs in All Nonresidential Districts for Premises Having Frontage on Route One from the Westwood to the Walpole Line.**

1. *Number.* There shall be not more than one principal wall sign per separate occupant per lot.

2. *Size.* Each principal wall sign may have sign area of up to 50 square feet. However, the area of each principal wall sign may be up to 5% of that separate occupant's leased or owned portion of the facade to which the sign is affixed, even though resulting in a sign larger than 50 square feet.

3. *Standing Signs.* A standing sign which advertises the occupant(s) of the premises is permitted, but shall not exceed twenty-five feet in height or width or one hundred square feet in area, and shall not be located within fifteen of any property line. The SPGA as set forth in section 6.2.21 by special permit may allow any standing sign to be as close as five feet from a property line provided that for every foot the standing sign is within the fifteen foot setback there is a corresponding reduction of five square feet of sign area.

4. *Secondary Signs.* There may be up to two secondary wall signs on a lot, each relating to a separate building, entrance, or frontage on a street or parking area. Each such sign shall have area of up to one square foot for each foot of length of that separate occupant's leased or owned portion of the facade to which the sign is affixed, except that in no event shall any secondary sign exceed thirty square feet.

#### **6.2.16 Permanent Signs in Business and Office Research Districts.** These rules shall apply except for premises having frontage on Route One from the Westwood to the Walpole line.

1. *Number.* There shall be not more than one wall sign per separate occupant per lot.

2. *Size.* Each principal wall sign may have sign area of up to of 30 square feet. However, the area of a principal wall sign may be up to 5% of that separate occupant's leased or



owned portion of the facade to which the sign is affixed, even though resulting in a sign larger than 30 square feet.

3. *Standing Signs.* In addition to the allowed wall sign, the SPGA as set forth in Section 6.2.21 may grant a special permit for a standing sign containing only the name or other identification of the premises, upon its determination that such sign is of special importance for the premises because of visibility limitations for attached signs, such as on sites occupied by two or more buildings, provided, however, that:

- a. Any such standing sign shall not exceed 50 square feet in area or a maximum of 20 feet in any dimension; shall not be higher at any point than 20 feet above grade; and shall not be located within 15 feet of any property boundary line. However, the SPGA may allow a standing sign to be as close as 5 feet from a property line provided that for every foot the standing sign is within the 15 foot setback there is a corresponding reduction of 2 square feet of sign area.
- b. The SPGA may impose such terms, restrictions, and conditions as it may deem to be appropriate to assure consistency with the purposes of this Section.

4. *Secondary Signs.* There may be up to two secondary wall signs on a lot, each relating to a separate building, entrance, or frontage on a street or a parking area. Each such sign may have area of up to 1 square foot for each foot of length of that separate occupant's leased or owned portion of the facade to which it is affixed, except that in no event shall any secondary sign exceed 15 square feet.

**6.2.17 Permanent Signs in Limited Manufacturing and Manufacturing Districts.** These rules shall apply except for premises having frontage on Route One from the Westwood to the Walpole line.

1. *Number.* There shall be not more than one principal wall sign per separate occupant per lot.

2. *Size.* Each principal wall sign may have sign area of up to 50 square feet. However, the area of a principal wall sign may be up to 5% of that separate occupant's leased or owned portion of the facade to which the sign is affixed, even though resulting in a sign larger than 50 square feet.

3. *Standing Signs.* A standing sign is permitted, but shall not exceed 10 feet in height or width or 50 square feet in area, and shall not be located within 15 feet of any property boundary line. However, the SPGA as set forth in section 6.2.21 may allow a standing sign to be as close as 5 feet from a property line provided that for every foot the standing sign is within the 15 foot setback there is a corresponding reduction of 2 square feet of sign area.

4. *Secondary Signs.* There may be up to two secondary wall signs on a lot, each relating to a separate building, entrance, or frontage on a street or parking area. Each such sign may have area of up to 1 square foot for each foot of length of that separate occupant's leased or owned portion of the facade to which it is affixed, except that in no event shall any secondary sign exceed 30 square feet.

**6.2.18 Sign Size Incentive.** Any sign or set of signs on the same premises may have 25% more sign area than otherwise allowed if at least five of the following seven criteria are satisfied.

1. The sign area enclosing all letters, figures, or representation equals not more than 50% of the total sign area.
2. All display lettering is of the same color.
3. All display lettering is of the same style.
4. The entire sign background is uniform in color.
5. Not more than four words or sets of numbers are displayed.
6. Sign content is limited to identification of the principal use of the premises, exclusive of advertising or other information.
7. Sign size, shape and placement result in no interruption to any building column, wall corner, sill line, cornice, roof edge, or similar architectural feature.
8. The incentive is not applicable to projecting signs as defined in Section 6.2.6 – Sign Types

**6.2.19 Sign Review Board.** A Sign Review Board shall be established for the following purposes:

1. To periodically review the existing sign bylaws and advise the Planning Board as to desirable modifications;
2. To bring suspected violations of the sign bylaws to the attention of the Inspector of Buildings.

**6.2.20 Sign Review Board; Membership.** The Sign Review Board members shall be appointed by the Planning Board and shall consist of the following:

1. One Planning Board member
2. One person from the industrial community
3. One member from a community civic group
4. Two business persons
5. Two citizens from the Norwood community.

**6.2.21 Special Permit.** For the purposes of this Section 6.2, the term “Special Permit Granting Authority (SPGA)” shall be construed as follows. When a proposed use or structure requires site plan review from the Planning Board, the Planning Board shall serve as the SPGA and may, by special permit, authorize relief from any requirement of this Section 6.2, provided that such relief shall not result in substantial detriment to the neighborhood. When a proposed use or structure does not require site plan review, the Zoning Board of Appeals shall serve as the SPGA for such relief.

**6.2.22 Signs at Priority Development Site(s).** Application for a sign permit at a Priority Development Site (PDS) shall be submitted either (a) simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, or (b) immediately upon the issuance of a special permit therefor by the SPGA, if so required. Where a special permit from the SPGA is required, an application therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws, as aforesaid, and a decision thereon shall be rendered no later than *one hundred fifty (150) days* from the date of submittal of a complete application for the same.

## **6.3 BUFFERS**

**6.3.1 Buffers; Applicability.** The following shall be maintained as landscaped buffers. The buffer depth shall be measured from the district boundary or, where a street separates the lot from the district boundary, from the street line at the lot frontage.

1. All land in a Manufacturing District which is within fifty feet of a Residential District (whether in Norwood or not); and
2. All land in a Limited Manufacturing or Office - Research District which is within one hundred feet of a Residential District (whether in Norwood or not).

**6.3.2 Basic Requirement.** With the exception of streets, access drives essentially perpendicular to streets, walks, and incidental utility structures, such buffers shall be maintained as unpaved planting areas for lawns, trees, shrubs, and other landscape materials, including plantings as required at Section 6.4, in order to provide a park-like area, with no vehicular access, of separation between the districts.

**6.3.3 Alternatives.** The width of the required buffer may be reduced to 15% of the dimension of the lot measured perpendicular to the district boundary, where smaller, provided that: the lot was in existence on January 1, 1990; and the number of plants provided shall be increased above that required at Section 6.4 by a percentage at least equal to the percentage reduction in buffer width below that otherwise required.

**6.3.4 Special Permit.** When a proposed use or structure requires site plan review from the Planning, the Planning Board may, by special permit, authorize relief from any requirement of this Section 6.3, provided that such relief shall not result in substantial detriment to the neighborhood. When a proposed use or structure does not require site plan review, the Zoning Board of Appeals shall serve as the special permit granting authority for such relief.

## **6.4 LANDSCAPING AND SCREENING**

**6.4.1 Applicability.** Street, parking area, and buffer strip landscaping and screening shall be provided as specified below when any new building, addition, or change of use requires a parking increase of seven or more spaces.

**6.4.2 Plantings.** Required plantings shall include both trees and evergreen shrubs, and preferably will include ones existing on site. To be credited towards meeting these requirements, trees must be 2 1/2" caliper four feet above grade, be of a species common to the area, and reach an ultimate height of least thirty feet. Credited shrubs must be at least 30" in height at the time of planting, reach an ultimate height of at least four feet (except where lower height is necessitated for egress visibility as determined by the Inspector of Buildings), and be of an evergreen species common in the area. Plantings shall average at least one tree per forty linear feet of planting area length and at least one shrub per three feet. Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be unpaved except for access drives and walks essentially perpendicular to the area and shall be located wholly within the lot.

**6.4.3 Street Plantings.** Plantings are required along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings shall be located within fifteen feet of the street property line.

**6.4.4 Parking Area Plantings.** A minimum of 2% of the interior area of parking lots containing 30 or more spaces must be planted. A minimum of one tree and four shrubs exclusive of any required perimeter plantings must be planted for every 1,500 square feet of parking lot.

Planting areas must each contain not less than 30 square feet of unpaved soil area. Trees and soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

**6.4.5 Buffer Strip Plantings.** Buffer strip plantings shall be provided in required buffer strips and for any premises along the full length of any boundary abutting or extending into a residential district. Required plantings shall be located within ten feet of the boundary line.

**6.4.6 Screening.** Applicability. Screening is required to obscure visibility from beyond the boundaries of the premises as follows:

1. For open-lot storage of worn out or discarded materials, inoperative machinery or parts thereof, or materials awaiting further processing, if otherwise visible at normal eye level less than five hundred feet beyond the lot line;
2. In Limited Manufacturing Districts for open-lot storage or display of goods, products, materials, or equipment, if otherwise visible at normal eye level less than five hundred feet beyond the lot line; and
3. In Residential Districts for parking areas of seven or more spaces, if otherwise visible at normal eye level within a Residential District within fifty feet of the lot line.

**6.4.7 Materials.** Screening as required shall consist of plantings as specified herein, which, unless of species, size and spacing to effectively obscure vision within five years of expected growth, must be supplemented by an opaque fence or wall at least six feet tall.

**6.4.8 Existing Vegetation.** Whenever possible, the above requirements shall be met by retention of existing plants. If located within twenty-five feet of a street, no existing tree of 6" caliper or greater (measured four feet above grade), dense hedgerow of four or more feet in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot unless dictated by plant health, access safety, or identification of the premises.

**6.4.9 Maintenance.** All plant materials required by these bylaws shall maintained in a healthful condition. Dead limbs shall be promptly removed and dead plants shall promptly replaced at the earliest appropriate season. Any fences required for screening shall be properly maintained.

**6.4.10. Nonconforming Landscaping and Screening.**

1. *Continuation.* Any improvement along the property boundary, including landscaping, screening, and fencing, legally erected and conforming to the requirements of these bylaws when so erected, may continue to be maintained, even though as a result of

changes to this BYLAWS the boundary improvements no longer conform to its requirements.

2. *Change.* Such boundary improvements shall not be enlarged, redesigned, or altered except so as to make them conform to said requirements. Any such boundary improvements which have been destroyed or damaged to such an extent that the cost of restoration would exceed 50% of the replacement value of the boundary improvements at the time of destruction or damage, shall not be repaired, rebuilt, or altered, except to conform to the requirements of this BYLAWS.

**6.4.11 Exemption.** The exemption for nonconforming landscaping and screening herein granted shall terminate with respect to any boundary improvements which:

1. Shall have been abandoned or
2. Shall not have been repaired or properly maintained for at least sixty days after notice to that effect has been given by the Inspector of Buildings.

**6.4.12 Special Permit.** When a proposed use or structure requires site plan review from the Planning Board, the Planning Board may, by special permit, authorize relief from any requirement of this Section 6.4, provided that such relief shall not result in substantial detriment to the neighborhood. When a proposed use or structure does not require site plan review, the Zoning Board of Appeals shall serve as the special permit granting authority for such relief.

## **6.5 ENVIRONMENTAL PROTECTION REQUIREMENTS**

**6.5.1 Lighting.** The following limitations shall be observed by all new exterior lighting installations, except those within and illuminating a right-of-way, or up to two security lights on any premises.

1. *Lighting Installations.* Exterior area lighting, such as for parking lots or recreation areas, and building floodlighting shall employ fixtures of a type, height, location, brightness and direction such that light sources are not exposed to normal view from any adjacent dwellings or traveled ways. Light overspill onto adjacent premises shall not exceed 0.5 footcandles measured in residential districts or 3 footcandles in nonresidential districts, except that if the ambient level exceeds that, then overspill shall not be such as to produce shadows observable without instruments. Poles shall be limited to 20 feet in height.

2. *Flashing.* No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing reflected from the sky.

3. *Hours.* Exterior building and area lighting shall be extinguished not more than one hour after closing, except as required for safety and security.

4. *Night Sky.* Lighting fixtures shall prevent overspill into the night sky.

5. *Lighting Plan.* An exterior lighting plan is required for applications proposing in aggregate more than 5,000 watts of exterior lighting, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting illumination levels.

6. *Departures.* Departure from the above requirements may be authorized on special permit, upon determination by the Planning Board that either it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, or that the installation involves no more than two luminaires, and that all reasonable efforts have been made to avoid glare or light overspill onto streets or residential premises.

**6.5.2 Noise.** The following noise standards, unless otherwise specifically indicated, shall apply to noise as heard at any location off the premises within a designated noise zone, except for that produced by warning devices, agricultural activity, temporary construction or maintenance work, yard maintenance, public events, or other special circumstances, but specifically not excluding recurrent vehicle noise associated with fixed points, such as that of refrigerator trucks at loading areas. The following noise zones are hereby created:

**Noise Zone A:** Nonresidential districts

**Noise Zone B:** Locations in any Residential District, but within two hundred feet of a nonresidential district, or within two hundred feet of a state numbered highway

**Noise Zone C:** All other locations

1. *Limitations.* No development shall be allowed which would result in the following standards being exceeded by more than 20 decibels at any time, or by more than 10 decibels for more than ten minutes in an hour, or at all for more than 30 minutes in an hour, measured at any point off-site. If the generated noise has a single dominant frequency above 4,800 cycles per second, these standards shall be reduced by 5 decibels.

### ALLOWABLE EXTERIOR NOISE LEVEL

Noise Zone	7AM – 9PM	9PM – 7AM
<b>A</b>	65 decibels	60 decibels
<b>B</b>	60 decibels	55 decibels
<b>C</b>	55 decibels	50 decibels

**6.5.3 Storm Water Management.** The design and construction of stormwater management systems for development subject to Development Plan Review will be consistent with the following standards.

1. Discharging untreated stormwater runoff directly into rivers, streams, watercourses, or increasing the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited.
2. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.
3. Stormwater runoff shall be routed through structural and nonstructural systems designed to increase time of concentration, decrease velocity, increase infiltration, and allow suspended solids to settle and remove pollutants. These systems shall utilize subsurface infiltration as the primary technique to treat runoff and shall be designed to remove 80% of the annual average load (post-development conditions) of Total Suspended Solids (TSS).
4. When in the opinion of the Town Engineer subsurface infiltration of runoff is deemed infeasible because of soil conditions, retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat runoff. However, there shall be a minimum of two feet of naturally occurring soils between the basin bottom and the ground water table.
5. Storm management systems shall have an operation and maintenance plan to ensure that systems function as designed.

#### **6.5.4 Erosion Control.**

1. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving, or other means of eliminating wind or water erosion. The Inspector of Buildings may require that a performance bond be posted in an amount sufficient to assure completion of such work.



2. All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 40,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership, and for developments exposing more than 20,000 square feet of bare earth in areas having existing slopes in excess of 10%, highly erodible soils, or other conditions determined by the Inspector of Buildings to necessitate such a plan. Such plan shall have sufficient information on existing and proposed topography, vegetation, and control measures to allow determination of compliance.
- 3 Stripping of vegetation, regrading, or other development shall be done in a way which will minimize soil erosion.
4. Whenever practical, trees and other natural vegetation shall be retained, protected, and supplemented.
5. The disturbed area shall be kept to a minimum.
6. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
7. Sediment basins (debris basins, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
8. The angle of graded slopes and fills shall be no greater than the angle which can be retained by vegetative cover or alternative proposed erosion control devices or structures. In any event, slopes left exposed must immediately be planted or otherwise provided with permanent ground cover or other means sufficient to retain erosion.
9. A ground cover sufficient to retain erosion must be planted or otherwise provided within 30 working days, season permitting, on any portion of the tract upon which further active construction is not being undertaken.
10. The development plan or land-disturbing activity shall be fitted to the topography and soils so as to minimize erosion potential.
11. The Inspector of Buildings or the Planning Board in acting on a special permit may require a report on the erosion control proposals by the Soil Conservation Service or others expert in soil mechanics in cases where doubt as to adequacy of proposed measures exists. Selection of techniques and determination of adequacy of measures shall, unless otherwise specified, be consistent with Guidelines for Soil and Water Conservation in Urbanizing areas of Massachusetts, USDA Soil Conservation Service, 1975.

**6.5.5 Odors.** No use may cause the emission of objectionable odors detectable more than 200 feet beyond the boundary of the premises for receptors within a manufacturing district or more than 100 feet beyond the boundary of the premises for receptors elsewhere.

**6.5.6 Tree Protection.** Location and design shall not cause avoidable removal or damage to any tree exceeding 12" trunk diameter 4 1/2 feet above grade.

**6.5.7 Special Permit.** When a proposed use or structure requires site plan review from the Planning Board, the Planning Board may, by special permit, authorize relief from any requirement of this Section 6.5, provided that such relief shall not result in substantial detriment to the neighborhood. When a proposed use or structure does not require site plan review, the Zoning Board of Appeals shall serve as the special permit granting authority for such relief.

## **SECTION 7.0                      SPECIAL REGULATIONS**

### **7.1      ADULT USES**

**7.1.1 Purpose.** It is the purpose of this section Adult Entertainment Overlay District to address and mitigate the secondary effects of the Adult Uses 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 Norwood and its inhabitants.

1. The provisions of these bylaws have neither the purpose nor intent of imposing a 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 BYLAWS to restrict or deny access by adults to Adult Uses or to sexually oriented matter or materials that are protected by the Constitution 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 these bylaws to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

**7.1.2 Authority.** These bylaws are enacted pursuant to G.L. Chapter 40A and pursuant to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain Adult Uses for the purposes set forth, above.

**7.1.3 Applicability.** An adult bookstore, adult motion picture theater, adult dance club, adult video store, or adult paraphernalia store may be permitted in the Limited Manufacturing A (LMA) District on special permit by the Board of appeals provided a written determination is issued by said board that the special permit decision criteria of Section 10.4 have been met.

#### **7.1.4 Conditions.**

1. In no instance, however, shall the Board of Appeals issue a special permit to any person convicted or violating G.L. c. 119, s. 63 or G.L. c. 272, s. 28.
2. No pictures, publications, videotapes covers, or other implements, items, or advertising that fall within the definition of adult store merchandise shall be displayed in store windows or be visible from areas used by the general public.

**7.1.5 Dimensional Requirements.** An adult use proposal shall comply with these additional dimensional and developmental requirements:

1. An adult bookstore, adult motion picture theater, adult dance club, adult video store, or adult paraphernalia store shall not be closer than 1000 feet from a residential boundary line, school, house of worship, another adult use establishment, or an establishment licensed under the provisions of G.L. c. 138, s. 12.

## **7.2 EARTH REMOVAL**

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

**7.2.2 Applicability.** Soil, top soil, loam, peat or other organic materials, sand, gravel, stone or other earth products shall be removed from any premises within the town only on special permit by the board of appeals, except for the following exempt operations:

1. The removal of less than ten cubic yards of material in the aggregate in any year from any one premises.
2. The transfer of material from one part of a premises to another part of the same premises for immediate use in such other part of the premises (but not including the stockpiling of material, except for temporary storage in connection with regrading or landscaping of the premises).
3. The removal of material from land in use by the town.
4. The removal of material necessarily excavated in connection with the lawful construction of a building or structure, or of a driveway, parking area, sidewalk or path incidental to any such building or structure, provided that the quantity of material removed does not exceed that actually displaced by the portion of the building, structure, driveway, sidewalk or path below finished grade.

**7.2.3 Special Permit Determinations.** Special permits for earth removal (including temporary structures accessory thereto) shall be granted only if the Board of Appeals finds that operations conducted under such permit, subject to the conditions imposed thereby, will not:

1. Be injurious or dangerous to the public health or safety,

2. Produce noise, dust, or other effects observable at the lot lines in amounts seriously objectionable or detrimental to the normal use of adjacent property;
3. Result in transportation of materials on ways giving access to the land in question which will cause traffic congestion or hazards;
4. Result in transportation which will cause undue injury to the roadway surfaces;
5. Result in change in topography and cover which will be disadvantageous to the most appropriate use of the land on which the operation is conducted, or
6. Have a material adverse effect on the health or safety of persons living in the neighborhood or on the use or amenities of adjacent land.

**7.2.4 Special Permit Conditions.** In granting a permit hereunder, the Board of Appeals shall impose, and make a part of the permit, reasonable conditions specially designed to safeguard persons and property in the vicinity and the town, which conditions may include, among others:

1. Method of removal;
2. Type and location of temporary structures;
3. Hours of operation;
4. Routes for transporting the material through the town;
5. Area and depth of excavation;
6. Distance from excavation to street and lot lines;
7. Steepness of slopes excavated;
8. Re-establishment of ground levels and grades;
9. Provisions for temporary and permanent drainage;
10. Disposition of boulders and tree stumps;
11. Replacement of loam over the area of removal, and
12. Planting of the area to suitable cover, including trees.

## **7.3 DRIVE-THROUGH WINDOWS**

**7.3.1 Special Permit Required .** A drive-in or drive-through window may be permitted on special permit by the Planning Board provided it complies with the following technical requirements and the special permit criteria listed in Section 10.4

### **7.3.2 Requirements.**

1. Only one drive-through window per building is allowed, but a drive-through window may service more than one vehicle at a time.
2. Drive-through entrances and exits shall be located at least 25 feet from any intersection or pedestrian crosswalk and will require the approval of the Superintendent of Public Works and the Traffic Safety Officer.
3. An aisle that is separate and distinct from any other on-site maneuvering aisle or fire lane shall be provided to channel drive-through traffic to the drive-through window.'
4. Sufficient vehicle stacking space to accommodate waiting traffic will be provided in the drive-through aisle. The proponent is required to provide supporting data from an accredited source which substantiates the calculated vehicle stacking length.
5. An opaque fence or screen may be required at the discretion of the Planning Board along the property lines closest to the drive-through window to obscure the window's visibility from adjacent properties. The required fence or screen must not interfere with the safe flow of traffic into and out of the site.
6. Outdoor speaker location will be at least 50 feet from residential property lines, and general design requirements for noise and lighting shall comply with Section 6.3.

## **7.4 MAJOR PROJECTS**

**7.4.1 Purpose.** The intent of Major Project provisions is to assure that large scale developments are carefully tested against the town's decision criteria relating locations and uses, and that adequate provisions are made for impacts of development.

**7.4.2 Applicability.** Authorization for new construction, addition, or change of use resulting in a net addition of more than 25,000 square feet net floor area in nonresidential use or net addition of parking or storage for 100 or more motor vehicles, measured cumulatively subsequent to the effective date of this provision, will be considered a 'Major Project' if on a single lot or a set of contiguous lots in the same ownership at any time subsequent to March 4, 1991 (the effective date of this provision), except for individual additions, alterations, or change of use increasing

floor area in nonresidential use or vehicle parking or storage on that lot or set of contiguous lots by less than 10%.

**7.4.3 Special Permit.** Major Projects require authorization through a special permit granted by the Planning Board under this section, which shall serve in lieu of any special permit otherwise required under the Table of use Regulations. Application for any other special permits which might be required by the project, such as those under Section 8.0, Water Resources Protection District, may be consolidated with the major project application, and acted upon by the Planning Board as special permit granting authority, regardless of agency designations elsewhere in the BYLAWS.

**7.4.4 Submittals.** The applicant shall submit adequate materials, in report format, to allow the planning board to determine potential compliance with Section 5.0 and the decision criteria of Section 10.4 without need for extensive further analysis by the Planning Board. Typically, this will entail:

1. Site plans with contents as required for development plan review under Section 10.5, and schematic building plans.
2. Description of the amounts and kinds of proposed on site activities, including the amount of retail floor area, broken down by "convenience" versus "comparison" goods.
3. Analysis indicating the anticipated market area, and how the proposal serves needs of Norwood residents.
4. Impact analyses on topics as germane to the case, including identification of public facility improvements anticipated to be made by others and those being committed by the applicant.
5. Description of the project timing and phasing.

**7.4.5 Decision Criteria.** Major Projects shall be approved, approved with conditions, or disapproved based upon the criteria of Section 10.4.

**7.4.6 Master Development Plan.** A master plan for development of premises comprising five or more acres may, at the owner's option, be submitted for approval as a Major Project. Following approval of such a plan, individual proposals on lots within those premises will not be subject to review again as major projects, regardless of the amounts of floor area or dwelling units proposed, provided that the Planning Board, in performing development plan review, determines that the proposal is consistent with the approved master plan, which means: no departure by more than ten feet from locations as shown on the master plan; no increase above maximum floor areas by category of use stipulated in the master plan; and off-site improvements being made as scheduled and financed as proposed.

**7.4.7 Master Development Plan; Submittals and Decision Criteria.** Submittals for a master development plan shall be the same as for other major projects, except that they may describe upper limits of potential development to be approved, rather than the amount then proposed. Decision criteria for master development plans are the same as for other Major Projects.

**7.4.8 Master Development Plan; Expiration.** Submittal of a definitive subdivision plan, "arm's length" conveyance of one or more lots, or completed application for a building permit for a principal building shall constitute "substantial use" of a special permit for a Master Development Plan, precluding its expiration under Section 10.4.6.

**7.4.9 Priority Development Site(s).** Where a master plan for development of a Priority Development Site is submitted for approval hereunder as a Major Project, the same shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than *one hundred eighty (180) days* from said date of submittal. Alternatively, where individual projects within a Major Project are not yet ready for permitting, an applicant may elect to proceed with Major Project review only; provided, however, that any such applicant shall acknowledge, in writing, that constructive grant(s) of permit(s) not yet applied for shall not occur as a consequence thereof.

## **SECTION 7.5 MEDICAL MARIJUANA**

### **7.5.1 DEFINITIONS**

**Independent Laboratory:** An independent laboratory that tests marijuana as required by 105 CMR 725.105(C) (or its successor regulation).

**Medical Marijuana Treatment Center:** a not-for-profit entity registered under 105 CMR 725.100, to also be known as a Registered Marijuana Dispensary ("RMD"), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, 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, an RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.



## **7.5.2 LOCATION**

RMDs and Independent Laboratories shall only be located in the Medical Marijuana Overlay District.

The Town of Norwood has designated two (2) areas as Medical Marijuana Overlay Districts (“MMOD”), which are more particularly described as follows:

### **University Avenue Area**

The Medical Marijuana Overlay District (“MMOD”) at University Avenue includes all land in the existing Limited Manufacturing (LM) District abutting Downey Street, Everett Street and University Avenue. The MMOD is delineated on a map entitled “Medical Marijuana Overlay District (MMOD) dated April 2, 2014 by Mark P. Ryan – Town Engineer” and on file at the Town of Norwood Engineering Department.

### **Vanderbilt Avenue Area**

The MMOD at Vanderbilt Avenue is assigned over certain parcels of land in the existing Limited Manufacturing (LM) District at Vanderbilt Avenue, Morgan Drive and Astor Avenue. The included parcels are depicted on the Town of Norwood Assessors Maps as Map 15, Sheet 8. Lots 1 and 2 also on Map 15, Sheet 11, Lots 44, 45, 62, 63 also on Map 15, Sheet 14, Lots 30, 46, 50, 51, 59, 60, 61, 67, 68 and Map 16, Sheet 8, Lot 4, in effect as of April 2014. This MMOD is delineated on a map entitled “Medical Marijuana Overlay District (MMOD) dated April 3, 2014 by Mark P. Ryan – Town Engineer” and on file at the Town of Norwood Engineering Department.

The Official Zoning Map of the Town of Norwood, MA dated June 21, 2004 shall be amended to establish the two (2) new Medical Marijuana Overlay Districts (MMOD).

## **7.5.3 PURPOSE AND INTENT**

It is neither the purpose nor intent of this Section of the Zoning Bylaws to supersede any federal or state laws governing the sale or distribution of narcotic drugs. It is the purpose and intent of this Section of the Zoning Bylaws to provide for the limited establishment of RMDs and Independent Laboratories, as they are authorized by the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and state regulations adopted by the Massachusetts Department of Public Health (or its successor) (collectively, “DPH”) under 105 CMR 725.000, the Implementation of an Act for the Humanitarian Medical Use of Marijuana, in locations suitable for lawful RMDs; to minimize any adverse impacts on adjacent properties, residential neighborhoods, schools,

playgrounds and other areas where children congregate, local historic districts, and other areas that are incompatible with such uses; and for the location of RMDs where they may be readily monitored by law enforcement for health and public safety purposes.

#### **7.5.4 APPLICABILITY**

1. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an RMD to be established or operated in the Town of Norwood.
2. Compliance with the requirements for a hardship cultivation under 105 CMR 725.000 is required for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or otherwise.
3. No special permit shall be required for the cultivation of marijuana that meets the requirements for an agricultural or horticultural exemption under Massachusetts General Laws Chapter 40A, Section 3.
4. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an Independent Laboratory to be established or operated in the Town of Norwood.
5. No person shall be deemed to have any entitlement or vested rights to permitting under this Section 7.5 of the Zoning Bylaw by virtue of having received any prior permit from the Town of Norwood, including, by way of example only, any zoning permit or any wholesale food manufacturer's license.

#### **7.5.6 DIMENSIONAL AND OPERATIONAL REQUIREMENTS**

1. An RMD must comply with the following dimensional and developmental requirements:
  - a. An RMD must have a valid registration issued by DPH.
  - b. No RMD shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or

other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, another RMD or related activity, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed RMD is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).

- c. No RMD shall be located in any premises for which an alcoholic beverages license has been issued.
- d. No RMD shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
- e. No RMD shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.
- f. An RMD must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No RMD shall be located inside a building containing residential units, including without limitation transient housing such as motels and dormitories.
- g. Hours of operation for any RMD shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
- h. An RMD shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
- i. Signage:
  - i. The exterior signage shall conform to the requirements set forth in 105 CMR 725.105(L).

- ii. Off-site signage in any form, including billboards shall not be allowed in the Town of Norwood.
  - iii. External signage for an RMD shall not be illuminated except for a period of thirty (30) minutes before sundown until closing in accordance with 105 CMR 725.105(L).
  - iv. No RMD may have any flashing lights visible from the exterior of the premises.
  - v. Exterior signs shall identify the name of the RMD as registered with DPH but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.
- j. Physical Appearance:
- i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.
  - ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the RMD.
  - iii. The RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
  - iv. The RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.
  - v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.
- k. RMDs may not have a drive-thru service.

- l. The disposal of waste shall comply with 105 CMR 725.105(J). Outdoor storage of waste shall be screened with a locking fence.
        - m. Any and all distribution, possession, storage, display, sales or other distribution of marijuana shall occur only within the restricted interior area of an RMD and shall not be visible from the exterior of the business. An RMD shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible.
        - n. Consumption, smoking and burning of marijuana on the premises or grounds of any RMD is prohibited, provided however that the RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.
        - o. Cultivation of medical marijuana, marijuana-infused products, or associated products shall follow the regulations set forth in 105 CMR 725.105(B).
        - p. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.
2. An Independent Laboratory must comply with the following dimensional and developmental requirements:
  - a. No Independent Laboratory shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed Independent Laboratory is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).

- b. No Independent Laboratory shall have a gross floor area in excess of twenty thousand (20,000) square feet.
- c. No Independent Laboratory shall be located in any premises for which an alcoholic beverages license has been issued.
- d. No Independent Laboratory shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
- e. An Independent Laboratory must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No Independent Laboratory shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- f. Hours of operation for any Independent Laboratory shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
- g. An Independent Laboratory shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
- h. Signage:
  - i. Off-site signage in any form, including billboards shall not be allowed.
  - ii. External signage for an Independent Laboratory shall not be illuminated except for a period of thirty (30) minutes before sundown until closing.
  - iii. No Independent Laboratory may have any flashing lights visible from the exterior of the premises.

- iv. Exterior signs may identify the name of the Independent Laboratory but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.
- i. Physical Appearance:
  - i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.
  - ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the Independent Laboratory.
  - iii. The Independent Laboratory shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
  - iv. The Independent Laboratory shall not utilize graphics related to marijuana or paraphernalia on the exterior of the Independent Laboratory or the building in which the Independent Laboratory is located.
  - v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.
- j. Independent Laboratories may not have a drive-thru service.
- k. The disposal of waste shall comply with 105 CMR 725.105. Outdoor storage of waste shall be screened with a locking fence.
- l. An Independent Laboratory shall be designed and constructed such that no area or portion where marijuana is tested, processed or otherwise handled is visible from the exterior; however, the entrance shall be fully visible.
- m. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.

### **7.5.7 SPECIAL PERMIT AND SITE PLAN PROCEDURES**

1. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an RMD must include the following information:
  - a. The legal name of the RMD.
  - b. A copy of the RMD's certificate of registration to operate an RMD, issued by DPH.
  - c. The activities proposed by the RMD.
  - d. The identity and location of any other RMDs for which the applicant may cultivate marijuana.
  - e. A proposed timeline for achieving operation of the RMD and evidence that the applicant will be ready to operate within that proposed timeline.
  - f. A statement indicating the projected service area for the RMD, including the current patient population amounts in that service area.
  - g. Evidence that the applicant has adequate liability insurance.
  - h. Copy of the detailed written operating procedures as required by DPH in 105 CMR 725.105 and as otherwise required by other applicable law or regulation.
  - i. A description of the security measures, including employee security policies, required by DPH for the RMD.
  - j. A copy of the emergency procedures required by DPH for the RMD.
  - k. A copy of the policies and procedures for patient or personal caregiver home-delivery required by DPH for the RMD.



- l. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between the RMD and another RMD or independent testing laboratory as required by DPH.
- m. A copy of proposed waste disposal procedures for the RMD.
- n. A description of any waivers from DPH regulations granted for the RMD.
- o. Details of proposed water consumption for any site that will include cultivation.
- p. Evidence of the applicant's right to use the proposed site of the RMD, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an RMD.
- q. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.
- r. 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 marijuana-infused products.
- s. Proposed security measures for the RMD, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
- t. A detailed site plan of the proposed RMD, including the distances to the uses set forth in Section 7.5.6.1.b.

- u. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.
2. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an Independent Laboratory must include the following information:
- a. The legal name of the Independent Laboratory.
  - b. The activities proposed by the Independent Laboratory.
  - c. A proposed timeline for achieving operation of the Independent Laboratory and evidence that the applicant will be ready to operate within that proposed timeline.
  - d. A statement indicating the projected service area for the Independent Laboratory, including the name and contact information for each RMD served by the Independent Laboratory.
  - e. Evidence that the applicant has adequate liability insurance.
  - f. Description of the Independent Laboratory's proposed operating procedures or plans for the following: security measures, including employee security policies or plans; emergency procedures or plans; transportation, transfer and delivery procedures or plans; and waste disposal procedures or plans.
  - g. Evidence of the applicant's right to use the proposed site of the Independent Laboratory, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an Independent Laboratory.
  - h. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the

owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.

- i. A detailed floor plan of the premises of the proposed Independent Laboratory that identifies the square footage available and describes the functional areas of the Independent Laboratory, including areas for the testing or processing of any marijuana.
  - j. Proposed security measures for the Independent Laboratory, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
  - k. A detailed site plan of the proposed Independent Laboratory, including the distances to the uses set forth in Section 7.5.6.2.a.
  - l. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.
- 3. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town's officials or departments under Section 10.4.4 of the Zoning Bylaw (if any), the Board of Appeals may act upon a special permit for an RMD or an Independent Laboratory under this Section 7.5.7.
- 4. A special permit under this Section 7.5.7 shall be granted provided that the Board of Appeals finds that the applicant has strictly complied with all of the applicable terms, requirements, conditions, and procedures of Sections 7.5 and 10.4.2 of the Zoning Bylaw.
- 5. The Board of Appeals, acting as Special Permit Granting Authority, shall attach conditions, limitations and other appropriate safeguards to the special permit. Conditions shall include, but not be limited to:
  - a. The special permit shall not be assignable or transferable to any other person, and shall remain exclusively with the applicant. The special permit shall terminate automatically on the date there is a voluntary or involuntary alienation of the applicant's title or leasehold interest in the

premises or the applicant's right to occupy the premises terminates for any reason.

- b. The special permit holder shall supply the Board of Appeals and Chief of Police with information pertaining to any change in the name, telephone number, and email address for the owner of the building where the RMD or Independent Laboratory (as applicable) is located and the manager and emergency/after-hours contact for the RMD or Independent Laboratory (as applicable). The failure of the special permit holder to comply with this provision shall result in the immediate revocation of the special permit.
- c. The special permit holder shall be required to remove all materials, plants, equipment and other paraphernalia upon the revocation, abandonment, cancellation, lapse, non-renewal or termination of the Special Permit for any reason.
- d. The Board of Appeals may require the applicant to post a bond at the time of construction to cover the costs for the removal of the RMD or Independent Laboratory (as applicable) in the event the Town of Norwood must remove the RMD or Independent Laboratory (as applicable), in an amount to be determined by the Board of Appeals.
- e. No later than January 31 annually, the special permit holder shall file a copy of all current applicable state and local licenses and registrations, any updates to its operating policies, the current insurance policies, and demonstrated compliance with the conditions of the special permit.
- f. If the special permit is issued for an RMD:
  - i. In the event DPH cancels, revokes or non-renews the certificate of registration for the RMD, the special permit for that RMD shall immediately become void.
  - ii. The RMD shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Board of Appeals, Chief of Police, and Board of Health, within twenty-four (24) hours of creation. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.

- iii. The RMD shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, final action, or other adverse actions or decisions regarding the RMD issued by DPH or taken or rendered by any other state or government agency, as applicable, with the Board of Appeals, Chief of Police, and Board of Health, within forty-eight (48) hours of receipt by the RMD.
- g. If the special permit is issued for an Independent Laboratory, the Independent Laboratory shall file a copy of any adverse actions or decisions taken or rendered by DPH or any other state or government agency, as applicable, against the Independent Laboratory, including but not limited to a cease and desist order, enforcement order, or disciplinary order.
- h. Applicants shall be required to follow the current regulations set forth in 105 CMR 725.000 and the current requirements of Section 7.5 of the Zoning Bylaw.
- i. A special permit issued under this Section of the Zoning Bylaw may be valid for a specific time as determined by the Board of Appeals, subject to being renewed upon further application.

#### **7.5.8 CONFLICT OF LAWS/SEVERABILITY**

- 1. In the event of any conflict between the provisions of this Section of the Zoning Bylaw and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.
- 2. The provisions of this Section of the Zoning Bylaw are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction or otherwise held invalid, the remaining provisions shall remain in full force and effect.

## **SECTION 8.0                      SPECIAL RESIDENTIAL REGULATIONS**

### **8.1      ASSISTED LIVING RESIDENCES**

**8.1.1 Special Permit Required.** An assisted living residence may be permitted on special permit by the Board of Appeals provided the Board finds that the assisted living residence will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site.

**8.1.2 Requirements.** An assisted living residence proposal shall comply with these additional dimensional and developmental requirements:

1. The minimum lot size shall be 2 acres.
2. The minimum lot area per assisted living residence dwelling unit shall be 10,000 square feet for the first unit and 3,500 square feet for each unit after the first.
3. The minimum front, side and rear yards shall be 50 feet.
4. Landscaping and screening is required to obscure visibility from beyond the boundaries of the premises of parking areas, dumpster locations, and loading areas.

## **SECTION 9.0**

## **SPECIAL DISTRICT REGULATIONS**

### **9.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)**

**9.1.1 Location.** The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Norwood designated as Zone A, AE and AO, on the Norfolk 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 Norfolk County FIRM that are wholly or partially within the Town of Norwood are panel numbers 25021C0178E, 25021C179E, 25021C0183E, 25021C0184E, 25021C0186E, 25021C0187E, 25021C0189E, 25021C0191E and 25021C0193E dated July 17, 2012. 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 Norfolk County Flood Insurance Study (FIS) report date July 17, 2012. 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.

**9.1.2 Purpose.** The purposes of the Floodplain District are to:

1. Ensure public safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
5. Eliminate costs associated with the response and clean up of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

**9.1.3 Overlay District.** The Floodplain District is established as an overlay district to all other districts.

1. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131 § 40 and with the following:

- a. Massachusetts State Building Code sections on 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)
- e. Norwood Wetlands Bylaw (currently Article XXV of the Bylaws of the Town of Norwood).

2. Any variance from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

**9.1.4 Order of Conditions.** An Order of Conditions from the Conservation Commission is required before a building permit shall be issued for construction or expansion by 500 square feet or more of a principal building on land lower than the specified elevations as provided in the Flood Insurance Rate Maps as supplied to the Town of Norwood, MA. by FEMA

**9.1.5 Failure to Comply.** Without limiting the generality of the forgoing, failure or inability to comply with the following shall be presumed hazardous to health and safety.

**9.1.6 Building Code and Town Requirements.** Structural requirements for construction in flood zones are as provided in the Massachusetts State Building Code, which code requirements are not waived nor superseded by the provisions of this Zoning Bylaw. In addition to those code requirements, the following requirements shall also apply within the floodplain overlay district for the Town of Norwood:

- 1. Structures for all other uses other than dwelling units must also conform to Subsection 9.1.3(1)(a).
- 2. The placement of mobile homes for year round or seasonal use is prohibited in the Floodplain overlay district.
- 3. 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.



4. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

5. In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

6. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7. In Zone AE, along watercourses within the Town of Norwood that have a regulatory floodway designated on the Norfolk County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8. All subdivision proposals must be designed to assure that:

- a. such proposals minimize flood damage;
- b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided to reduce exposure to flood hazards.

9. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

**9.1.7 Uses of Low Flood Damage Potential.** The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

## **9.2 WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD)**

**9.2.1 Purpose.** The purpose of the Water Resource Protection Overlay District is:

1. To preserve and protect the water resources of the Town of Norwood;
2. To protect, preserve and maintain the existing and potential groundwater supplies for present and future residents of the Town;
3. To prevent pollution of ground and surface water and water supplies;
4. To assure the continued availability of the water supply of the Town and of the region;  
and
5. To promote and protect the public health, safety, and general welfare.

**9.2.2 Location.** The Water Resource Protection Overlay District and its subdistricts are delineated on a map entitled "Water Resources Protection District, Town of Norwood," dated March 1984, on file at the office of the Town Clerk. The WRPOD includes the aquifer itself, the land above the aquifer, and the aquifer's most significant recharge areas. The WRPOD is divided into three subdistricts as delineated on the water resources protection district map, intending to include areas as follows:

**Area 1:** the municipal wells' immediate area of influence, comprising the area within a set of circles having radii of 1000 feet measured from the center of Gravel-Wall Well No. 1 and Gravel-Wall Well No. 2 and 8' Suction Well No. 1

**Area 2:** the primary recharge area to the existing municipal wells, comprising the area hydrologically contiguous to Area 1 exhibiting transmissivity greater than 10,000 gpd/ft. and

all land contiguous to Area 1 and the portion of Area 2 described above, if underlain by glacial deposits in which the prevailing direction of groundwater or surface water flow is toward any of the locations defined in said Sections.

**Area 3:** all remaining areas within the WRPOD which are not designated as Area I or Area 2.

### 9.2.3 Interpretation.

1. In the event of a discrepancy between the map and the criteria of Areas 1 and 2, the map shall control. It shall be the responsibility of the Inspector of Buildings to determine whether or not a lot or portion of a lot is within the boundaries of the district or one of its subdistricts.
2. Where premises are divided by WRPOD or subdistrict boundaries, each portion of the premises shall be governed by the requirements for the subdistrict in which it is located.

**9.2.4 Overlay District.** The WRPOD shall be considered to be superimposed over any other district established in this BYLAWS. Land in the water resources protection district may be used for any use otherwise permitted in the underlying district, subject to the following limitations.

**9.2.5 Use Regulations.** Uses are prohibited where indicated by "No" in the following Table, and require a special permit where indicated by "SP," even where the underlying requirements are more permissive. Where there is no entry ("-") in this Table, the underlying district requirements are controlling.

Table of Uses - WRPOD			
Use or Characteristic	District		
	Area 1	Area 2	Area 3
a. Manufacture, storage, transfer, transport, or disposal of toxic or hazardous materials as a principal activity	NO	NO	NO
b. New facilities for storage or transmission of petroleum products or other flammable liquids	NO	NO	NO
c. Other storage of toxic or hazardous materials in excess of quantities which Regulations 310 CMR 30.351	SP	SP	SP

d. Multifamily dwelling or any classified in Section 3.1.5 under D. Retail Trade and Service, E. Office Uses, F. Trade & Service Establishments, G. Wholesale Business & Storage, H. Vehicular Service and Transportation Uses, or I. Manufacturing, Processing & Related Uses:			
With on-site sewage	SP	SP	SP
With municipal sewage	SP	-	-
e. An unsewered dwelling having lot area of less than 40,000 sq. ft. per dwelling unit	NO	NO	NO
f. Sanitary landfill, junkyard, salvage yard, or other solid waste disposal, other than brush and stumps generated on the site	NO	NO	NO
g. Waste generation requiring the obtaining of an EPA identification number, except for small quantity generators, as defined under DEP regulations, 310 CMR 30.351	SP	SP	SP
h. On-site disposal of industrious waste as defined in Title V of the State Environmental Code, 310 CMR15.00	NO	NO	NO
i. Except for single-family dwellings, on-site sewage disposal systems having an estimated sewage flow exceeding 55 gallons per day per 10,000 s.f. lot area	SP	SP	SP
j. Storage of ice control chemicals in quantities requiring state reporting	NO	SP	SP
k. Disposal of snow from outside the district, if containing deicing materials	NO	NO	SP
l. Use of sodium chloride for ice or snow control in quantities	NO	-	-
m. Use of septic system cleaners which contain toxic organic chemicals	NO	NO	NO

**9.2.6 Change of Use.** Change in activity resulting in exceeding any limitations established in a special permit, or crossing the thresholds of the Use Schedule, shall constitute change of use and is allowed only on approval of a special permit, regardless of how classified under the Use Schedule.

**9.2.7 Design and Operation Guidelines.** Within the WRPOD, the following design and operations guidelines shall be observed in all new construction except for single-family dwellings.

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

2. *Location.* Where the premises are partially outside of the WRPOD, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.

3. *Disposal.* Provisions shall be made to assure that any disposal on the site shall contain no wastes subject to 310 CMR 30.000 DEP Hazardous Waste Regulations.

4. *Drainage.* Runoff from all developed surfaces shall be captured in a closed drainage system. There shall be no increase in the rate of stormwater runoff from the site for rainfall intensity less than or equal to the twenty-five year storm. Facilities shall be provided capable of recharging to the ground 0.3 inches of precipitation per rainfall event. Where feasible, recharge shall be over natural vegetated areas. Dry wells shall be used only where other methods are infeasible. All drainage systems shall employ oil, grease, and sediment traps. Drainage from loading areas for hazardous materials shall be separately collected for safe disposal. Facilities shall be constructed, operated, and maintained in accordance with standards on file with the Norwood Department of Public Works.

5. *Sewerage.* Sewers within the WRPOD shall be designed and constructed in a manner such that groundwater levels, flows, and/or recharge will not be significantly lowered, diverted, or otherwise altered by such construction, and that risk of leakage is minimized.

6. *Fertilizers and Pesticides.* Fertilizers, pesticides and other leachable materials shall not be stored outdoors nor used in amounts in excess of US EPA and Massachusetts Pesticide Board standards or USDA recommendations. Where the direct land application is being made of fertilizers, pesticides or other potential contaminants to an area of greater than two contiguous acres, groundwater quality monitoring test wells shall be installed and periodically sampled and tested by the owner and at the owner's expense. Test wells shall be located by a professional geologist, hydrologist or engineer trained and experienced in hydrogeology, with location subject to the approval of the town engineer. Sampling shall be conducted by an agent of the Board of Health. If it is determined by the board of health that the concentration of a potential contaminant(s) in the groundwater is excessive or is likely to become excessive under current application rates and conditions, said activity may be required by the board of health to be terminated or practices altered.

**9.2.8 Special Permits.** In applying for a special permit under this section, the information listed below shall be submitted, unless the Board of Appeals, prior to formal application, determines that certain of these items are not germane:

1. A complete list of all toxic or hazardous materials to be used or stored on the premises, accompanied by a description of the measures proposed to protect all storage containers or facilities from vandalism, corrosion, and leakage, and to provide for control of spills.
2. A description of potentially hazardous wastes to be generated, including storage and disposal methods as set forth above.
3. For storage of hazardous materials or wastes, evidence of qualified professional supervision of design and installation of such storage facilities or containers, and of compliance with other applicable Regulations, such as those of the Board of Fire Prevention Regulations.

**9.2.9 Special Permit Criteria.** Special permits under Section 9.2 shall be granted only if the Board of Appeals determines the following.

1. That groundwater quality resulting from on-site waste disposal, other operations on-site, and natural recharge will not fall below federal or state standards for drinking water, measured at the boundaries of the site, or, if existing groundwater quality is already below those standards, that on site disposal or operations will result in no further deterioration, and
2. That proposed control and response measures adequately and reliably mitigate risk to groundwater quality resulting from accident or system failure.

**9.2.10 Decision.** The Board of Appeals may retain qualified experts at the reasonable expense of the applicant if necessary in order to evaluate the application. In its decision the Board shall explain any departures from the recommendations of other town agencies.

**9.2.11 Conditions.** Special permits shall be granted only subject to such conditions as necessary to assure adequate safeguarding of water quality, which may include the following, among others:

1. Monitoring wells to be located down gradient of potential pollution sources, with periodic sampling to be provided to the Board of Health at the owner's expense.
2. Pollutant source reduction, including periodic cleaning or renovation of pollution control devices, such as catchbasin sumps.

### **9.3 WIRELESS COMMUNICATIONS OVERLAY DISTRICT (WCOD)**

**9.3.1 Purpose.** The purpose of the Wireless Communications Services Overlay District (WCSOD) is:

1. To accommodate within Norwood the necessary infrastructure for wireless communications services; and
2. To protect the general public from the impacts associated with wireless communication facilities.

**9.3.2 Location.** The WCSOD includes all land in the Limited Manufacturing (LM) District abutting Vanderbilt Avenue, River Ridge Drive, Morgan Drive, Astor Avenue, Morse Street Ext. and Carnegie Row. The WCSOD is delineated on a map entitled "Wireless Communications Services District" dated March 10, 1997 and on file with the Planning Board and Inspector of Buildings.

**9.3.3 Overlay District.** The WCSOD shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

**9.3.4 Applicability.** Other provisions of this BYLAWS notwithstanding, the regulations set forth herein shall apply to the construction, erection and/or placement of Wireless Communications Links within the Town of Norwood.

**9.3.5 Use Regulations; WCSOD.** In the WCSOD only the following use regulations shall apply.

Y = Allowed as of right subject to dimensional and performance standards.  
BA = May be permitted by Special Permit from the Board of Appeals pursuant to Section 10.4 and subject to dimensional and performance standards.  
N = Use is prohibited.

USE	STATUS
Building Mounted Wireless Communications Link	BA
Wireless Communications Link mounted on existing freestanding structure	BA
Freestanding Exterior Wireless Communications Link	BA

**9.3.6 Use Regulations; Other Districts.** In all other zoning districts the following use regulations shall apply using the same key:

Building Mounted Wireless Communications Link	BA
---	----

Wireless Communications Link mounted on existing freestanding structure	BA
Freestanding Exterior Wireless Communications Link	N

**9.3.7 Dimensional Requirements.** In the WCSOD the following height limitations shall apply:

1. Building Mounted Wireless Communications Link - 10 feet above the existing rooftop or structure.
2. Freestanding Exterior Wireless Communications Link 140 feet above ground provided the Board of Appeals finds such height necessary due to topographical reasons to accomplish the purpose it is to serve and upon presentation of evidence, when applicable, and that the Federal Aviation Administration (FAA) has approved the proposed construction and that existing flight patterns at Norwood Airport will not change because of said construction.
3. In all other zoning districts a Wireless Communications Link shall comply with the dimensional requirements applicable to structures for the district in which it is located except that a Building Mounted Wireless Communications Link may be installed ten feet above an existing rooftop or structure and a Wireless Communication Link mounted on an existing freestanding structure may be installed at any point upon such structure, but such existing structure may not be extended or expanded in any way without compliance with the provisions of this BYLAWS.

**9.3.8 Performance Standards.** All Wireless Communications Links erected, installed and/or used shall comply with the following design requirements and performance standards:

1. *Screening Requirements.* All exterior Wireless Communications Link equipment and fixtures shall be sited such that the view of the facility from adjacent abutters, residential neighbors, and other areas of town shall be as limited as possible. All such equipment and fixtures shall be painted or otherwise screened or colored to minimize their visibility to occupants or residents of surrounding buildings, streets and properties. Wireless Communications Link equipment and fixtures visible against a building or structure shall be colored to blend with such building or structure. Wireless Communication Link equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background.
2. *Co-location of Wireless Communication Equipment.* All owners and operators of land used in whole or in part for a Wireless Communication Link and all owners and operators of such Wireless Communications Link shall, as a continuing condition of installing, constructing, erecting and using a Wireless Communication Link, permit other public utilities or FCC-licensed commercial entities seeking to operate a Wireless Communications Link to install, erect, mount, and use compatible Wireless Communications equipment and fixtures on the equipment mounting structure on



reasonable commercial terms provided that such colocation does not materially interfere with the transmission and/or reception of communication signals to or from the existing Wireless Communications Link and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed

3. *Wireless Communication Equipment or Fixtures. Coexistence with Other Uses* Wireless Communications Links may be located on the same lot with any other structures or uses lawfully in existence and/or lawfully undertaken pursuant to this BYLAWS, except that only one freestanding structure erected and used primarily to support reception and transmission equipment including, without limitation, monopoles and lattice towers, shall be permitted per lot.

4. *Setback; Freestanding Wireless Communications Link.* Any Freestanding Wireless Communications Link shall be set back at least 500 feet from Route 1 or any residential dwelling.

**9.3.9 Removal of Abandoned Equipment.** All Wireless Communications Links that have been unused for a period of one year shall be dismantled and removed at the owner's expense.

**9.3.10 Exemptions.** The following types of wireless communication facilities are exempted from this BYLAWS:

1. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications System provided the tower is not used or licensed for any commercial purpose.

2. Any wireless communication facility or use by a department of the Town of Norwood for the operational purposes of the Town.

## **9.4 DOWNTOWN APARTMENT OVERLAY DISTRICT (DAO)**

**9.4.1 Purpose.** The purpose of the Downtown apartment Overlay District is to provide additional rental housing options in close proximity to the downtown area and to public transportation.

**9.4.2 Location.** The Downtown Apartment Overlay District is assigned over parcels of land bounded by Railroad Avenue, Central Street, Nahatan Street, and the existing railroad right of way operated by the Massachusetts Bay Transportation Authority to include parcels depicted on the Norwood Avenue Maps as Map 1, Sheet 2, Lots 1, 2, 4, 5, 6, 6A, 7, 8, 9, 10, 11 and 14.

**9.4.3 Overlay District.** The DAO shall not restrict the owners' rights relative to the underlying zoning district. However, if the owner selects to use the DAO for development purposes, all

development shall conform to the regulations set forth in this section, and any other regulations that may apply in the Norwood Zoning BYLAWS.

**9.4.4 Uses.** Multi-family residential structures as new construction, or as adaptive reuse of existing structures, or a combination is allowed as of right.

**9.4.5 Height of Buildings.** All new construction shall be limited to a height of 40 feet.

**9.4.6 Off Street Parking Regulations.**

1. One and one-half (1.5) spaces per apartment, which may be parked in tandem.

**9.4.7 Minimum Lot Dimensions.**

1. Minimum lot size: 5,000 square feet.
2. Minimum lot area per dwelling unit: 825 square feet per dwelling unit.
3. Minimum lot frontage: 20 feet.
4. Minimum setbacks: For new construction only, 15 feet from all public roadway rights of way. Stairs or stair-wells used for access to the residential units shall not be included as part of the setback requirement.

**9.4.8 Site Plan Review.** All projects developed using DAO shall be subject to the site plan review procedures of Section 10.5. Further, where applicable, The Downtown Norwood Design Guidelines of October, 1998 shall be made part of the site plan review.

**9.5 [Reserved]**

**9.6 SAINT GEORGE AVENUE SMART GROWTH OVERLAY DISTRICT (SGASGOD)**

**9.6.1 Purpose.** It is the purpose of this Section to establish the St. George Avenue Smart Growth Overlay District (SGASGOD) and to encourage smart growth in accordance with the purposes of G. L. Chapter 40R, and to foster a range of housing opportunities along with a mixed-use development component, to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby services. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;

2. Provide for a full range of housing choices for households of all incomes, ages, and sizes in order to meet the goal of preserving municipal character and diversity;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting; and
6. Establish development standards to allow context-sensitive design and creative site planning in the reuse of existing buildings.

**9.6.2 Definitions.** For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

*Affordable Homeownership Unit* - an Affordable Housing unit required to be sold to an Eligible Household.

*Affordable Housing* - housing that is affordable to and occupied by Eligible Households. Affordable Housing units created within the SGASGOD meeting the standards set out in 760 CMR. 45.03 shall count on the Subsidized Housing Inventory, subject to the approval of the Massachusetts Department of Housing and Community Development (DHCD).

*Affordable Housing Restriction* - a deed restriction of Affordable Housing meeting statutory requirements in G. L. c. 184, Section 31 and the requirements of this Section.

*Affordable Rental Unit* - an Affordable Housing unit required to be rented to an Eligible Household.

*As-of-right Project or Project* - a development of housing under zoning without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. A Project that requires approval pursuant to this Section shall be considered an as-of-right Project.

*Eligible Household* - an individual or household whose annual income is less than eighty percent (80%) of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

*Enabling Laws* - G. L. Chapter 40R and 760 CMR 59.00.

*Plan Approval* - standards and criteria which a Project in the SGASGOD must meet under the procedures established herein and in the Enabling Laws.

*Plan Approval Authority* - For purposes of reviewing Project applications and issuing decisions on development Projects within the SGASGOD, the Norwood Planning Board, consistent with G. L. Chapter 40R and 760 CMR 59.00, is hereby designated as the Plan Approval Authority (the "PAA") and is authorized to approve a site plan to implement a Project.

*Recreational Uses* - Active recreational uses, including but not limited to ballfields; and passive recreational uses, including but not limited to walking and bicycle paths. Amusements or motorized uses shall not be considered eligible recreational uses.

*Townhouse Use* - dwelling containing not more than two dwelling units.

*Zoning BYLAWS* - The Zoning BYLAWS of the Town of Norwood.

### **9.6.3 Establishment.**

The St. George Avenue Smart Growth Overlay District, hereinafter referred to as the SGASGOD, is an overlay district having a land area of approximately 0.78 acres, as shown on the map entitled "Saint George Ave. Smart Growth Overlay District," dated April 24, 2006. This map is hereby made a part of the Zoning BYLAWS and is on file in the Office of the Planning Board, the Building Inspector, and the Town Clerk. The metes and bounds of the SGASGOD are as follows:

Beginning at a point on the southwesterly side of Saint James Avenue on the northwesterly side of new lot to be; Thence turning and running south 59°22'00"e along Saint James Avenue a distance of 159.61 feet to a point; Thence turning and running into a curve to the right with a radius of 20.00 a distance of 33.07 feet to a point; Thence turning and running south 35°21'40" west along Pond Avenue a distance of 155.94 feet to a point; Thence turning and running into a curve to the right with a radius of 25.00 a distance of 37.21 feet to a point; Thence turning and running north 59°22'00" west along Saint George Avenue a distance of 141.78 feet to a point; Thence turning and running north 30°38'00" east a distance of 200.00 feet back to the point of beginning.

1. Multifamily District. The as of right density shall be twenty (20) dwelling units per acre.
2. Underlying Zoning. The SGASGOD is an overlay district superimposed on all underlying zoning districts. The use and density regulations governing the underlying

zoning district(s) shall remain in full force until such time a the first building permit is issued pursuant to the SGASGOD; thereafter, the provisions of the underlying district shall expire.

**9.6.4 Applicability of SGASGOD.** In accordance with the provisions of G. L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SGASGOD may seek Plan Approval in accordance with the requirements of this Section. Such application shall not be subject to any other provisions of this Zoning BYLAWS, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits.

**9.6.5 Permitted Uses.** The following uses are permitted as of right in the SGASGOD:

1. Multifamily Residential Use;
2. Townhouse Use;
3. Parking, including surface, garage-under, and structured parking (e.g., parking garages);
4. Open space and Recreational Uses; and
5. Accessory uses customarily incidental to any of the above permitted uses.

**9.6.6 Housing and Housing Affordability.**

1. *Marketing Plan.* Prior to granting Plan Approval for housing within the SGASGOD, an Applicant for such approval must submit a narrative document and marketing plan that establishes that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. No less than ten percent (10%) of the residential units within the District shall be three (3) bedroom units and notwithstanding anything to the contrary in this Section, this requirement shall not be reduced. These documents in combination, to be submitted with a Site Plan application pursuant to Section 9.6.12, below, shall include details about construction related to the provision, within the development, of units that are accessible to the disabled.
2. *Number of Affordable Housing Units.* Not less than twenty percent (20%) of housing units constructed in the SGASGOD shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within the SGASGOD, any fractional unit of one-half (1/2) or greater shall be deemed to constitute a whole unit.
3. *Requirements.* Affordable Housing shall comply with the following requirements:

- a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed thirty percent (30%) of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- d. The SGASGOD shall not include the imposition of restrictions on age upon the entire district, but the development of specific Projects within the district may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable Housing. Any Project which includes age-restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

4. *Design and Construction.* Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed throughout the development of which they are part and have exteriors that are equivalent in design and materials to the exteriors of other housing units in the development.

5. *Affordable Housing Restriction.* Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and which contains the following:

- a. Specification of the term of the affordable housing restriction which shall be no less than thirty (30) years;
- b. The name and address of an administering agency with a designation of its power to monitor and enforce the affordable housing restriction;
- c. A description of the unit of Affordable Housing by address and number of bedrooms;

- d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;
- e. A requirement that residents will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- f. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- g. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
- h. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the administering agency;
- i. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the administering agency;
- j. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the administering agency, the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- k. Provision that the restriction on an Affordable Rental Unit shall run in favor of the administering agency, the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
- l. Provision that the owner[s] or manager[s] of Affordable Rental Unit[s] shall file an annual report to the administering agency, in a form specified by that agency certifying compliance with the Affordability provisions of this BYLAWS and containing such other information as may be reasonably requested in order to ensure affordability; and

- m. A requirement that residents in Affordable Housing provide such information as the administering agency may reasonably request in order to ensure affordability.

6. *Administering Agency.* An administering agency which may be the Local Housing Authority, a regional non-profit housing agency, an affordable housing trust or other qualified housing entity shall be designated by the PAA. In a case where the administering agency cannot adequately carry out its administrative duties, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such agency shall ensure the following:

- a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;
- b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;
- c. The housing marketing and resident selection plan conforms to all requirements and is properly administered;
- d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e. Affordable Housing Restrictions meeting the requirements of this section are recorded with the Norfolk County Registry of Deeds.

7. *Housing Marketing and Selection Plan.* The housing marketing and selection plan may make provision for payment by the Project applicant or owner of reasonable costs to the administering agency to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half percent (1/2 %) of the amount of rents of Affordable Rental Units (payable annually) or one percent (1%) of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

8. *Age Restrictions.* The District shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the District may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted Project shall be restricted as Affordable units. Any Project which includes age-restricted residential



units shall comply with applicable federal, state and local fair housing laws and regulations.

9. *Twenty Percent Requirement.* Not less than twenty percent (20%) of all residential units constructed within Projects within the SGASGOD shall be Affordable Housing

10. *Computation.* Prior to the granting of any Building Permit for the housing component of a Project, the applicant for such building permit must demonstrate, to the satisfaction of the PAA, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

11. *No Waiver.* Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived.

**9.6.7 Height, Bulk and Scale Standards.** The dimensional requirements applicable in the SGASGOD are as follows:

Minimum Lot Area; Multifamily	2,000 sq. ft. per dwelling unit
Height	45 ft.
Minimum Lot Frontage	90 ft.
Front Setback	20 ft.
Side Yard	15 ft.
Rear Yard	10 ft.
Maximum Lot Coverage	30%
Minimum Open Space	40%
Required Lot Width Through Building or Structure	90 ft.

**9.6.8 Parking Requirements.** Dwelling: Three (3) parking spaces per dwelling units with more than one (1) bedroom. One (1) parking space per dwelling units with one (1) bedroom. Parking spaces may be parked in tandem.

**9.6.9 District Design Standards.** In order to ensure high-quality conversion of the existing historic church and adjacent residential structures within the SGASGOD and to ensure design details that respect the architectural features of the existing structures as well as the character of

South Norwood, the following design standards and guidelines are established. These standards and guidelines are intended to be applied flexibly by the Plan Approval Authority to enable the purpose of this District to be realized.

## **A. SITE PLANNING**

**1. Residential Open Space.** Residential projects should be sited to maximize opportunities for creating usable, attractive, well-integrated open space.

- a. Maintain existing set backs to preserve building context.
- b. Create a courtyard-style open space that is visually and functionally accessible to the public view.
- c. Where practicable retain existing trees and plantings.

**2. Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

- a. Preserve and enhance the pedestrian environment by providing for continuous sidewalks that are unencumbered by parked vehicles and are minimally broken by vehicular access and parking
- b. Limit the number of driveways that enter or exit over the main frontage sidewalks.
- c. Adequately screen from view by use of plantings or landscape structures, surface parking areas facing Avenues and adjacent properties.
- d. Parking areas shall be setback from streetlines and property lines a minimum of five feet (5').
- e. Multi-purpose parking areas paved with unit pavers are encouraged (i.e., areas that serve both parking and public open space needs).

## **B. ARCHITECTURAL ELEMENTS AND MATERIALS**

**1. Existing Buildings.** Building renovations should seek to retain the historic character of the church building and rectory structures while accommodating the need to introduce new elements for circulation, entrances, and light and air for each unit.

- a. Doors and windows shall be of high quality metal or vinyl clad wood framed windows that meet or exceed the minimum thermal resistant requirements of the Massachusetts State Building Code. The design, layout and color of doors and windows should reflect the style and character of the existing buildings.

- b. Balconies and/or porches shall be constructed of durable high quality materials that require minimum future maintenance and meet or exceed minimum structural loading requirements of the Massachusetts State Building Code. Guard and hand rails shall be designed and constructed of materials that reflect the style and character of the existing buildings and shall meet or exceed the minimum requirements of the Massachusetts State Building Code.
  - c. Trim shall be of a high level of fine grained detailing and trim.
  - d. High quality materials, such as wood, cement plaster stucco, and granite should be used.
  - e. Canopies and cornices should be used.
2. **Ground Floor.** Ground floors or bases immediately next to pedestrians should reflect a higher level of detail refinement and high quality materials.
3. **Rooftops.** Rooftop building systems (i.e., mechanical and electrical equipment, antennas) should be screened from all key observation points by integrating them into the building design with parapets, screens or other methods.
4. **Distinctive Features.** Illuminate distinctive features of the building including entries, signage, canopies, and areas of architectural detail and interest. Encourage pedestrian scale pole lights along streets and walks.

## C. EXTERIOR FINISH MATERIALS

1. **Exteriors.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern or lend themselves to a high quality of detailing are encouraged.
- a. Consider each building as a high-quality, long term addition to the area; exterior design and materials should exhibit permanence and quality appropriate to the neighborhood.
  - b. Consider wood shingles, clapboard, hardiplank, and cement plaster stucco residential structures.
  - c. Provide operable windows of high quality metal or vinyl clad wood framed windows that meet or exceed the minimum thermal resistant requirements of the Massachusetts State Building Code. The design, layout and color of doors and windows should reflect the style and character of the existing buildings.

- d. Use materials that are consistent with the existing or intended neighborhood character, including wood, brick, cement plaster stucco and stone.
- e. Finish materials that are susceptible to staining, fading or other discoloration are strongly discouraged.

#### **D. PEDESTRIAN ENVIRONMENT**

1. ***Pedestrian Open Spaces and Entrances.*** Convenient and attractive access to the building's entry should be provided to ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

- a. Opportunities for creating lively, pedestrian-oriented open space should be considered.
- b. Provide entryways that link the building to the surrounding landscape.
- c. Create open spaces at street level that link to the open space of the sidewalk.
- d. Provide convenient, attractive and protected entries for residential uses.

2. ***Screening of Dumpsters, Utilities and Service Areas.*** All utilities shall be underground.

- a. All dumpsters, utilities, mechanical equipment and service areas should be screened with adequate plantings and/or landscape structures appropriate to the scale and character of the neighborhood.

3. ***Lighting.***

- a. Consider pedestrian-scale lighting, such as a twelve foot (12') to fifteen foot (15') high pole or bollard fixtures.
- b. Architectural lighting should complement the architecture of the structure including transparent windows allowing views into and out of the structure—thus incorporating the "eyes" on the street" design approach.
- c. Fixtures that produce glare or that spill light to adjoining sites, such as "wallpacks," are discouraged.
- d. Installation of pedestrian light fixtures as part of a development's sidewalk improvements is strongly encouraged. The style of light fixture should be consistent with the preference identified by the Town of Norwood.

## **9.6.10 General Design Standards.**

### **1. Lighting.**

- a. Applicability. The following limitations should be observed by all new exterior lighting installations, except those within illuminating a right way, or up to two (2) security lights on any premises.
- c. Lighting Installations. Exterior area lighting, such as for parking lots or recreation areas, and building flood lighting shall employ fixtures of a type, height, location, brightness and direction such that light sources are not exposed to normal view from any adjacent swellings or traveled ways. Light overspill onto adjacent premises shall not exceed one-half (1/2) footcandles measured in residential districts or three (3) footcandles in nonresidential districts, except that in the ambient level exceeds that, then overspill shall no be such as to produce shadows observable without instruments.
- c. Lighting Plan. An exterior lighting plan is required for application proposing in aggregate more than 5,000 watts of exterior lighting, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting Illumination levels.
- d. Departures. Departure from the above requirements may be authorized upon determination by the PAA that either it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, or that the installation involves no more than two (2) luminaires, and that all reasonable efforts have been made to avoid glare or light overspill onto streets or residential premises.

### **2. Noise.**

- a. Noise Standards. The following noise standards, unless otherwise specifically indicated, shall apply to noise as heard at any location off the premises within a designated noise zone, except for that produced by warning devices, agricultural activity, temporary construction or maintenance work, yard maintenance, public events, or other circumstances, but specifically not excluding recurrent vehicle noise associated with fixed points, such as that of refrigerator trucks at loading areas.
- d. Noise Zones. The following noise zones are hereby created.
- c. Limitations. No development shall be allowed which would result in the following standards being exceeded by more that twenty (20) decibels at any

time, or by more than ten (10) decibels for more than ten (10) minutes in an hour, or at all for more than thirty (30) minutes in an hour, measured at any point off-site. If the generated noise has a single dominant frequency above 4,800 cycles per second, these standards shall be reduced by five (5) decibels.

- d. Allowable Exterior Noise Level (decibels)

NOISE ZONE	7AM – 9PM	9PM – 7AM
A	65	60
B	60	55
C	55	50

### 3. Landscaping and Screening.

- a. Applicability. Street parking area and buffer strip landscaping and screening shall be provided as specified below when any new building, addition, or change of use requires a parking increase of seven or more spaces.
- b. Plantings. Required plantings shall include both trees and evergreen shrubs, and preferably will include ones existing on site. To be credited towards meeting these requirements, trees must be two and one-half inches (2 1/2") caliper four feet (4') above grade, be of a species common to the area, and reach an ultimate height of at least thirty feet (30'). Credited shrubs must be at least thirty inches (30") in height at the time of planting, reach an ultimate height of at least four feet (4') (except where lower height is necessitated for egress visibility as determined by the inspector of buildings) and be of an evergreen species common in the area. Plantings shall average at least one (1) tree per forty linear feet (40') of planting area length and at least one (1) shrub per three feet (3'). Plantings preferably will be grouped, not evenly spaced, and shall be located or trimmed to avoid blocking egress visibility. The planting area shall be located wholly within the lot.
- c. Street Plantings. Plantings are required along the entire street frontage for nonresidential uses, except at drives, and except where neither a street setback nor a buffer zone is required. The required plantings shall be located within fifteen feet (15') of the street property line.
- d. Parking Area Plantings. A minimum of two percent (2%) of the interior area of parking lots containing thirty (30) or more spaces must be planted. A minimum of one (1) tree and four (4) shrubs exclusive of any required perimeter plantings must be planted for every 1,500 square feet of parking lot. Planting areas must each contain not less than thirty (30) square feet of unpaved soil area. Trees and

soil plots shall be so located as to provide visual relief and wind interruption within the parking area, and to assure safe patterns of internal circulation.

- e. **Buffer Strip Plantings.** Buffer strip plantings shall be provided in required buffer strips and for any premises along the full length of any boundary abutting or extending into a residential district. Required plantings shall be located within ten feet (10') of the boundary line.
- f. **Screening.** Screening is required to obscure visibility from beyond the boundaries of the premises in residential districts for parking areas of seven or more spaces, if otherwise visible at normal eye level within a residential district within fifty feet (50') of the lot line.
- g. **Materials.** Screening as required shall consist of plantings as specified at Section 6.3 of species, size and spacing to effectively obscure vision within fifty (50) years of expected growth, must be supplemented by an opaque fence or wall at least six feet (6') tall.
- g. **Existing Vegetation.** Whenever possible, the above requirement shall be met by retention of existing plants. If located within twenty-five feet (25') of a street, no existing tree of six inches (6") caliper or greater (measured four feet (4') above grade), dense hedgerow of four or more feet (4') in both depth and height, or existing earth berm providing similar visual screening shall be removed or have grade changed more than one foot (1') unless dictated by plant health, access safety, or identification of the premises.
- h. **Maintenance.** All plant materials required by this BYLAWS shall be maintained in healthful condition. Dead limbs shall be promptly removed and dead plants shall promptly be replaced at the earliest appropriate season. Any fences required for screening shall be properly maintained.

#### **4. Nonconforming Landscaping and Screening.**

- a. **Continuation.** Any improvement along the property boundary, including landscaping, screening, and fencing, legally erected may continue to be maintained, even though the boundary improvements do not conform to this Section.
- b. **Change.** Such boundary improvements shall not be enlarged, redesigned, or altered except so as to make them conform to said requirements. Any such boundary improvements which have been destroyed or damaged to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement

value of the boundary improvements at the time of destruction or damage, shall not be repaired, rebuilt, or altered, except to conform to the requirements of this BYLAWS.

- c. The exemption for nonconforming landscaping and screening herein granted shall terminate with respect to any boundary improvements which shall have been abandoned or shall not have been repaired or properly maintained for at least sixty days after notice to that effect has been given by the Inspector of Buildings.

**5. Storm Water Management.** The design and construction of stormwater management systems for development subject to Development Plan Review will be consistent with the following:

- a. Discharging untreated stormwater runoff directly into rivers, streams, watercourses, or increasing the volume, rate, or further degrading the quality of existing discharges/runoff is prohibited.
- b. Post-development peak runoff shall be maintained at or below pre-development peak runoff rates.
- c. Storm runoff shall be routed through structural and nonstructural systems designated to increase time of concentration, decrease velocity, increase infiltration, and allow suspended solids to settle and remove pollutants. These systems shall utilize subsurface infiltration as the primary technique to treat runoff and shall be designed to remove eighty percent (80%) of the annual average load (post-development conditions) of Total Suspended Solids (TSS).
- d. When in the opinion of the Town Engineer subsurface infiltration of runoff is deemed infeasible because of soil conditions, retention and detention ponds, and methods of overland flow may be used to retain, detain, and treat runoff. However, there shall be a minimum of two feet (2') of naturally occurring solids between the basin bottom and the ground water table.
- e. Storm management systems shall have an operation and maintenance plan to ensure that systems functions as designed.

**6. Erosion Control.**

- a. Any area of bare earth exposed through building or site development or demolition must be permanently stabilized through replanting, paving, or other means of eliminating wind or water erosion. The PAA may require that a performance bond be posted in an amount sufficient to assure completion of such work.



- b. All construction must comply with the following. An erosion control plan shall be submitted for every development which will expose more than 60,000 square feet of bare earth during development through either removal or filling on the same parcel or on contiguous parcels in the same ownership, and for developments exposing 20,000 to 60,000 square feet of bare earth in areas having existing slopes in excess of ten percent (10%), highly erodible soils, or other conditions determined by the PAA to necessitate such a plan. Such a plan shall have sufficient information on existing and proposed topography, vegetation, and control measure to allow determination of compliance.
- b. Stripping of vegetation, regarding, or other development shall be done in a way which will minimize soil erosion.
- c. Whenever practical, trees and other natural vegetation shall be retained, protected, and supplemented.
- e. The disturbed area shall be kept to a minimum.
- f. Where necessary, temporary vegetation and/or mulching shall be used to protect areas exposed during development.
- g. Sediment basins (debris, basins, desilting basins or silt traps) shall be installed and maintained where necessary to remove from runoff waters any sediment from land undergoing development.
- h. A ground cover sufficient to retain erosion must be planted or otherwise provided within thirty (30) working days, season permitting, on any portion of the tract upon which further active construction is not to be undertaken.
- i. The development plan or land-disturbing activity shall be fitted to the topography and soils so as to minimize erosion potential.
- j. The PAA may require a report on the erosion control proposals by the Soil Conservation Service or other expert on soil mechanics in cases where doubt as to adequacy of proposed measures shall, unless otherwise specified, be consistent with Guideline for Soil and Water Conservation in Urbanizing areas of Massachusetts, USDA Soil Conservation Service, 1975.

**7. Tree Protection.** Location and design shall not cause avoidable removal or damage to any tree exceeding twelve (12) inches trunk diameter four and one-half feet (4 1/2') above grade.

**9.6.11 Signage; Number, Size and Type.** There may be one (1) sign per lot, set back a minimum of five feet (5') from each property line, indicating only the name or occupant, the street name and number, and a use permitted under this BYLAWS. Such sign may be a standing sign or a wall sign, but it shall not exceed fifteen (15) square feet in area.

**9.6.12 Application for Plan Approval; Required Submittals.** The application for Plan Approval shall be accompanied by the following plans and documents. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1" = 40') or larger, or at a scale as approved in advance by the PAA. All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the applicant. Plans shall show the following:

1. The perimeter dimensions of the lot; Assessors Map, lot and block numbers.
2. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage.
5. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.
6. Existing major natural features, including streams, wetlands and all trees six inches (6") or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet (1" = 40')).
8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.

10. The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one (1) bedroom units, two (2) bedroom units, etc., if appropriate).
11. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the applicant).
12. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
13. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated).
14. Developer's (or his representative's) name, address and phone number.
15. Any other information which may include required traffic, school, utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project.
16. *Rehabilitation Plan.* If a building is to be rehabilitated and converted into a dwelling unit or units, in addition to the required site plan, nine (9) copies of the following described plan shall be furnished.
  - a. A floor plan of each floor on which remodeling is to be done or areas converted into dwelling units;
  - b. A floor plan showing the stairways, halls, door openings into the halls and exit doors of each floor or floors where remodeling or converting is to be done; and
  - c. An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each plan shall be eleven inches (11") by seventeen inches (17") or twenty-two inches (22"), it shall be drawn to scale one-quarter inch equals one foot (1/4" = 1').

#### **9.6.13 Procedures.**

1. *Filing.* An applicant for Plan Approval shall file the application form and the other required submittals with the Town Clerk and fifteen (15) copies of the application including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA.

2. *Circulation to Other Boards.* Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Inspector of Buildings, Department of Public Works, and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within sixty (60) days of its receipt of a copy of the plan and application for approval.

3. *Hearing.* The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G. L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. *Peer Review.* The applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the applicant.

#### **9.6.14 Decision.**

1. *Waivers.* Upon the request of the Applicant, the Plan Approval Authority may waive all dimensional and other requirements of this Section with the exception of the affordability requirement, including the design standards of herein, in the interests of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the SGASGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section.

2. *Plan Review.* An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

3. *Plan Approval.* Plan Approval shall be granted where the PAA finds that:

- a. the applicant has submitted the required fees and information as set forth in the

Regulations;

- b. the Project and site plan meet the requirements and standards set forth this Section, or a waiver has been granted there from; and
- c. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

4. *Plan Disapproval.* A site plan may be disapproved only where the PAA finds that:

- a. the applicant has not submitted the required fees and information as set forth in the Regulations;
- b. the Project and site plan do not meet the requirements and standards set forth this Section, or a waiver has been granted there from; or
- c. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5. *Form of Decision.* The PAA shall issue to the applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision or application bearing such certification shall be 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 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the applicant.

#### **9.6.15 Change in Plans After Approval by PAA.**

1. *Minor Change.* After Plan Approval, an applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the applicant for filing with the Town Clerk.

2. *Major Change.* Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

## **SECTION 9.7: GUILD STREET SMART GROWTH OVERLAY DISTRICT (GSSGOD)**

**9.7.1 Purpose.** It is the purpose of this Section to establish a Guild Street Smart Growth Overlay District (GSSGOD), to encourage Smart Growth in accordance with the purposes of G. L. Chapter 40R and its regulations at 760 CMR 59.00, and to foster a range of housing opportunities to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. To promote mixed use and economic development that is safe, pedestrian friendly, and oriented to rail transit;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;
6. Establish development standards to allow high quality design and creative site planning;
7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G.L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the GSSGOD.

**9.7.2 Definitions.** For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 9.7. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

*Affordable Homeownership Unit:* An Affordable Housing unit required to be sold to an Eligible Household.

*Affordable Housing:* Housing that is affordable to and occupied by individuals and families whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets. Affordability shall be assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in G.L. c. 184, § 31. Affordable Housing Units created within the GSSGOD meeting the standards set out in Sections II.A.1-3, III, VI.B.4-9 and VI.E of the Department's guidelines for the Subsidized Housing Inventory shall count as low- or moderate-income units on the Subsidized Housing Inventory, subject to the approval of the Department of Housing and Community Development (DHCD).

*Affordable Housing Restriction:* A deed restriction for Affordable Housing meeting the statutory requirements of G.L. c. 184, § 31.

*Affordable Rental Unit:* An Affordable Housing unit required to be rented to an Eligible Household.

*Applicant:* The individual or entity that submits a Project for Plan Approval.

*As-of-right Unit:* A unit of housing is developable as-of-right if it may be developed under the Underlying Zoning or Smart Growth Zoning without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. Units that require Plan Approval shall be considered As-of-right Units, subject to review and approval by the Department of the proposed Smart Growth Zoning under 760 CMR 59.00.

*Developable Land:* The "Developable Land," as the term is defined in 760 CMR 59.00, is available for residential development within the GSSGOD. Developable Land shall not include:

1. Substantially Developed Land;
2. Open Space;
3. Future Open Space;
4. the rights-of-way of existing public streets, ways and transit lines;
5. land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
6. areas exceeding one-half acre of contiguous land that are:

- a. protected wetland resources (including buffer zones) under federal, state or local laws;
- b. rare species habitat designated under federal or state law;
- c. characterized by steep slopes with an average gradient of at least fifteen percent; or
- d. subject to any other local ordinance, bylaw or regulation that would prevent the development of residential projects at the as-of-right density set forth in the Smart Growth Zoning.

*DHCD/Department:* The Department of Housing and Community Development of the Commonwealth of Massachusetts (DHCD) or any successor agency.

*Eligible Household:* An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

*Enabling Laws:* G.L. Chapter 40R and 760 CMR 59.00, as they may be amended from time to time.

*Monitoring Agent:* The local housing authority or other qualified housing entity designated by the PAA, pursuant to Section 9.7.4.6, to review and implement the Affordability requirements affecting Projects permitted under this Section 9.7.

*Multifamily Residential Use:* Apartment or condominium units in buildings that contain or will contain more than three (3) such units, provided that the Smart Growth Zoning may treat attached townhouses on separate lots as single-family residential use. See 760 CMR 59.04(1)(d).

*Plan Approval:* Standards and criteria which a Project in the GSSGOD must meet under the procedures established herein and in the Enabling Laws.

*Plan Approval Authority (PAA):* For purposes of reviewing Project applications and issuing Plan Approval on Projects within the GSSGOD, the Plan Approval Authority (PAA), consistent with G.L. c. 40R and 760 CMR 59.00, shall be the Planning Board. The PAA is authorized to review projects and issue Plan Approval to implement a Project under G.L. c. 40R, § 11.

*Plan Review:* The review procedure established by this Section 9.7 and administered by the Plan Approval Authority.



*Project:* A residential development undertaken within the GSSGOD in accordance with the requirements of the Smart Growth Zoning. Within the boundaries of the GSSGOD, a developer may elect to develop a Project in accordance with the requirements of the Smart Growth Zoning or to develop a project in accordance with the requirements of the Underlying Zoning. See 760 CMR 59.04(1)(f).

*Site Plan:* A plan depicting a proposed Project for all or a portion of the GSSGOD and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

*Substantially Developed Land:* Land within a district that is currently used for commercial, industrial, institutional, or governmental use, or for residential use consistent with or exceeding densities allowable under the Underlying Zoning, and which does not qualify as underutilized land.

*Smart Growth:* A principle of land development that furthers, on balance, the goals set forth in G.L. c. 40R, § 1 and 760 CMR 59.01.

*Zoning By-law:* The Zoning By-law of the Town of Norwood applicable to the geographic area in which the GSSGOD is located as said By-law may from time to time be amended.

**9.7.3 Overlay District.** The GSSGOD is an overlay district having a land area of approximately 0.57 acres, as shown on a plan entitled “Guild Street Smart Growth Overlay District: Smart Growth Zoning Map,” prepared by Columbia Design Group, LLC and dated January 15, 2014 (see Appendix A, attached hereto), that is superimposed over the Underlying Zoning district(s). This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The GSSGOD is an overlay district superimposed on all Underlying Zoning districts. The Zoning By-law governing the Underlying Zoning district(s) shall remain in full force and effect except for Projects undergoing development pursuant to this Section 9.7. Within the boundaries of the GSSGOD a developer may elect to develop a Project in accordance with this Section 9.8, or to develop a Project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the Underlying Zoning district(s).

2. *Applicability of GSSGOD.* In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the GSSGOD may seek Plan Approval in accordance with the requirements of this Section 9.7. In such case, notwithstanding anything to the contrary in this Zoning By-Law, such Plan Approval shall not be subject to any other provisions of this Zoning By-Law, including limitations upon the issuance of building permits for residential uses related to a rate of development

or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations. When a building permit is issued for any Project approved in accordance with this Section 9.7 the provisions of the Underlying Zoning district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 9.7 for such Project.

#### **9.7.4 Housing and Affordability.**

1. *Marketing Plan.* Prior to granting Plan Approval for housing within the GSSGOD, an Applicant for such approval must submit a narrative document, housing marketing plan, and resident selection plan that establish that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 9.7.11, below, shall include details about construction related to the provision, type and specific location, within the Project, of all Affordable Housing units as well as all units that are accessible to the disabled. The marketing plan must be approved by DHCD under the 40R Program prior to the issuance of a building permit for a Project.

2. *Number of Affordable Housing Units.* Not less than twenty-five percent (25%) of housing units constructed in each Project and the GSSGOD as a whole shall be Affordable Housing. In determining the number of Affordable Housing units required within the GSSGOD, fractional numbers shall be rounded up to the nearest whole number. It is the intention that any Subsidized Housing Inventory (SHI) eligible housing units constructed in the GSSGOD be included in the SHI.

3. *Requirements.* Affordable Housing shall comply with the following requirements:

- a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.
- b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

d. The GSSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the GSSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted Project shall be restricted as Affordable Housing.

e. At least 10% of the Affordable Housing units shall be handicapped-accessible.

f. There may be a local preference applied in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project.

4. *Design and Construction.* Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed evenly throughout the development/Project of which they are part and in accordance with a Housing Marketing and Selection Plan approved by the Monitoring Agent and DHCD. Units of Affordable Housing must be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all the units in the Project of which the Affordable Housing is part.

5. *Affordable Housing Restriction.* Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording has been approved by DHCD under the 40R Program. Such Affordable Housing Restriction shall contain the following:

a. Specification of the term of the Affordable Housing Restriction which shall be perpetual;

b. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;

c. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a

percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;

d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process under the 40R Program. The housing and marketing selection plan shall provide for local preference in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project. For the Affordable Housing units, the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such unit shall be given to a household of the appropriate size;

e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;

f. Reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;

g. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;

h. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;

i. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

j. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

k. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to Monitoring Agent, in a form specified by that Agent certifying compliance with the affordability provisions of this By-law and

containing such other information as may be reasonably requested in order to ensure affordability;

l. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6. *Monitoring Agent.* A Monitoring Agent, which may be the Local Housing Authority or other qualified housing entity, shall be designated by the PAA as the Monitoring Agent for all Affordable Housing units in a Project. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a Project within the GSSGOD, and on a continuing basis thereafter, as the case may be:

a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;

c. The housing marketing and resident selection plan, including the location and unit-type mix of the Affordable Housing Units relative to all units within the Project, has been submitted to and received approval from the Department's 40R Program staff and otherwise conforms to all requirements and is properly administered;

d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;

e. Affordable Housing Restrictions meeting the requirements of this Section are recorded with the proper registry of deeds or district registry of the Land Court; and

f. Local preference in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD pursuant to an affordable fair housing marketing plan.

7. *Housing Marketing and Selection Plan.* The housing marketing and selection plan shall make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and

to monitor and enforce compliance with affordability requirements, as set forth in Section 9.7.4.

8. *Phasing.* The PAA, as a condition of any Plan Approval, may require a Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA shall assure the required number of Affordable Housing units in the Project. Such assurance may be provided through use of the security devices referenced in G.L. c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until the proportionality required under 760 CMR 59.04(1)(h) has been achieved. No Density Bonus Payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing units in the Project. Notwithstanding the foregoing, for Projects that are approved and developed in phases, the proportion of Affordable Housing units shall be consistent across all phases.

9. *Computation.* Prior to the granting of any Plan Approval of a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

10. *No Waiver.* Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 9.7.4 shall not be waived.

#### **9.7.5 Permitted Uses**

1. The following uses are permitted as of right in the GSSGOD:
  - a. Multifamily Residential Use as a principal use, upon the issuance of Plan Approval for a Project.
  - b. Accessory uses which are subordinate to, clearly incidental to, customary in connection with and located in the same structure as a permitted principal use and which do not, in effect, constitute conversion of the permitted principal use to a use not otherwise permitted in the GSSGOD.
2. Nonresidential use of any building, structure or land within the GSSGOD is prohibited.

#### **9.7.6 Density.**

1. *Residential.* The permissible residential density in the GSSGOD shall be 78 units per acre of Developable Land. The GSSGOD contains 0.57 acres of Developable Land. The

total number of units to be developed in the GSSGOD hereunder, therefore, shall not exceed 44, i.e. 0.57 acres x 78 units/acre.

#### **9.7.7 Dimensional Regulations.**

1. *Height.* Building height shall not exceed three (3) stories and fifty (50) feet.
2. *Coverage.* Maximum building coverage shall be fifty percent (50%) measured as to the total acreage of Developable Land in the GSSGOD.

#### **9.7.8 Performance Standards**

1. *Driveways.* The number of curb cuts on local public ways shall be as exists on August 1, 2013.
2. *Interior Design.* Projects shall assure safe interior circulation within its site by allowing for the separation of pedestrian, bicycle and motor vehicle traffic.
3. *Noise.* Any Project in the GSSGOD shall comply with 310 CMR 31.07, as may be amended.
4. *Building Design.* The Applicant should seek to retain the character of the existing building in the final design.

#### **9.7.9 Off-Street Parking and Loading Regulations.**

1. *Off-Street Parking Requirements.* For any structure that is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use changed, parking spaces shall meet the following requirements:

Residential uses	One (1) space per unit.
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2. *Parking Location and Design.* Required parking shall in all cases be on the same lot as the use it is intended to serve.

3. *Loading Requirements.* Adequate off-street loading facilities and space must be provided to service all needs created by construction of new structures. Such facilities shall be provided in accordance with Section 6.1 of the Zoning By-Law, unless waived by the PAA. Required facilities shall be so sized and arranged that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading or waiting to do so.

**9.7.10 Application for Plan Approval; Required Submittals.** The application for Plan Approval shall be accompanied by the following plans and documents. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1" = 40') or larger, or at a scale as approved in advance by the PAA. All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the Applicant. Plans shall show the following:

1. The perimeter dimensions of the lot; Assessors Map, lot and block numbers.
2. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage.
5. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.
6. Existing major natural features, including streams, wetlands and all trees six inches (6") or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet (1" = 40')).
8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.
10. The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one (1) bedroom units, two (2) bedroom units, etc., if appropriate).



11. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the Applicant).
12. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
13. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated.)
14. Developer's (or his representative's) name, address and phone number.
15. Any other information which may include required traffic, school, utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project.
16. Rehabilitation Plan. If a building is to be rehabilitated and converted into a dwelling unit or units, in addition to the required site plan, nine (9) copies of the following described plan shall be furnished.
  - a. A floor plan of each floor on which remodeling is to be done or areas converted into dwelling units;
  - b. A floor plan showing the stairways, halls, door openings into the halls and exit doors of each floor or floors where remodeling or converting is to be done; and
  - c. An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each plan shall be eleven inches (11") by seventeen inches (17") or twenty-two inches (22"), it shall be drawn to scale one-quarter inch equals one foot ( $1/4" = 1'$ ).

#### **9.7.11 Procedures.**

1. Filing. An Applicant for Plan Approval shall file the application form and the other required submittals with the Town Clerk and fifteen (15) copies of the application and other required materials including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA. The application form and any other submittal requirements must be contained in the PAA Regulations which must be approved by DHCD.
2. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police

Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within sixty (60) days of its receipt of a copy of the plan and application for approval.

3. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G. L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. Peer Review. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees and any other fees required as part of an application to the PAA must be specified in the PAA Regulations which must be approved by DHCD. Approved Peer Review fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant.

#### **9.7.12 Decision.**

1. Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements in the interest of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the GSSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses, and/or physical character allowable under this Section; but in no event shall such a waiver reduce the as-of-right density approved by DHCD.

2. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

3. Plan Approval. Plan Approval shall be granted where the PAA finds that:

- a. the Applicant has submitted the required fees and information as set forth in the PAA Regulations as approved by DHCD;

- b. the Project and site plan meet the requirements and standards set forth in this Section, or a waiver has been granted therefrom in accordance with Section 9.7.12.1; and
- c. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the affordability requirements of Section 9.7.4, compliance with Condition (b), above, shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach condition(s) to its Plan Approval decision that are necessary to ensure substantial conformance with this Section 9.7.12.3 or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

4. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

- a. the Applicant has not submitted the required fees and information as set forth in the PAA Regulations as approved by DHCD;
- b. the Project and site plan do not meet the requirements and standards set forth in this Section, or in a waiver has been granted therefrom; or
- c. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5. Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision or application bearing such certification shall be 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 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

#### **9.7.14 Change in Plans After Approval by PAA.**

1. Minor Change. After Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of

the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

2. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

**9.7.15 Enforcement; Appeal.** The provisions of the GSSGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval decision for a Project shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

**9.7.16 Severability.** If any provision of this Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall remain in full force. The invalidity of any provision of this Section 9.7 shall not affect the validity of the remainder of the Town's Zoning By-Law.

## **SECTION 10.0 ADMINISTRATION AND PROCEDURES**

### **10.1 ENFORCEMENT**

**10.1.1 Inspector of Buildings** The Inspector of Buildings shall administer and enforce the provisions of these Bylaws, and in so doing, shall have all of the powers as are provided for the administration and enforcement of the Norwood Zoning BYLAWS and the State Building Code.

**10.1.2 Conformity.** Buildings or structures may not be erected, substantially altered, moved, or changed in use and land may not be substantially changed in principal use without certification by the Inspector of Buildings that such action is in compliance with then applicable requirements of these Bylaws, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or Town law. Issuance of a building permit or certification of use and occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

1. Where a special permit is required hereunder, or where an appeal or petition involving a variance is pending, the Inspector of Buildings shall issue no building permit until the permit granting or special permit granting authority has made its decision, and only in conformity therewith.

**10.1.3 Application.** In addition to any information which may be required under the Massachusetts State Building Code, the Inspector of Buildings shall require of applicants such information as he deems necessary to determine compliance with these Bylaws.

**10.1.4 Investigation.** If the Inspector of Buildings shall be informed, or have reason to believe, that any provision of these Bylaws or any permit or decision thereunder has been, is being, or is about to be violated, he shall make or cause to be made an investigation of the facts, including the inspection of the premises where the violations may exist. The Inspector of Buildings shall take action upon written complaint and shall report such action or refusal to act, and the reasons therefore, in writing to the complainant within fourteen days of receipt thereof. If the Inspector of Buildings finds no violation or prospective violation, any person aggrieved by his decision, or any officer or board of the town, may appeal to the Board of Appeals, as provided by statute.

**10.1.5 Enforcement.** If the Inspector of Buildings finds a violation or prospective violation, he shall give immediate notice in writing to the owner and to the occupant of the premises and shall order him to cease and desist and refrain from such violation. Any person aggrieved by the Inspector of Buildings decision, or any officer or board of the town, may appeal to the Board of Appeals, as provided by statute. If, after such order, such violation continues and no appeal is taken to the Board of Appeals, the Inspector of Buildings shall forthwith make application to a court of competent jurisdiction for an injunction or order restraining the violation, and shall seek a criminal complaint in Dedham District Court against the person or persons who have violated the law, or shall take such other action as is necessary to enforce the provisions of these Bylaws.

**10.1.6 Enforcement Following Appeal.** If, after action by the Inspector of Buildings, appeal is taken to the Board of Appeals, and, after a public hearing, the Board of Appeals finds that there has been a violation or prospective violation, the Inspector of Buildings shall forthwith make application to a court of competent jurisdiction for an injunction or order restraining the violation and shall seek a criminal complaint in Dedham District Court against the person or persons who have violated the law, or take such other action as may be necessary to enforce this BYLAWS.

**10.1.7 Penalty.** Whoever violates any of the provisions of this BYLAWS, or any of the conditions under which a building permit is issued by the Inspector of Buildings or a special permit or variance is issued by the Planning Board or the Board of Appeals, or the terms of a decision rendered by either Board, shall be liable for a fine of three hundred (\$300.00) dollars. Each day that said violation continues shall be deemed to constitute a separate offense.

## **10.2 BOARD OF APPEALS**

**10.2.1 Establishment.** There shall be a Board of Appeals consisting of five members and five associate members, who shall be appointed by the Board of Selectmen and shall act in all matters under these Bylaws in the manner prescribed by Chapters 40A, 40B, and 41 of the General Laws.

**10.2.2 Powers.** The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by these Bylaws. The Board's powers are as follows:

- 1. Special Permits.* To hear and decide applications for special permits upon which the Board is empowered to act under these Bylaws, in accordance with Section 10.4 .
- 2. Variances.* To hear and decide appeals or petitions for variances from the terms of these Bylaws with respect to particular land or structures, in accordance with G.L. c. 40A, s. 10. Variances from use requirements, however, are prohibited.
- 3. Other Appeals.* To hear and decide other appeals, when taken by any person aggrieved by reason of his inability to obtain a building permit or enforcement action from the Inspector of Buildings under the provisions of G.L. c. 40A, or by the Metropolitan Area Planning Council, or by any person including any officer or Board of the Town of Norwood, if aggrieved by any order or decision of the Inspector of Buildings or other administrative official, in violation of any provision of Chapter 40A or these Bylaws.
- 4. Comprehensive Permits.* Comprehensive permits may be issued by the Board of Appeals as authorized by G.L. c. 40B, ss. 20-23.
- 5. Building Permits in Subdivisions.* Building permits withheld by the Inspector of Buildings may be issued by the Board acting pursuant to G.L. c. 41, s. 81Z.

**10.2.3 Rules and Regulations.** The Board of Appeals shall adopt rules and regulations not inconsistent with the provisions of these Bylaws for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the Town Clerk.

**10.2.4 Fees.** The Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

### **10.3 PLANNING BOARD**

**10.3.1 Establishment.** A Planning Board is established under the provisions of General Laws Chapter 41, Section 81A to consist of five (5) members.

**10.3.2 Powers.** The Planning Board shall have the following powers:

- 1. Special Permits.* To hear and decide applications for special permits upon which the Board is empowered to act under these Bylaws, in accordance with Section 10.4 .
- 2. Site Plan Approval.* To review and decide applications for site plan approval, in accordance with Section 10.4 .

**10.3.3 Rules and Regulations.** The Planning Board shall adopt rules and regulations not inconsistent with the provisions of the Zoning BYLAWS for conduct of its business and otherwise carrying out the purposes of said Chapter 40A, and shall file a copy of such rules in the office of the Town Clerk.

**10.3.4 Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for petitions for special permits and site plan review.

## **10.4 SPECIAL PERMITS**

**10.4.1 Special Permit Granting Authority.** Where specifically designated, the Board of Appeals or Planning Board shall act as the Special Permit Granting Authority.

**10.4.2 Decision Criteria.** At the time of application, the applicant shall submit complete documentation regarding each of the criteria set forth below which are applicable, including description of any discussion efforts made with neighborhood groups or other affected parties. The following criteria shall be the basis for decisions on special permits, except as may be more specifically provided elsewhere in these Bylaws. Special permits shall be granted by the Special Permit Granting Authority only upon its written determination that the proposed use will not have adverse effects which overbalance its beneficial effects for either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following criteria, among others:

- 1. Social, Economic, and Community Needs.* Residential use is more beneficial if it serves housing needs of local residents, or broadens housing diversity, than if it does not. Nonresidential use is more beneficial if it serves needs and interests of local residents, or provides them with economic opportunity, than if it does not.
- 2. Circulation.* Increases in average daily and peak hour traffic are adverse effects, even if coupled with capacity increases maintaining the level of service. To avoid adversity, pedestrian and vehicular movement to, from, and within the site should be safe and convenient, and arranged so as not to disturb abutting properties.

3. *Utilities and Other Public Services.* Any unusual public problem in providing adequate water, sewage disposal, drainage, public safety, or other public services for this use would be an adverse effect.

4. *Environmental Impacts.* Environmental damage due to wetland loss, habitat disturbance, erosion, or damage to valuable trees or other natural assets are adverse effects. Damage or risk to air, land, or water resources because of planned processes or unplanned contingencies are adverse effects.

5. *Land Use Compatibility.* Preempting land having special qualities suiting it for other uses, such as land having rail access being preempted from use by a rail-using activity, is an adverse effect. Damaging the utility and enjoyment of nearby land uses through off-site impacts is an adverse effect.

6. *Visual Compatibility.* Visibility of parking and service areas from nearby public streets is an adverse effect which can be minimized through site arrangement, use of tree cover, and other means. Departure from the architectural scale of buildings on abutting and nearby premises is an adverse effect, except where the departure would serve some community design purpose.

7. *Fiscal Impacts.* Positive fiscal impacts are a benefit to the town.

8. *Process.* Discussion in advance between applicants and those whose interests are likely to be substantially impacted by it is a benefit. Compensatory actions providing benefits, such as planting additional trees, can be used to offset any negative consequences for other parties or the town.

**10.4.3 Procedures.** Each application for a special permit, together with copies of supporting plans and other materials, shall be filed by the petitioner with the Town Clerk. Five (5) copies of said application, including one having the date and time of filing certified by the Town Clerk, shall be filed forthwith by the applicant with the Special Permit Granting Authority, together with five (5) copies of the supporting plans and other materials.

1. If the development of a Priority Development Site (PDS) requires one (1) or more special permit(s) hereunder, application(s) therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and shall be reviewed concurrently therewith. Where the Board of Appeals and the Planning Board are each responsible for one (1) or more of said reviews, or where the Board of Appeals is designated as the Special Permit Granting Authority and the development is also subject to site plan approval by the Planning Board pursuant to Section 10.5 hereof, all reviews may occur at joint



session(s) of the Boards, when feasible.

**10.4.4 Referral to Other Officials and Agencies.** The Special Permit Granting Authority shall refer notice of all applications immediately upon receipt to the Town Manager, Inspector of Buildings , Planning Board (where it is not the SPGA), Town Engineer, DPW, Board of Health, Conservation Commission, Police Department, Fire Department, Municipal Light Department, and to any other involved Town official or agency.

1. The Special Permit Granting Authority shall also transmit copies of the submitted plans and support documentation to all agencies having requested such documentation for either that specific project or for such projects generally, and to any other authorities whose review is judged appropriate by the Inspector of Buildings , for technical review and comment. Failure of any official or agency to make recommendation within thirty-five days of receipt of the application and support documentation shall be deemed lack of opposition thereto.

**10.4.5 Decision.** A special permit, if granted, shall be subject to any general or specific rules prescribed herein, and it may be made subject to appropriate conditions, safeguards, and limitations on time or use.

1. Except as otherwise provided for herein, special permit(s) required for the development of a Priority Development Site (PDS) shall be acted upon and decision(s) thereon rendered no later than one hundred eighty (180) days from the date of application therefor.

**10.4.6 Lapse.** A special permit granted under this section shall lapse within two years, which shall not include such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner 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.

## **10.5 SITE PLAN APPROVAL**

**10.5.1 Applicability.** Site plan approval from the Planning Board shall be required prior to beginning any on-site work on any projects other than single or two-family dwellings, if such projects include any or all of the following:

1. More than 3,000 square feet gross floor area in either a new building or a building addition, if that increases gross floor area on the premises by 10% or more; or

2. Creation of or changes to a parking facility having ten or more parking spaces, if that results in change in the number of parking spaces or in egress locations; or
3. Removal of existing vegetative ground cover from more than 20,000 square feet of site area; or
4. Any sign erected, placed, or improved in the Central Business District.
5. Any structural change or alteration to the exterior or renovation to a storefront facade in the Central Business District.
6. Unusual conditions of water, sewer, drainage, traffic, lighting or other site-specific conditions which are determined by the Inspector of Buildings to make site plan approval appropriate.

**10.5.2 Preapplication Conference.** Applicants are urged to confer with the Director of Community Planning and Economic Development regarding the materials necessary for submittal for site plan approval, and regarding the agency approvals which are likely to be required.

**10.5.3 Procedures.** Site plan approval shall not require a public hearing; provided, however, that the Board may, at its discretion, require notice to parties in appropriate cases. The Applicant shall submit an application on the form provided by the Board and all of the information set forth in the Rules and Regulations of the Board Governing Site Plan Review.

1. The Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and shall file such decision in the office of the Town Clerk.
2. The decision of the Board shall be upon a majority of the Board as constituted and shall be in writing.
3. The time to file the decision of the Board with the Town Clerk may be extended upon the written request of the applicant. Such extension, if granted, shall be filed with the Town Clerk.
4. No deviation from an approved site plan shall be permitted without modification thereof by the Board.
5. If the development of a Priority Development Site (PDS) requires site plan approval hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures

located thereon, and not otherwise exempted by G.L. c. 43D, and shall be reviewed concurrently therewith. Where the Board of Appeals is responsible for one (1) or more of said reviews, all reviews may occur at joint session(s) of the Board of Appeals and the Planning Board, when feasible.

6. Notwithstanding the foregoing, a site plan submitted for a Priority Development Site (PDS) shall be reviewed and acted upon within one hundred eighty (180) days, so as to allow adequate time for the aforesaid, concurrent reviews to occur.

**10.5.4 Referral to Other Officials and Agencies.** The Planning Board shall refer notice of all applications immediately upon receipt to the Town Manager, Inspector of Buildings, Town Engineer, DPW, Board of Health, Conservation Commission, Police Department, Fire Department, Municipal Light Department, and to any other involved Town official or agency.

**10.5.5 Preparation.** Site plans shall be submitted on 24-inch by 36-inch sheets. Plans shall be prepared by a Registered Professional Engineer, Registered Land Surveyor, Architect, or Landscape Architect, as may be appropriate. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=40'.

**10.5.6 Contents of Plan.** The contents of the site plan shall consist of six (6) separate sheets prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the Board. The sheets are as follows:

1. Locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the planning board.
2. Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, areas for snow storage after plowing, and all proposed recreational facilities and open space areas.
3. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling stormwater drainage, and all wetlands including floodplain areas.
4. Utility plan, which shall include all facilities for refuse and sewage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site.

5. Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
6. Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.

**10.5.7 Other Required Information.** The application shall include the following reports and documents:

1. A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.
2. A written summary of the contemplated projects shall be submitted with the site plan indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this ordinance.
3. Drainage calculations by a registered professional engineer. Stormwater management design must conform to DEP's Stormwater Management Policy or regulations.
4. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

**10.5.9 Effect on Other Permits.** Where a proposed use, structure, or other alteration requires site plan approval, the following procedures shall apply:

1. *As of Right Uses.* No building permit or certificate of occupancy shall be issued by the Inspector of Buildings unless the application includes the decision of the Board approving the required site plan, or unless 60 days lapse from the date of the submittal of the site plan without action by the Board.
2. *Use Requiring Special Permit or Variance.* In the event that the use, structure, or other alteration requires a special permit or variance, any grant thereof shall include the following condition:

“The proposed use or development authorized herein requires the approval of a site plan by the Board pursuant to Section 10.5 of the Zoning BYLAWS.”

3. *Consolidation.* Where the Planning Board also serves as the Special Permit Granting Authority for proposed use or development, the Board shall consolidate its site plan review and special permit procedures.

**10.5.10 Waiver.** The Board may, upon written request of the applicant, waive any of the technical requirements where the project involves relatively simple development plans.

**10.5.11 Approval.** Site plan approval shall be granted upon determination by the Board that the plan meets the following standards. The Board may impose reasonable conditions at the expense of the applicant to implement these standards. New building construction and other site alterations shall be designed, after considering the qualities of the specific location, the proposed land use, the design of the buildings, grading, egress points, and other aspects of the development, so as to:

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, soil erosion, and threat of air and water pollution;
2. Provide adequate stormwater management and other utilities consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations.
3. Maximize pedestrian and vehicular safety both on the site and egressing from it;
4. Provide adequate access to each structure for fire and emergency service equipment;
5. Minimize obstruction of scenic views from publicly accessible locations;
6. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
7. Minimize glare from headlights and lighting intrusion;
8. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.
9. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
10. Ensure compliance with the provisions of this Zoning BYLAWS, including parking, signs, landscaping, and environmental standards.

**10.5.12 Lapse.** Site plan approval shall lapse if construction is not commenced within twenty four months from the date of approval. A new submittal and hearing will be required. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

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

**10.5.14 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.

## **10.6 REPETITIVE PETITIONS.**

**10.6.1 General.** No appeal, application or petition which has been unfavorably and finally acted upon by the special permit granting or permit granting authority shall 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 unanimous vote of a board of three members or by a vote of four members of a board of five members or two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

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

## SECTION 11                      DEFINITIONS

In this BYLAWS, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

**Accessory Building:** A building devoted exclusively to an accessory use as herein defined, and not attached to a building containing the principal use.

**Accessory Sign:** Any sign whose subject matter relates exclusively to the premises on which it is located, or to the occupants or activities of those premises.

**Accessory Use:** An activity incidental to and located on the same premises as a principal use conducted by the same person or his agent. No use (other than parking) shall be considered "accessory" unless functionally dependent on and occupying less land area than the principal use to which it is related and occupying less than one quarter as much habitable floor area as that principal use.

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

**Adult Dance Club:** An establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in G.L., c. 272, s. 31.

**Adult Paraphernalia Store:** An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L., c. 272, s. 31.

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

**Adult Video Store:** An establishment having as a substantial or significant portion of its stock in trade videos, and other matter which are distinguished as characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G.L., c. 272, s. 31.

**Agricultural Use:** Includes horticulture, floriculture, and viticulture, and comprises the production of crops, raising of livestock, raising nursery stock, or forestry, including incidental thereto preparations for market, storage, and delivery, but not the sale at retail of the products.

**Agricultural Use, Extensive:** Agriculture other than "intensive."

**Agricultural Use, Intensive:** Agriculture on parcels of less than three acres, with buildings having more than 500 square feet floor area or 5,000 cubic feet volume, or with livestock raising.

**Ambulance Dispatch Operation:** a facility from which ambulances or other emergency medical vehicles are dispatched for service to the public.

**Arterial Street:** Any state or federal-numbered highway, or any other street having right-of-way width of 60 feet or more.

**Assisted Living Residence:** A residential development subject to certification by the executive office of elder affairs, which provides room and board; provides assistance with activities of daily living for three or more adults who are not related by consanguinity or affinity to their care provider; and collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance. Dwelling units in assisted living residences shall not be considered to be multifamily units.

**Board of Appeals:** The Board of Appeals established under this Zoning BYLAWS (in contradistinction to the Board of Appeals established under the building code or under any other town BYLAWS, rule or regulation or other provision of statute).

**Boarder:** An individual other than a family member occupying a dwelling unit who, for consideration, is furnished sleeping accommodations, meals, and may be provided personal care or other services, but excluding guests at a bed and breakfast.

**Body Art:** The practice of physical adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine in the Commonwealth, such as implants under the skin which shall not be performed in a body art establishment.

**Body Art Establishment:** A specified place or premise that has been granted a permit by the Norwood Board of Health, whether public or private, where the practice of body art is performed.

**Building:** Any structure having a roof for the shelter, housing, or enclosure of persons, animals, chattels, or property of any kind.



**Building, Attachment of:** The construction of a building adjacent to an existing building, or to another building being constructed at the same time, in such a manner as to be structurally united therewith by a median wall or walls of not less than twelve feet common length, provided that there is no direct communication between the two buildings except for possible utilities.

**Building Height:** The vertical distance from the average of the finished ground level at the center of all walls of a building to the highest point of the roof surface. Not included in the measurement are parapets or cornices extending no more than five feet above their intersection with the roof, spires, cupolas, elevator head-houses, water tanks, chimneys, ventilators, pipes and similar apparatus not devoted to human occupancy and not aggregating more than 25% of the ground area covered by the building.

**Building Mounted Wireless Communications Link:** Any Wireless Communications Link mounted on, erected on, or supported in whole or part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks, cupolas, church spires, and the like) occupied and/or used primarily for other purposes.

**Building Tradesman:** Office and interior storage and preparation space for a builder, carpenter, electrician, landscaper, mason, painter, paperhanger, plumber, roofer, or similar building trades. Cable Television Studio: Facilities for television production and transmittal, including office space, studio and other production space, earth stations, and antennae, but not including tower structures.

**Child Care Center:** A facility as defined in G.L. c. 15D, s. 1A.

**Clinic:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, or other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

**Commercial recreation, indoors:** Theater, motion picture house, bowling alley, dance hall, pool room, and the like.

**Commercial recreation, outdoors:** boat livery, outdoor ice skating rink, recreation camp, ski ground, riding academy or stable, golf driving range, miniature golf course, and the like.

**Constructed:** The word "constructed" shall be construed to include the words "built," "erected," "reconstructed," "altered," "enlarged," "moved," and "placed."

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to erection, placement, or demolition of buildings or structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

**Drive-through window:** A device located on one side of a building through which customers receive services, food or merchandise while remaining in their motor vehicles.

**Drugstore:** A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products may be sold as well.

**Dwelling:** A building or part of a building used exclusively as the living quarters for one or more families.

**Dwelling, Multifamily:** Three or more dwelling units on a single lot, irrespective of structure type, ownership or tenure.

**Dwelling, Single-Family:** A detached residential building intended and designed to be occupied exclusively by a single family.

**Dwelling, Two-Family:** A detached residential building intended and designed to be occupied exclusively by two families.

**Dwelling Unit:** A building or portion of a building intended as living quarters for a single family, having a single set of kitchen facilities (a stove plus either or both a refrigerator and sink) not shared with any other unit.

**Earth Removal:** Removal from any premises of soil, top soil, loam, peat or other organic materials, sand, gravel, stone or other earth products, except as exempted under Section 7.2.

**Essential services:** Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overland, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

**Facade:** The entire building front including the parapet at the building's street address.

**Family:** Not more than four (4) unrelated individuals cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or other domestic bond.

**Family Day Care Home:** Any operation as defined in G.L. c. 15D, s. 1A.

**Farmstand:** Salesroom or stand for the sale of nursery, greenhouse, garden or other produce, including articles of home manufacture from such produce, provided that from June through September the majority of such products have been raised on the premises or made from the products so raised.

**Fitness Center:** an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers, in some combination thereof.

**Flex Space:** the sale, lease or rental of space within a structure or multiple structures that allow a combination of uses, where the uses within that Flex space meet with the following criteria:

(1) All of the uses within the building area committed to Flex space must be allowed as-of-right within the LM and LMA district.

(2) Changes in products, services and square footage of uses within a structure identified for Flex Space otherwise conform to the Bylaws.

(3) The floor area committed to each use is unrestricted.

**Floor Area, Gross:** The sum of the horizontal areas of the several floors of all buildings on the same lot, measured from the exterior face of exterior walls (or from the centerline of a wall separating two buildings), including elevator shafts and stairwells at each floor and interior balconies and mezzanines, but not including interior vehicle parking or loading areas, cellars with walls more than 50% below grade, and areas having less than six feet floor to ceiling height.

**Floor Area, Net:** Gross floor area minus elevator shafts, stairwells, interior balconies and mezzanines, and any common public areas.

**Floor Area Ratio:** The ratio of gross floor area to the lot area of the premises.

**Freestanding, Exterior Wireless Communications Link:** Any out of doors Wireless Communications Link mounted on, erected on, or supported by any freestanding monopole, lattice tower, or any other similar freestanding structure.

**Home Occupation:** A business, profession, or trade engaged in within an existing dwelling or building accessory thereto by a resident thereof as a use accessory thereto.

**Hotel, Motel, Rooming House, Boarding House or Lodging House:** A building or group of buildings containing guest units providing transient accommodations to the general public for compensation, and as an accessory use not more than a single dwelling unit, but not including furnishing of room and board to fewer than four persons as an accessory use.

**Impervious:** Impenetrable by surface water, or having a percolation rate longer than 30 minutes per inch.

**Junk:** Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use (but not including any article of material which, unaltered or unchanged and without further reconditioning can be used for its original purposes as readily as when new).

**Laboratory, research:** Laboratory or research establishments including biotechnology companies, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

**Livestock Raising:** The raising or harboring of cattle, horses, sheep, hogs, goats, rabbits, poultry, or similar farm animals.

**Logo:** A salesmark, trademark, symbol, word, words, or other design representing a product, corporation, company, or organization.

**Lot:** A single continuous parcel of land held in identical ownership throughout, and defined by metes, bounds or boundary lines in a recorded deed or on a recorded plan.

**Lot Area:** The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for compliance with lot area requirements shall also be exclusive of areas subject to protection under the Wetlands Protection Act, G.L. c. 131, s. 40, for reasons other than being subject to flooding.

**Lot Coverage:** The percentage of lot area covered by structures.

**Lot Frontage:** The boundary of a lot abutting on a legally and physically accessible street, measured continuously along one street line between side lot lines. In the case of corner lots, lot frontage is measured between the side lot line and the midpoint of the corner radius, measuring on the street which has been designated as the frontage street by the owner or, failing that, has been so designated by the inspector of buildings.

**Major recreational equipment:** A noncommercial trailer, a boat on or off of a trailer, or a recreational vehicle.

**Manufacturing:** A use engaged in the basic processing and manufacturing of materials, or the manufacture from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding the following: Acid manufacture; Cement, bituminous concrete or asphalt manufacture; lime, gypsum or plaster of paris manufacture; Production of chlorine or similar noxious gases; Distillation of bones; Drop-forge industries manufacturing forging with

power hammers; Manufacture or storage of explosives in bulk quantities; Fertilizer manufacture; Garbage, offal, or dead animal reduction or dumping; Glue manufacture; Hair manufacture; Petroleum refining; Processing of sauerkraut, vinegar or yeast; Rendering or refining of fats or oils; Smelting of tin, copper, zinc or iron ore, including blast furnace or blooming mill; Stockyard or feeding pen; Slaughter of animals, not including the killing of fowl.

**Manufacturing, Light:** Light industry or light manufacturing: Includes the following (with related offices), provided that such uses shall not include the sale or transfer of flammable liquids, gas, explosives or other potentially hazardous materials, except for the uses operating under a license granted under the authority of Chapter 148 of the Massachusetts General Laws as of the date of this ordinance:

- a. Assembly of previously prepared or manufactured parts;
- b. Machine shops or other metal working;
- c. Printing and graphic arts establishments;
- d. Manufacture, compounding, processing, packaging, stamping or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical and biotechnical, toiletries and food products, and wood, but not including the rendering of fats or oils.

**Motor Vehicle Service Station:** Premises devoted primarily to retail sale of fuels and lubricants, with any repair services or other sales or services of secondary importance with accessory sale of fast food or nonautomotive related goods or food.

**Municipal services:** Facilities owner or operated by the Town of Norwood for the public benefit.

**Non-Accessory Sign:** Any sign that advertises or designates a product or service not on the premises on which the sign is located.

**Nonconforming Lot:** A legally created lot which does not comply with the applicable dimensional regulations (area, frontage, or width) for the zoning district in which it is located, but which complied with the applicable dimensional regulations when the structure was erected.

**Nonconforming Structure:** A legally erected building or other structure which, in conjunction with its lot, does not comply with the applicable dimensional regulations (setback, yard, height, lot coverage, open space, or floor area ratio) for the zoning district in which it is located, but which complied with the applicable dimensional regulations when the structure was erected.

**Nonconforming Use:** A lawfully existing use or activity which does not comply with the use regulations for the zoning district in which it is located, but which complied with the applicable use regulations when the use was established.

**Open Lot Storage:** the storage of goods, equipment, materials, supplies, tools, or any other commodity on a lot open to the air and not within a weathertight building or structure.

**Open Space:** Lot area not covered by any structure other than a swimming pool, or by paving other than that limited to recreational use.

**Parking, Commercial:** For-profit parking facility open to the public for a fee.

**Parking Lot:** Three or more parking spaces together with internal islands, dividers, walks, and landscaping, plus vehicular drives which abut those elements, but not including other portions of entrance or exit drives.

**Parking Space:** An area intended for parking of one automobile, provided that the area's dimensions and access meet standards adopted and from time to time amended by the Norwood Planning Board. Does not include spaces for storage or display of vehicles intended for sale, but where so provided in the planning board standards, may include spaces requiring attendant assistance for auto access.

**Person:** A corporation, company, association, society, firm, partnership, joint stock company, cooperative, or condominium association, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

**Personal or Consumer Service:** Premises primarily engaged in providing services involving the care of a person or his or her apparel or household equipment, including barber or beauty shop, tanning studio, laundry or dry cleaning collection or self-service facility, shoe or hat repair shop, tailor, dressmaker, photo processing or studio, repair shop for bicycles or household appliances, radio, or TV sets and pet grooming.

**Premises:** One or more contiguous lots in the same ownership or use, together with all buildings and structures thereon.

**Principal Building or Use:** A building or use not "accessory" as herein defined.

**Priority Development Site(s):** A property or properties designated as such by majority vote of Town Meeting and subsequent approval of the Interagency Permitting Board established by G.L. c. 23A, § 62, all pursuant to G.L. c. 43D, being identified in the Assessor's records as Map 15, Sheet 7, Lots 1 and 4; Map 15, Sheet 8, Lot 1; Map 15, Sheet 11, Lots 1, 2, 22, 40, 41, 42, 43, 44, 45, 52, 58, 62, 63, 64 and 65; Map 15, Sheet 13B, Lots 8, 9, 11, 13 and 15; Map 15, Sheet 14, Lots 30, 46, 51, 56, 59, 60, 61, 67 and

68; Map 15, Sheet 22, Lots 1, 3, 4, 5A, 10, 11, 13, 55 and 73; Map 15, Sheet 23, Lot 1; and Map 16, Sheet 8, Lot 4. Final action on application(s) relating to the use or development of Priority Development Site(s) (PDS), or the buildings and/or structures thereon, shall be taken within one hundred eighty (180) days, subject to extension as per G.L. c. 43D and 400 CMR 2.00, *et seq.*

**Projecting Sign:** any sign which is attached to a building or other structure which projects more than twelve (12) inches from the wall surface of the building or structure of which the sign is positioned.

**Reconstruction, partial:** The reconstruction of a structure with at least one wall standing, as compared to reconstruction after total demolition.

**Restaurant:** Establishment where as the principal activity food and drink is prepared and served ready for consumption without further processing, whether or not for consumption on the premises, including lunch room, cafeteria, cafe, bar, refreshment stand, drive-in, or similar establishment.

**Secondary Sign:** A wall sign placed on a wall other than that designated by the owner as the "front wall" of the building, located in relation to a separate building, entrance, or frontage on a street or parking area.

**Separate Occupant:** An enterprise or other activity having facilities operated and secured separately from any other occupant within the same building or complex.

**Setback:** The distance from the street line to the nearest point of any structure or element thereof other than a fence, wall, other customary yard accessory, projections allowed to encroach on building lines by the State Building Code, or an unroofed porch, deck or terrace not exceeding four feet in height above the average level of the adjoining ground.

**Sign:** Any letter, word, symbol, drawing, picture, design, device, article or object designed to advertise, inform, or attract the attention of persons not on the premises on which the device is located, including devices on awnings. The following, however, shall not be considered signs within the context of this BYLAWS.

- a. Any temporary or permanent sign erected and maintained by the town, county, state, or federal government for traffic direction or for designation of or direction to any public building or property, historical site, hospital, or public service facility or property.
- b. Flags and insignia of governmental jurisdictions, except when displayed for the purpose of commercial promotion.

- c. Devices limited solely to directing traffic within or setting out restrictions on the use of parking areas and not exceeding three square feet in area or containing any commercial advertisement.
- d. The standard type of gasoline pump bearing thereon in the usual size and form, the name and type of gasoline and the price thereof.
- e. Devices identifying a building, as distinct from one or more of its occupants, such device being without illumination or letter color contrasting with background, not exceeding three square feet in area, attached in such a way as to be an integral part of the building.
- f. Address identification through numerals and letters.
- g. Devices made of paper, posterboard, cardboard, cloth, canvas, fabric, cardboard, or other light material placed in or on display windows, or markings unremovable paint or marker inscribed directly on glass, if such devices and markings cover not more than 30% of window area, are not permanently mounted, and are illuminated by building illumination only.
- h. A two-sided sign with message on opposite sides (back-to-back) will be deemed to be one sign; a sign with faces at an angle to each other shall be deemed to consist of several signs, one for each direction faced.

**Sign Area:** The area of the smallest rectangle or circle within which the entire sign can fit; including any portion of the structural supports which contribute through shape, color, or otherwise to the sign's message; and including any separate surface, board, frame or shape on or within which the sign is displayed. For signs the components of which are applied directly to a building or other structure, the sign area shall include any background of a different color, material, or appearance from the remainder of the wall or structure, and shall in any event enclose all letters, figures, or representations related to the sign.

**Sign Height:** Measured to the highest point of the sign, including any structural or ornamental projections above the sign proper, from the grade abutting the sign.

**Street:** Either a public or a private way, provided that it is either shown on a plan approved in accordance with the subdivision control law or has been determined by the planning board to provide adequate access under the terms of the subdivision control law and the Norwood Subdivision Regulations.

**Street Line:** The right-of-way line of a street, assumed to be 25 feet from and parallel to the centerline of the traveled roadway where no such right-of-way line has been established or can be readily determined, or where the street right-of-way is less than 50 feet wide.



**Standing Sign:** Any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

**Structure:** A combination of materials assembled at a fixed location to give support or shelter or for other purposes, including buildings, frameworks, flagpoles, tents, signs, fences, antennae, wind turbines, water tanks and towers, signs and the like.

**Swimming Pool:** A body of water contained in an artificial or semiartificial receptacle whether in or above the ground, or created by artificial means from a natural watercourse, and all appurtenances, equipment, appliances and other facilities for its operation, maintenance or use, used or intended to be used for swimming, wading or recreational bathing, but not including portable pools incapable of containing a depth of water exceeding twenty-four inches at any point.

**Temporary Building or Structure:** A tent, POD, canvas or plastic shelter or garage, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one year.

**Temporary sign:** Any sign, regardless of construction, whose message has a limited period of usefulness, such as signs related to sales or civic events or real estate transactions.

Temporary use: A use which, by its inherent nature, is of limited duration, such as an on-site real estate sales office.

**Toxic or Hazardous Materials:** Any material, waste, product, or substance, or combination thereof deemed hazardous under the Massachusetts Hazardous Waste Management Act, MGL c. 21C, the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, MGL c. 21E, the Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq., or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601 et seq., as these may be amended. Hazardous materials shall also include oil and petroleum derivatives, including waste oils, crude or fuel oils, lube oil or sludge, and fresh asphalt. In determining applicability of this definition, the inspector of buildings shall, in appropriate cases, consult with the fire chief, hazardous materials coordinator, or other officials.

**Trailer:** Any of the various types of vehicles which depend for mobility on an attached vehicle or other propelling apparatus, and which are used, or may be used, for human habitation or for business purposes. Any trailer which by removal of wheels, by anchoring to a foundation, by incorporation with a fixed structure, or otherwise has its mobility reduced, shall nevertheless be considered as a "trailer" within the scope of this BYLAWS, except trailers having a gross weight of less than one thousand pounds and whose height does not exceed four feet.

**Truck Terminal:** Premises principally used for the parking, dispatching, and maintenance of trucks and/or loading or unloading of cargo into vehicles, but with only incidental storage on the

premises and not including such activities if accessory to a principal use, such as a warehouse or processing operation.

**Used:** The word "used" shall be construed to include the words "arranged," "designed," "converted," "rented," or "leased to be used."

**Wall Sign:** Refers to any and every sign affixed to a building.

**Window Sign:** Any sign either attached to a window or door, or partially or wholly located within 12" of the glass and visible through it.

**Wireless Communications Link:** Wireless Communications Link consisting exclusively of fixtures and equipment used by a public utility or FCC-licensed commercial entity for the wireless transmission and reception of radio signals including reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices, structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles and lattice towers, and any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communications equipment. A Wireless Communications Link is a transmission and reception substation, not a principal facility for conducting a communications business. Wireless Communications Link shall not include television and radio station transmission antennae.

**Yard:** An area open to the sky, located between a property line and any structure or element thereof other than a fence, wall, other customary yard accessory, projections allowed to encroach on building lines by the State Building Code, or an unroofed porch, deck or terraces, not exceeding 4 feet in height above the average level of the adjoining ground.

**Yard, Rear:** A yard abutting a rear property line, which typically is a line or set of lines approximately parallel to the street frontage, (or within 45 degrees of being parallel), and separating lots whose frontage is established on different streets. Yards on irregularly shaped lots where "side" versus "rear" is indeterminate shall be construed as rear yards.

**Yard, Side:** A yard abutting a side property line, which typically is a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street, extending between the front setback and the rear yard. Corner lots commonly have two side yards and no rear yard.

## **SECTION 12.0        AMENDMENTS**

**The following zoning amendments have been added to the Zoning Bylaws:**

**ARTICLE 10 APPROVED BY TOWN MEETING ON MAY 5, 2010  
AND THE ATTORNEY GENERAL ON SEPTEMBER 16, 2010**

Article 10. To see if the Town will vote to amend the Norwood Zoning Bylaws in the following manner, or take any other action on the matter.

1.) In Section 3.1.5 (G) of the Table of Use Regulations – Wholesale Business and Storage – delete the column entries as shown (shown in ~~strikeout~~) and add the new column entries (shown in **bold**) as shown in the following table

<b>G. Wholesale Business &amp; Storage</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
1. Wholesale showroom, with storage limited to floor samples only	N	N	N	N	N	Y	Y	Y	N	N	Y	Y	Y
2. Storage warehouse or distribution plant:	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>BA</del>
a. Less than 25,000 gallons of toxic or hazardous materials	N	N	N	N	N	N	N	N	N	N	Y	Y	Y
b. More than 25,000 gallons of toxic or hazardous materials	N	N	N	N	N	N	N	N	N	N	BA	BA	BA
c. Other material or equipment	N	N	N	N	N	N	N	N	N	N	<del>Y</del>	<del>Y</del>	<del>Y</del>
3. Open lot storage	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>N</b>	<b>BA</b>

2.) In Section 9.2.5 (D) – Table of Uses for the Water Resources Protection Overlay District – delete the language as shown (shown in ~~strikeout~~) and insert new language (shown in **bold**) as shown in the following table:

<b>Table of Uses - WRPOD</b>			
<b>Use or Characteristic</b>	<b>District</b>		
	<b>Area 1</b>	<b>Area 2</b>	<b>Area 3</b>
d. Multifamily dwelling or any use classified in Section <del>2300-3.1.5</del> under D. Retail Trade and Service, E. Office Uses, F. Trade & Service Establishments, G. Wholesale Business & Storage, H. Vehicular Service and Transportation Uses, or I. Manufacturing, Processing & Related Uses:			
With on-site sewage	SP	SP	SP
With municipal sewage	SP	-	-

3.) In Section 10.3.4 – Fees - delete the language as shown (shown in ~~strikeout~~) and insert new language (shown in **bold**) as shown:

**10.3.4 Fees.** The Planning Board may adopt reasonable administrative fees and technical review fees for petitions for ~~variances, administrative appeals, and applications for comprehensive permits~~ **special permits and site plan review.**

**ARTICLE 4 APPROVED BY TOWN MEETING ON DECEMBER 9, 2010  
AND THE ATTORNEY GENERAL ON MARCH 24, 2011**

Article 4. To see if the Town will vote to amend Section 4.1.1 of the Norwood Zoning Bylaws (Table of Dimensional Regulations) by deleting footnote #4 under the column entitled Minimum Side Yard for the GB District (General Business) and inserting

District	Min. Lot Area	Min. Lot Frontage	Max. Lot Cover	Min. Open Space	Max. Floor Area Ratio	Required Lot Width Through Building or Structure	Min. Front Setback	Min. Side Yard	Min. Rear Yard	Max. Building Height
GB	10,000 sf <sup>2</sup>	20 ft	80%	10%	0.5	20 ft	0 ft <sup>8</sup>	0 ft <sup>7</sup>	10 ft <sup>10</sup>	30 ft

in its place footnote #7, so that revised it will appear as follows, or take any other action on the matter.

**Notes to Table of Dimensional Requirements.**

7. But not less than 10 feet from a residence district boundary. Any yard, if provided, shall be not less than 10 feet.

On petition of the Planning Board

**ARTICLE 5 APPROVED BY TOWN MEETING ON DECEMBER 9, 2010  
AND THE ATTORNEY GENERAL ON MARCH 24, 2011**

Article 5. To see if the Town will vote to amend Section 3.1.5 of the Norwood Zoning Bylaws (Table of Use Regulations) to allow a new use "F.10 – Fitness Center" to operate in Norwood's Zoning Districts as follows, or take any other action on the matter.

<b>F. Service Establishments</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
10. Fitness Center	N	N	N	N	N	Y	Y	Y	Y <sup>a</sup>	N	BA	BA	BA

**Fitness Center:** an establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers, in some combination thereof.

On petition of the Planning Board

**ARTICLE 6 APPROVED BY TOWN MEETING ON DECEMBER 9, 2010  
AND THE ATTORNEY GENERAL ON MARCH 24, 2011**

Article 6. To see if the Town will vote to amend the Norwood Zoning Bylaws as follows to establish an "Expedited Permitting Program" in accordance with G.L. c.43D, or act in relation thereto:

**Item 1.** Add the following, new Section 6.2.22:

**6.2.22 Signs at Priority Development Site(s).** Application for a sign permit at a Priority Development Site (PDS) shall be submitted either (a) simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, or (b) immediately upon the issuance of a special permit therefor by the SPGA, if so required. Where a special permit from the SPGA is required, an application therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws, as aforesaid, and a decision thereon shall be rendered no later than *one hundred fifty (150) days* from the date of submittal of a complete application for the same.

**Item 2.** Add a new Section 7.4.9, as follows:

**7.4.9 Priority Development Site(s).** Where a master plan for development of a Priority Development Site is submitted for approval hereunder as a Major Project, the same shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and a decision thereon shall be rendered no later than *one hundred eighty (180) days* from said date of submittal. Alternatively, where individual projects within a Major Project are not yet ready for permitting, an applicant may elect to proceed with Major Project review only; provided, however, that any such applicant shall acknowledge, in writing, that constructive grant(s) of permit(s) not yet applied for shall not occur as a consequence thereof.

**Item 3.** Add a new Subsection "1" to Section 10.4.3, as follows:

1. If the development of a Priority Development Site (PDS) requires one (1) or more special permit(s) hereunder, application(s) therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and shall be reviewed concurrently therewith. Where the Board of Appeals and the Planning Board are each responsible

for one (1) or more of said reviews, or where the Board of Appeals is designated as the Special Permit Granting Authority and the development is also subject to site plan approval by the Planning Board pursuant to Section 10.5 hereof, all reviews may occur at joint session(s) of the Boards, when feasible.

**Item 4.** Add a new Subsection “1” to Section 10.4.5, as follows:

1. Except as otherwise provided for herein, special permit(s) required for the development of a Priority Development Site (PDS) shall be acted upon and decision(s) thereon rendered no later than one hundred eighty (180) days from the date of application therefor.

**Item 5.** Add new Subsections “5” and “6” to Section 10.5.3, as follows:

5. If the development of a Priority Development Site (PDS) requires site plan approval hereunder, an application therefor shall be submitted simultaneously with any other permit application(s) required by the By-Laws or Zoning By-Laws relating to the use or development of the PDS, or the buildings and/or structures located thereon, and not otherwise exempted by G.L. c. 43D, and shall be reviewed concurrently therewith. Where the Board of Appeals is responsible for one (1) or more of said reviews, all reviews may occur at joint session(s) of the Board of Appeals and the Planning Board, when feasible.

6. Notwithstanding the foregoing, a site plan submitted for a Priority Development Site (PDS) shall be reviewed and acted upon within one hundred eighty (180) days, so as to allow adequate time for the aforesaid, concurrent reviews to occur.

**Item 6.** Add the following, new definition to Section 11, alphabetically:

**Priority Development Site(s):** A property or properties designated as such by majority vote of Town Meeting and subsequent approval of the Interagency Permitting Board established by G.L. c. 23A, § 62, all pursuant to G.L. c. 43D, being identified in the Assessor’s records as Map 15, Sheet 7, Lots 1 and 4; Map 15, Sheet 8, Lot 1; Map 15, Sheet 11, Lots 1, 2, 22, 40, 41, 42, 43, 44, 45, 52, 58, 62, 63, 64 and 65; Map 15, Sheet 13B, Lots 8, 9, 11, 13 and 15; Map 15, Sheet 14, Lots 30, 46, 51, 56, 59, 60, 61, 67 and 68; Map 15, Sheet 22, Lots 1, 3, 4, 5A, 10, 11, 13, 55 and 73; Map 15, Sheet 23, Lot 1; and Map 16, Sheet 8, Lot 4. Final action on application(s) relating to the use or development of Priority Development Site(s) (PDS), or the buildings and/or structures thereon, shall be taken within one hundred eighty (180) days, subject to extension as per G.L. c. 43D and 400 CMR 2.00, *et seq.*  
On petition of the Planning Board



**ARTICLE 1 APPROVED BY TOWN MEETING ON MAY 10, 2012  
AND THE ATTORNEY GENERAL ON AUGUST 12, 2012**

**9.1 FLOOD PLAIN OVERLAY DISTRICT (FPOD)**

**9.1.1 Location.** The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Norwood designated as Zone A, AE and AO, on the Norfolk 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 Norfolk County FIRM that are wholly or partially within the Town of Norwood are panel numbers 25021C0178E, 25021C179E, 25021C0183E, 25021C0184E, 25021C0186E, 25021C0187E, 25021C0189E, 25021C0191E and 25021C0193E dated July 17, 2012. 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 Norfolk County Flood Insurance Study (FIS) report date July 17, 2012. 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.

**9.1.2 Purpose.** The purposes of the Floodplain District are to:

1. Ensure public safety through reducing the threats to life and personal injury.
2. Eliminate new hazards to emergency response officials.
3. Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
4. Avoid the loss of utility services which, if damaged by flooding, would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
5. Eliminate costs associated with the response and clean up of flooding conditions.
6. Reduce damage to public and private property resulting from flooding waters.

**9.1.3 Overlay District.** The Floodplain District is established as an overlay district to all other districts.

1. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL c. 131 § 40 and with the following:

- a. Massachusetts State Building Code sections on 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)
- e. Norwood Wetlands Bylaw (currently Article XXV of the Bylaws of the Town of Norwood).

2. Any variance from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

**9.1.4 Order of Conditions.** An Order of Conditions from the Conservation Commission is required before a building permit shall be issued for construction or expansion by 500 square feet or more of a principal building on land lower than the specified elevations as provided in the Flood Insurance Rate Maps as supplied to the Town of Norwood, MA. by FEMA

**9.1.5 Failure to Comply.** Without limiting the generality of the forgoing, failure or inability to comply with the following shall be presumed hazardous to health and safety.

**9.1.6 Building Code and Town Requirements.** Structural requirements for construction in flood zones are as provided in the Massachusetts State Building Code, which code requirements are not waived nor superseded by the provisions of this Zoning Bylaw. In addition to those code requirements, the following requirements shall also apply within the floodplain overlay district for the Town of Norwood:

- 1. Structures for all other uses other than dwelling units must also conform to Subsection 9.1.3(1)(a).
- 2. The placement of mobile homes for year round or seasonal use is prohibited in the Floodplain overlay district.
- 3. 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.

4. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

5. In a riverine situation, the Inspector of Buildings shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

6. Within Zone AO on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

7. In Zone AE, along watercourses within the Town of Norwood that have a regulatory floodway designated on the Norfolk County FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

8. All subdivision proposals must be designed to assure that:

- a. such proposals minimize flood damage;
- b. all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- c. adequate drainage is provided to reduce exposure to flood hazards.

9. Existing contour intervals of site and elevations of existing structures must be included on plan proposal.

**9.1.7 Uses of Low Flood Damage Potential.** The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

- 1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

2. Forestry and nursery uses.
3. Outdoor recreational uses, including fishing, boating, play areas, etc.
4. Conservation of water, plants, wildlife.
5. Wildlife management areas, foot, bicycle, and/or horse paths.
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.
7. Buildings lawfully existing prior to the adoption of these provisions.

**ARTICLE 2 APPROVED BY TOWN MEETING ON MAY 10, 2012  
AND THE ATTORNEY GENERAL ON AUGUST 12, 2012**

1.) In Section 3.1.5 (D)(5) of the Table of Use Regulations – Retail Uses and Places of Assembly – Restaurant - delete the column entries as shown (shown in ~~strikeout~~) and add the new column entries (shown in **bold**) as shown in the following table:

2.) In Section 3.1.5 (D)(8) of the Table of Use Regulations - Retail Uses and Places of Assembly – Drugstore - delete the column entries as shown (shown in ~~strikeout~~) and add the new column entries (shown in **bold**) as shown in the following table:

<b>D. Retail Uses and Places of Assembly</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
5. Restaurant:													
With drive in, drive-through, or similar service subject to Section 7.3	N	N	N	N	N	N	N	PB	N	N	PB	PB	PB
With service to persons standing or sitting outside the building	N	N	N	N	N	<del>Y<sup>3</sup></del>	<b>Y<sup>3</sup></b>	BA	N	N	N	N	BA
With both the above	N	N	N	N	N	N	N	N	N	N	N	N	N
With neither the above	N	N	N	N	N	Y	Y	Y	BA	N	BA	BA	BA
8. Drugstore	N	N	N	N	N	Y	Y	Y	Y	N	BA	BA	BA
With drive-in, drive-through, or similar service subject to Section 7.3	N	N	N	N	N	<del>PB</del>	<b>PB</b>	PB	N	N	PB	PB	PB

**Foot note #3 to Table of Use Regulations reads as follows:**

**“Requires outdoor dining permit from the Board of Selectmen”**

**ARTICLE 2 APPROVED BY TOWN MEETING ON MAY 13, 2013  
AND THE ATTORNEY GENERAL ON JULY 10, 2013**

**Article 2 .** To see if the Town will vote to amend subsections 4, 5, 6 and 10 of Section 4.1.2 – Notes to Table of Dimensional Requirements of the Norwood Zoning Bylaws in the following manner, or take any other action on the matter. (Additions to subsections shown ***bold italics***, deletions shown in ~~double strikethrough~~)

Note: changes to subsection 4 apply to the side yard requirement for the S2 – Single Residential 2 District.

4. Fifteen feet for building portions not exceeding 15 feet height. ~~Buildings other than dwellings, if not exceeding 15 feet height and set back from the street line by at least 100 feet, may attach to a building on a contiguous lot or have yard of as little as 10 feet.~~ Accessory buildings (~~i.e., sheds~~), if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; ***accessory buildings exceeding 120 square feet and meeting the minimum side yard requirement shall be limited to no more than 576 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length..***

Note: changes to subsection 5 apply to side yard requirements for the S1- Single Residential 1 District and S – Single Residential District.

5. Ten feet for building portions not exceeding 15 feet height. ~~Buildings other than dwellings, if not exceeding 15 feet height and set back at least 75 feet, may attach to a building on a contiguous lot or have yard of as little as 10 feet.~~ Accessory buildings (~~i.e., sheds~~), if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; ***accessory buildings exceeding 120 square feet and meeting the minimum side yard requirement shall be limited to no more than 576 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length..***

Note: changes to subsection 6 applies to side yard requirements for the G – General Residential District and A – Multifamily Residential District.

6. For building portions not exceeding 15 feet height, yard may be 10 feet. Buildings, including dwellings, may attach to buildings on adjacent lots. Accessory buildings (~~i.e., sheds~~), if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; ***accessory buildings exceeding 120 square feet and meeting the required side yard requirement shall be limited to no more than 576 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length..***

Note: changes to subsection 10 applies to rear yard requirements for the S2 – Single Residential 2 District, S1- Single Residential 1 District, S – Single Residential District, G – General Residential District and A – Multifamily Residential District.

10. ~~Ten feet for an accessory building not exceeding 15 feet building height.~~ Accessory buildings (i.e., sheds), if not exceeding 120 square feet of gross floor area and 10 feet in height and 12 feet in length or width, may have yard as little as 5 feet; ***accessory buildings exceeding 120 square feet and meeting the minimum required rear yard requirement shall be limited to no more than 576 square feet of gross floor area, 15 feet in height, 24 feet in width and 24 feet in length..***

**ARTICLE 3 APPROVED BY TOWN MEETING ON MAY 13, 2013  
AND THE ATTORNEY GENERAL ON JULY 10, 2013**

**Article 3.** To see if the Town will vote to amend the Norwood Zoning Bylaws in the following manner, or take any other action on the matter.

**Purpose:** To allow projecting signs in the Central Business District which will enhance the visible identity of businesses along the street and sidewalks, strengthen the downtown business climate, and support an interesting and vital pedestrian-scaled district.

- 1) In Section 11 of the Zoning Bylaws – Definitions- add the following definition for “projecting sign”:

**Projecting Sign:** any sign which is attached to a building or other structure which projects more than twelve (12) inches from the wall surface of the building or structure in front of which the sign is positioned.

- 2) In Section 6.2.3 (2) of the Zoning Bylaws – Projection – revise this section in the following manner (addition shown in ***bold italics***; deletions shown in ~~***bold italics***~~):

6.2.3(2). *Projection...* The following shall be observed by all signs except those on awnings, to which it does not apply. No sign parallel to the wall on which it is attached shall project more than twelve inches from the face of the wall and no sign perpendicular to the wall shall project by more than ~~six~~ ***four*** feet from it. ~~Unless permitted by the Board of Selectmen, only a sign whose face is parallel with the wall surface to which it is attached may extend into, on, or over a public sidewalk, street, or way, and then by not more than six inches.~~ ***In the Central Business District only, projecting signs perpendicular to a building shall be allowed to extend over a public sidewalk, street or way by no more than four feet provided it meets the requirements of 6.2.6(3) Projecting Signs.***

- 3) In Section 6.2.4(1) of the Zoning Bylaws - Lighting Type – revise this section in following manner (addition shown in ***bold italics***; deletions shown in ~~***bold italics***~~):

6.2.4 (1) *Lighting Type.* In all Districts except the ~~CBD~~ ***Central Business*** District, signs shall be illuminated only by steady, stationary light either internal to the sign or directed solely at it by light sources shielded and directed away from any abutting street or residential district.

- 4) In Section 6.2.4(2) of the Zoning Bylaws – ~~CBD~~ ***Central Business*** District – revise this section in following manner (addition shown in ***bold italics***; deletions shown in ~~***bold italics***~~):

6.2.4 (2) ~~CBD~~ ***Central Business District.*** Any internally illuminated sign in the ~~CBD~~ ***Central Business*** District shall require the grant of a special permit from the Planning Board

- 5) In Section 6.2.6 of the Zoning Bylaws – Sign Type – add a new subsection 3 to read as follows:

6.2.4(3) *Projecting Signs.* In the Central Business District, projecting signs perpendicular to a building shall be allowed to extend over a public sidewalk, street or way provided the signs meet the following conditions:  
a) Projecting signs shall project no more than four (4) feet from the façade of a building.

- b) Only one (1) projecting sign no larger than seven (7) square feet may be erected per business.
  - c) Mounting hardware shall be placed to minimize its view from the sidewalk.
  - d) Business owners shall mount a projecting sign so the top of the sign is no more than fifteen (15) feet above the sidewalk, and the bottom of the sign is no less than nine (9) feet above the sidewalk.
  - e) The projecting sign is restricted to ground floor businesses.
  - f) Projecting signs shall not be internally illuminated. LED strips or neon may be used to accent an element of the sign as long as the accent makes up no more than 20% of the entire area of the sign. The lit portion may not move, scroll or flash.
  - g) The sign must meet building code standards. This requirement shall be confirmed prior to approval by a structural engineer or other professional approved by the Inspector of Buildings.
  - h) The Planning Board issues site plan approval in accordance with Section 10.5. of the Zoning Bylaw – Site Plan Approval and adequate bonding and/or insurance, as determined by the Board of Selectmen, is provided .
- 6) In Section 6.2.18 of the Zoning Bylaws – Sign Size Incentive – add a new subsection 8 to read as follows:
- 6.2.18(8). The incentive is not applicable to projecting signs as defined in Section 6.2.6 Sign Types.



**ARTICLE 4 APPROVED BY TOWN MEETING ON MAY 13, 2013  
AND THE ATTORNEY GENERAL ON JULY10, 2013**

**Article 4.** To see if the Town will vote to amend the Norwood Zoning Bylaws in the following manner, or take any other action on the matter.

1.) In Section 3.1.5(E) of the Zoning Bylaws – Table of Use Regulations – Office Uses – add a new subsection #5 to be called “Flex Space”.

<b>E. Office Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
5. Flex Space	N	N	N	N	N	N	N	N	N	N	Y	Y	N

2.) In Section 11 of the Zoning Bylaws – Definitions- add the following definition for “Flex Space”:

**Flex Space:** the sale, lease or rental of space within a structure or multiple structures that allow a combination of uses, where the uses within that Flex space meet with the following criteria:

- (1) All of the uses within the building area committed to Flex space must be allowed as-of-right within the LM and LMA district.
- (2) Changes in products, services and square footage of uses within a structure identified for Flex Space otherwise conform to the Bylaws.
- (3) The floor area committed to each use is unrestricted.

3.) In Section 3.1.5(I) of the Zoning Bylaw – Table of Use Regulations – Manufacturing, Processing, and Related Uses – amend subsection #3 as follows by adding footnote #11 (*shown in bold italics*).

<b>I. Manufacturing, Processing and Related Uses</b>	<b>S</b>	<b>S1</b>	<b>S2</b>	<b>G</b>	<b>A</b>	<b>GB</b>	<b>CB</b>	<b>HB</b>	<b>LB</b>	<b>O</b>	<b>LM</b>	<b>LMA</b>	<b>M</b>
3. Light Manufacturing <sup>11</sup>	N	N	N	N	N	N	N	N	N	N	Y	Y	Y

4.) In Section 3.1.6 - Notes to Table of Use Regulations – add a new Footnote #11 to read as follows:

***#11. Except for food processing, bottling or manufacturing which requires a special permit from the Board of Appeals.***

**ARTICLE 5 APPROVED BY TOWN MEETING ON MAY 13, 2013  
PENDING APPROVAL BY THE ATTORNEY GENERAL**

**Article 5.** To see if the Town will vote to amend the Norwood Zoning Bylaws in the following manner, or take any other action on the matter.

**Purpose:** to create a new Section 13 in the Zoning Bylaws that would establish and define a temporary moratorium on the location of Medical Marijuana Treatment Centers in the Town.

**Section 13.0 – MEDICAL MARIJUANA TREATMENT CENTER TEMPORARY MORATORIUM**

**13.1 INTENT AND PURPOSE**

By vote of the State election on November 6, 2012, the voters of the Commonwealth approved a law allowing for and regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law is effective as of January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Under the current Norwood Zoning Bylaws medical marijuana treatment centers are not defined nor are they an allowed use. Regulations promulgated by the State Department of Public Health are expected to provide guidance in regulating medical marijuana, including Medical Marijuana Treatment Centers. Given the complex legal, planning, and public safety issues regarding this use, the Town of Norwood has determined that time is needed to conduct a comprehensive study to review, evaluate and consider possible amendments to the current provisions of the Zoning Bylaws, as well as to address the potential impact of the State regulations on zoning town-wide regarding regulation of medical marijuana and Medical Marijuana Treatment Centers. A temporary moratorium on the use of land and structures in the Town of Norwood for Medical Marijuana Treatment Centers will allow for sufficient time for the Town to conduct a comprehensive planning process to address zoning issues related to this use and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

**13.2 DEFINITION**

Medical Marijuana Treatment Center – A 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.

**13.3 APPLICABILITY**

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaws to the contrary, the Town of Norwood hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. For so long as this temporary moratorium remains in effect, no Medical Marijuana Treatment Center or structure appurtenant or accessory to Medical Marijuana Treatment Center shall be constructed, operated or maintained, nor shall

any building permit, special permit, variance or site plan approval decision for any such facility be issued by the Town of Norwood.

#### **13.4 DURATION**

Unless extended, modified or rescinded by a subsequent action of Town Meeting, the provisions of this temporary moratorium shall be in effect through June 30, 2014. During the moratorium period the Town shall undertake a planning process to address any potential impacts of such a facility and related uses; shall consider the Massachusetts Department of Public Health's regulations, once adopted, regarding such a facility and related uses; and shall consider adopting new zoning bylaws to regulate the location, operation and impacts of Medical Marijuana Treatment Centers and related uses.

Article 21 approved by Town Meeting on February 24, 2014 and the Attorney General on May 5, 2014

#### **SECTION 9.7: GUILD STREET SMART GROWTH OVERLAY DISTRICT (GSSGOD)**

**9.7.1 Purpose.** It is the purpose of this Section to establish a Guild Street Smart Growth Overlay District (GSSGOD), to encourage Smart Growth in accordance with the purposes of G. L. Chapter 40R and its regulations at 760 CMR 59.00, and to foster a range of housing opportunities to be proposed in a distinctive and attractive site development program that promotes compact design, preservation of open space, and a variety of transportation options, including enhanced pedestrian access to employment and nearby transportation systems. Other objectives of this Section are to:

1. Promote the public health, safety, and welfare by encouraging diversity of housing opportunities;
2. To promote mixed use and economic development that is safe, pedestrian friendly, and oriented to rail transit;
3. Increase the production of a range of housing units to meet existing and anticipated housing needs;
4. Provide a mechanism by which residential development can contribute directly to increasing the supply and diversity of housing;
5. Establish requirements, standards, and guidelines, and ensure predictable, fair and cost-effective development review and permitting;

6. Establish development standards to allow high quality design and creative site planning;

7. Enable the Town to receive Zoning Incentive Payments and/or Density Bonus Payments in accordance with G.L. Chapter 40R, 760 CMR 59.06, and additional Chapter 70 aid in accordance with G.L. Chapter 40S arising from the development of housing in the GSSGOD.

**9.7.2 Definitions.** For purposes of this Section, the following definitions shall apply. All capitalized terms shall be defined in accordance with the definitions established under the Enabling Laws or this Section 9.7. To the extent that there is any conflict between the definitions set forth in this Section and the Enabling Laws, the terms of the Enabling Laws shall govern.

*Affordable Homeownership Unit:* An Affordable Housing unit required to be sold to an Eligible Household.

*Affordable Housing:* Housing that is affordable to and occupied by individuals and families whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets. Affordability shall be assured for a period of not less than 30 years through the use of an affordable housing restriction as defined in G.L. c. 184, § 31. Affordable Housing Units created within the GSSGOD meeting the standards set out in Sections II.A.1-3, III, VI.B.4-9 and VI.E of the Department's guidelines for the Subsidized Housing Inventory shall count as low- or moderate-income units on the Subsidized Housing Inventory, subject to the approval of the Department of Housing and Community Development (DHCD).

*Affordable Housing Restriction:* A deed restriction for Affordable Housing meeting the statutory requirements of G.L. c. 184, § 31.

*Affordable Rental Unit:* An Affordable Housing unit required to be rented to an Eligible Household.

*Applicant:* The individual or entity that submits a Project for Plan Approval.

*As-of-right Unit:* A unit of housing is developable as-of-right if it may be developed under the Underlying Zoning or Smart Growth Zoning without recourse to a special permit, variance, zoning amendment, or other form of zoning relief. Units that require Plan Approval shall be considered As-of-right Units, subject to review and approval by the Department of the proposed Smart Growth Zoning under 760 CMR 59.00.

*Developable Land:* The "Developable Land," as the term is defined in 760 CMR 59.00, is available for residential development within the GSSGOD. Developable Land shall not include:

1. Substantially Developed Land;
2. Open Space;
3. Future Open Space;
4. the rights-of-way of existing public streets, ways and transit lines;
5. land currently in use for governmental functions (except to the extent that such land qualifies as Underutilized Land); or
6. areas exceeding one-half acre of contiguous land that are:
  - a. protected wetland resources (including buffer zones) under federal, state or local laws;
  - b. rare species habitat designated under federal or state law;
  - c. characterized by steep slopes with an average gradient of at least fifteen percent; or
  - d. subject to any other local ordinance, bylaw or regulation that would prevent the development of residential projects at the as-of-right density set forth in the Smart Growth Zoning.

*DHCD/Department:* The Department of Housing and Community Development of the Commonwealth of Massachusetts (DHCD) or any successor agency.

*Eligible Household:* An individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size, with income computed using HUD's rules for attribution of income to assets.

*Enabling Laws:* G.L. Chapter 40R and 760 CMR 59.00, as they may be amended from time to time.

*Monitoring Agent:* The local housing authority or other qualified housing entity designated by the PAA, pursuant to Section 9.7.4.6, to review and implement the Affordability requirements affecting Projects permitted under this Section 9.7.

*Multifamily Residential Use:* Apartment or condominium units in buildings that contain or will contain more than three (3) such units, provided that the Smart Growth Zoning may treat attached townhouses on separate lots as single-family residential use. See 760 CMR 59.04(1)(d).

*Plan Approval:* Standards and criteria which a Project in the GSSGOD must meet under the procedures established herein and in the Enabling Laws.

*Plan Approval Authority (PAA):* For purposes of reviewing Project applications and issuing Plan Approval on Projects within the GSSGOD, the Plan Approval Authority (PAA), consistent with G.L. c. 40R and 760 CMR 59.00, shall be the Planning Board. The PAA is authorized to review projects and issue Plan Approval to implement a Project under G.L. c. 40R, § 11.

*Plan Review:* The review procedure established by this Section 9.7 and administered by the Plan Approval Authority.

*Project:* A residential development undertaken within the GSSGOD in accordance with the requirements of the Smart Growth Zoning. Within the boundaries of the GSSGOD, a developer may elect to develop a Project in accordance with the requirements of the Smart Growth Zoning or to develop a project in accordance with the requirements of the Underlying Zoning. See 760 CMR 59.04(1)(f).

*Site Plan:* A plan depicting a proposed Project for all or a portion of the GSSGOD and which is submitted to the Plan Approval Authority for its review and approval in accordance with provisions of this Bylaw.

*Substantially Developed Land:* Land within a district that is currently used for commercial, industrial, institutional, or governmental use, or for residential use consistent with or exceeding densities allowable under the Underlying Zoning, and which does not qualify as underutilized land.

*Smart Growth:* A principle of land development that furthers, on balance, the goals set forth in G.L. c. 40R, § 1 and 760 CMR 59.01.

*Zoning By-law:* The Zoning By-law of the Town of Norwood applicable to the geographic area in which the GSSGOD is located as said By-law may from time to time be amended.

**9.7.3 Overlay District.** The GSSGOD is an overlay district having a land area of approximately 0.57 acres, as shown on a plan entitled “Guild Street Smart Growth Overlay District: Smart Growth Zoning Map,” prepared by Columbia Design Group, LLC and dated January 15, 2014 (see Appendix A, attached hereto), that is superimposed over the Underlying Zoning district(s). This map is hereby made a part of the Zoning By-Law and is on file in the Office of the Town Clerk.

1. *Underlying Zoning.* The GSSGOD is an overlay district superimposed on all Underlying Zoning districts. The Zoning By-law governing the Underlying Zoning district(s) shall remain in full force and effect except for Projects undergoing

development pursuant to this Section 9.7. Within the boundaries of the GSSGOD a developer may elect to develop a Project in accordance with this Section 9.8, or to develop a Project in accordance with the requirements of the regulations for use, dimension and all other provisions of the Zoning By-law governing the Underlying Zoning district(s).

2. *Applicability of GSSGOD.* In accordance with the provisions of G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the GSSGOD may seek Plan Approval in accordance with the requirements of this Section 9.7. In such case, notwithstanding anything to the contrary in this Zoning By-Law, such Plan Approval shall not be subject to any other provisions of this Zoning By-Law, including limitations upon the issuance of building permits for residential uses related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations. When a building permit is issued for any Project approved in accordance with this Section 9.7 the provisions of the Underlying Zoning district(s) shall no longer be applicable to the land shown on the site plan which was submitted pursuant to Section 9.7 for such Project.

#### **9.7.4 Housing and Affordability.**

1. *Marketing Plan.* Prior to granting Plan Approval for housing within the GSSGOD, an Applicant for such approval must submit a narrative document, housing marketing plan, and resident selection plan that establish that the proposed development of housing is appropriate for diverse populations, including households with children, other households, individuals, households including individuals with disabilities, and the elderly. These documents in combination, to be submitted with an application for Plan Approval pursuant to Section 9.7.11, below, shall include details about construction related to the provision, type and specific location, within the Project, of all Affordable Housing units as well as all units that are accessible to the disabled. The marketing plan must be approved by DHCD under the 40R Program prior to the issuance of a building permit for a Project.

2. *Number of Affordable Housing Units.* Not less than twenty-five percent (25%) of housing units constructed in each Project and the GSSGOD as a whole shall be Affordable Housing. In determining the number of Affordable Housing units required within the GSSGOD, fractional numbers shall be rounded up to the nearest whole number. It is the intention that any Subsidized Housing Inventory (SHI) eligible housing units constructed in the GSSGOD be included in the SHI.

3. *Requirements.* Affordable Housing shall comply with the following requirements:

- a. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income

permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the DHCD shall apply.

b. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

c. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.

d. The GSSGOD shall not include the imposition of restrictions on age upon the entire District, but the development of specific Projects within the GSSGOD may be exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable federal, state and local fair housing laws and regulations and not less than 25% of the housing units in such a restricted Project shall be restricted as Affordable Housing.

e. At least 10% of the Affordable Housing units shall be handicapped-accessible.

f. There may be a local preference applied in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project.

4. *Design and Construction.* Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed evenly throughout the development/Project of which they are part and in accordance with a Housing Marketing and Selection Plan approved by the Monitoring Agent and DHCD. Units of Affordable Housing must be comparable in initial construction, quality and exterior design to other housing units in the development. The total number of bedrooms in the Affordable Housing shall be at least proportionate to the total number of bedrooms in all the units in the Project of which the Affordable Housing is part.

5. *Affordable Housing Restriction.* Each unit of Affordable Housing shall be subject to an Affordable Housing Restriction which is recorded with the appropriate registry of deeds or district registry of the Land Court and prior to such recording has been approved by DHCD under the 40R Program. Such Affordable Housing Restriction shall contain the following:



- a. Specification of the term of the Affordable Housing Restriction which shall be perpetual;
- b. The name and address of a Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
- c. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a Project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project without specific unit identification;
- d. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process under the 40R Program. The housing and marketing selection plan shall provide for local preference in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD and any other applicable regulating authority(ies) for the Project. For the Affordable Housing units, the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such unit shall be given to a household of the appropriate size;
- e. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
- f. Reference to the formula pursuant to which rent of an Affordable Rental Unit or the maximum resale price of an Affordable Homeownership Unit will be set;
- g. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease or sublease of any unit of Affordable Housing shall be given to the Monitoring Agent;
- h. Provision for effective monitoring and enforcement of the terms and provisions of the Affordable Housing Restriction by the Monitoring Agent;
- i. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit initial sale and resale to and occupancy by an Eligible Household;

j. Provision that the restriction on Affordable Rental Units in a rental Project or rental portion of a Project shall run with the rental Project or rental portion of a Project and shall run in favor of the Monitoring Agent and the Town, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

k. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to Monitoring Agent, in a form specified by that Agent certifying compliance with the affordability provisions of this By-law and containing such other information as may be reasonably requested in order to ensure affordability;

l. A requirement that residents in Affordable Housing provide such information as the Monitoring Agent may reasonably request in order to ensure affordability.

6. *Monitoring Agent.* A Monitoring Agent, which may be the Local Housing Authority or other qualified housing entity, shall be designated by the PAA as the Monitoring Agent for all Affordable Housing units in a Project. In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the PAA or by DHCD, such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the PAA or, in the absence of such timely designation, by an entity designated by the DHCD. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a Project within the GSSGOD, and on a continuing basis thereafter, as the case may be:

a. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

b. Income eligibility of households applying for Affordable Housing is properly and reliably determined;

c. The housing marketing and resident selection plan, including the location and unit-type mix of the Affordable Housing Units relative to all units within the Project, has been submitted to and received approval from the Department's 40R Program staff and otherwise conforms to all requirements and is properly administered;

d. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given;

e. Affordable Housing Restrictions meeting the requirements of this Section are recorded with the proper registry of deeds or district registry of the Land Court; and

f. Local preference in the selection of Eligible Households for a Project to the extent allowable by applicable laws, regulations and guidelines and to the extent it is approved by DHCD pursuant to an affordable fair housing marketing plan.

*7. Housing Marketing and Selection Plan.* The housing marketing and selection plan shall make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements, as set forth in Section 9.7.4.

*8. Phasing.* The PAA, as a condition of any Plan Approval, may require a Project to be phased in order to mitigate any extraordinary adverse Project impacts on nearby properties. For Projects that are approved and developed in phases, the PAA shall assure the required number of Affordable Housing units in the Project. Such assurance may be provided through use of the security devices referenced in G.L. c. 41, § 81U, or through the PAA's withholding of certificates of occupancy until the proportionality required under 760 CMR 59.04(1)(h) has been achieved. No Density Bonus Payment will be received by the Town until such proportionality has been achieved by the issuance of occupancy permits for the Affordable Housing units in the Project. Notwithstanding the foregoing, for Projects that are approved and developed in phases, the proportion of Affordable Housing units shall be consistent across all phases.

*9. Computation.* Prior to the granting of any Plan Approval of a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town.

*10. No Waiver.* Notwithstanding anything to the contrary herein, the Affordability provisions in this Section 9.7.4 shall not be waived.

#### **9.7.5 Permitted Uses**

1. The following uses are permitted as of right in the GSSGOD:

- a. Multifamily Residential Use as a principal use, upon the issuance of Plan Approval for a Project.
- b. Accessory uses which are subordinate to, clearly incidental to, customary in connection with and located in the same structure as a permitted

principal use and which do not, in effect, constitute conversion of the permitted principal use to a use not otherwise permitted in the GSSGOD.

2. Nonresidential use of any building, structure or land within the GSSGOD is prohibited.

#### **9.7.6 Density.**

1. *Residential.* The permissible residential density in the GSSGOD shall be 78 units per acre of Developable Land. The GSSGOD contains 0.57 acres of Developable Land. The total number of units to be developed in the GSSGOD hereunder, therefore, shall not exceed 44, i.e. 0.57 acres x 78 units/acre.

#### **9.7.7 Dimensional Regulations.**

1. *Height.* Building height shall not exceed three (3) stories and fifty (50) feet.
2. *Coverage.* Maximum building coverage shall be fifty percent (50%) measured as to the total acreage of Developable Land in the GSSGOD.

#### **9.7.8 Performance Standards**

1. *Driveways.* The number of curb cuts on local public ways shall be as exists on August 1, 2013.
2. *Interior Design.* Projects shall assure safe interior circulation within its site by allowing for the separation of pedestrian, bicycle and motor vehicle traffic.
3. *Noise.* Any Project in the GSSGOD shall comply with 310 CMR 31.07, as may be amended.
4. *Building Design.* The Applicant should seek to retain the character of the existing building in the final design.

#### **9.7.9 Off-Street Parking and Loading Regulations.**

1. *Off-Street Parking Requirements.* For any structure that is constructed, enlarged, or extended, or has a change of use which affects the computation of parking spaces, and any use of land established, or any existing use changed, parking spaces shall meet the following requirements:

Residential uses	One (1) space per unit.
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2. *Parking Location and Design.* Required parking shall in all cases be on the same lot as the use it is intended to serve.

3. *Loading Requirements.* Adequate off-street loading facilities and space must be provided to service all needs created by construction of new structures. Such facilities shall be provided in accordance with Section 6.1 of the Zoning By-Law, unless waived by the PAA. Required facilities shall be so sized and arranged that no trucks need back onto or off of a public way, or be parked on a public way while loading, unloading or waiting to do so.

**9.7.10 Application for Plan Approval; Required Submittals.** The application for Plan Approval shall be accompanied by the following plans and documents. All site plans shall be prepared by a certified architect, landscape architect, and/or a civil engineer registered in the Commonwealth of Massachusetts. All landscape plans shall be prepared by a certified landscape architect registered in the Commonwealth of Massachusetts. All building elevations shall be prepared by a certified architect registered in the Commonwealth of Massachusetts. All plans shall be signed and stamped, and drawings prepared at a scale of one inch equals forty feet (1" = 40') or larger, or at a scale as approved in advance by the PAA. All plans and elevations presented with the application shall remain a part of the records of the PAA. The provision of the plan and the application shall be the sole responsibility of the Applicant. Plans shall show the following:

1. The perimeter dimensions of the lot; Assessors Map, lot and block numbers.
2. All existing and proposed buildings, structures, building setbacks, parking spaces, driveway openings, distance between buildings, plan view exterior measurements of individual buildings, driveways, service areas and open areas.
3. Internal roads, sidewalks and parking areas (width dimensions of paving and indication of number of parking spaces).
4. All facilities for sewage, refuse and other waste disposal and for surface water drainage.
5. All proposed landscaping features, such as fences, walls, planting areas and walks on the lot and tract.
6. Existing major natural features, including streams, wetlands and all trees six inches (6") or larger in caliper (caliper is girth of the tree at approximately waist height).
7. Scale and North arrow (minimum scale of one inch equals 40 feet (1" = 40')).

8. Total site area in square footage and acres and area to be set aside as public open space, if appropriate.
9. Percentage of lot coverage (including the percentage of the lot covered by buildings) and percentage of open space, if appropriate.
10. The proposed residential density in terms of dwelling units per acre and types of proposed commercial uses in terms of the respective floor area, and recreation areas, and number of units proposed by type (number of one (1) bedroom units, two (2) bedroom units, etc., if appropriate).
11. Location sketch map (indicate surrounding streets and properties and any additional abutting lands owned by the Applicant).
12. Representative elevation sketches of buildings (indicate height of building and construction material of the exterior facade).
13. Typical unit floor plan for residential uses. (Floor plan should be indicated for each type of unit proposed. The area in square feet of each typical unit should be indicated.)
14. Developer's (or his representative's) name, address and phone number.
15. Any other information which may include required traffic, school, utilities impact study and in order to adequately evaluate the scope and potential impacts of the proposed project.
16. Rehabilitation Plan. If a building is to be rehabilitated and converted into a dwelling unit or units, in addition to the required site plan, nine (9) copies of the following described plan shall be furnished.
  - a. A floor plan of each floor on which remodeling is to be done or areas converted into dwelling units;
  - b. A floor plan showing the stairways, halls, door openings into the halls and exit doors of each floor or floors where remodeling or converting is to be done; and
  - c. An elevation of the parts of the building where outside stairways or fire escapes are to be located. The plans and elevations shall be clearly illustrated. The size of each plan shall be eleven inches (11") by seventeen inches (17") or twenty-two inches (22"), it shall be drawn to scale one-quarter inch equals one foot ( $1/4" = 1'$ ).

### **9.7.11 Procedures.**

1. Filing. An Applicant for Plan Approval shall file the application form and the other required submittals with the Town Clerk and fifteen (15) copies of the application and other required materials including the date of filing certified by the Town Clerk shall be filed forthwith with the PAA. The application form and any other submittal requirements must be contained in the PAA Regulations which must be approved by DHCD.

2. Circulation to Other Boards. Upon receipt of the Application, the PAA shall immediately provide a copy of the application materials to the Board of Selectmen, Board of Appeals, Board of Health, Conservation Commission, Fire Department, Police Department, Building Commissioner, Department of Public Works, and other municipal officers, agencies or boards for comment, and any such board, agency or officer shall provide any written comments within sixty (60) days of its receipt of a copy of the plan and application for approval.

3. Hearing. The PAA shall hold a public hearing for which notice has been given as provided in Section 11 of G. L. Chapter 40A. The decision of the PAA shall be made, and a written notice of the decision filed with the Town Clerk, within 120 days of the receipt of the application by the Town Clerk. The required time limits for such action may be extended by written agreement between the Applicant and the PAA, with a copy of such agreement being filed in the office of the Town Clerk. Failure of the PAA to take action within said 120 days or extended time, if applicable, shall be deemed to be an approval of the application and site plan.

4. Peer Review. The Applicant shall be required to pay for reasonable consulting fees to provide peer review of the Plan Approval application. Such fees and any other fees required as part of an application to the PAA must be specified in the PAA Regulations which must be approved by DHCD. Approved Peer Review fees shall be held by the Town in a separate account and used only for expenses associated with the review of the application by outside consultants, including, but not limited to, attorneys, engineers, urban designers, housing consultants, planners, and others. Any surplus remaining after the completion of such review, including any interest accrued, shall be returned to the Applicant.

### **9.7.12 Decision.**

1. Waivers. Except where expressly prohibited herein, upon the request of the Applicant the Plan Approval Authority may waive dimensional and other requirements in the interest of design flexibility and overall project quality, and upon a finding of consistency of such variation with the overall purpose and objectives of the GSSGOD, or if it finds that such waiver will allow the Project to achieve the density, affordability, mix of uses,

and/or physical character allowable under this Section; but in no event shall such a waiver reduce the as-of-right density approved by DHCD.

2. Plan Review. An Application for Plan Approval shall be reviewed for consistency with the purpose and intent of this Section, and such Plan Review and shall be construed as an as-of-right review and approval process as required by and in accordance with the Enabling Laws.

3. Plan Approval. Plan Approval shall be granted where the PAA finds that:

- a. the Applicant has submitted the required fees and information as set forth in the PAA Regulations as approved by DHCD;
- b. the Project and site plan meet the requirements and standards set forth in this Section, or a waiver has been granted therefrom in accordance with Section 9.7.12.1; and
- c. extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.

For a Project subject to the affordability requirements of Section 9.7.4, compliance with Condition (b), above, shall include written confirmation by the Monitoring Agent that all requirements of that Section have been satisfied. The PAA may attach condition(s) to its Plan Approval decision that are necessary to ensure substantial conformance with this Section 9.7.12.3 or to mitigate any extraordinary adverse potential impacts of the Project on nearby properties.

4. Plan Disapproval. A site plan may be disapproved only where the PAA finds that:

- a. the Applicant has not submitted the required fees and information as set forth in the PAA Regulations as approved by DHCD;
- b. the Project and site plan do not meet the requirements and standards set forth in this Section, or in a waiver has been granted therefrom; or
- c. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of suitable conditions.

5. Form of Decision. The PAA shall issue to the Applicant a copy of its decision containing the name and address of the owner, identifying the land affected, and the plans that were the subject of the decision, and certifying that a copy of the decision has been filed with the Town Clerk and that all plans referred to in the decision are on file with the PAA. If twenty (20) days have elapsed after the decision has been filed in the office of



the Town Clerk without an appeal having been filed or if such appeal, having been filed, is dismissed or denied, the Town Clerk shall so certify on a copy of the decision. A copy of the decision or application bearing such certification shall be 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 recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the Applicant.

#### **9.7.14 Change in Plans After Approval by PAA.**

1. Minor Change. After Plan Approval, an Applicant may apply to make minor changes involving minor utility or building orientation adjustments, or minor adjustments to parking or other site details that do not affect the overall buildout or building envelope of the site, or provision of open space, number of housing units, or housing need or affordability features. Such minor changes must be submitted to the PAA on redlined prints of the approved plan, reflecting the proposed change, and on application forms provided by the PAA. The PAA may authorize such changes at any regularly scheduled meeting, without need to hold a public hearing. The PAA shall set forth any decision to approve or deny such minor change by motion and written decision, and provide a copy to the Applicant for filing with the Town Clerk.

2. Major Change. Those changes deemed by the PAA to constitute a major change because of the nature of the change in relation to the prior approved plan, or because such change cannot be appropriately characterized as a minor change as described above, shall be processed by the PAA as a new application for Plan Approval pursuant to this Section.

**9.7.15 Enforcement; Appeal.** The provisions of the GSSGOD shall be administered by the Zoning Enforcement Officer, except as otherwise provided herein. Any appeal arising out of action by the PAA regarding an application for Plan Approval decision for a Project shall be governed by the applicable provisions of G. L. Chapter 40R. Any other request for enforcement or appeal arising under this Section shall be governed by the applicable provisions of G. L. Chapter 40A.

**9.7.16 Severability.** If any provision of this Section 9.7 is found to be invalid by a court of competent jurisdiction, the remainder of Section 9.7 shall remain in full force. The invalidity of any provision of this Section 9.7 shall not affect the validity of the remainder of the Town's Zoning By-Law.

Article 1 Medical Marijuana Approved by voters on May 12, 2014 and the Attorney General on September 5, 2014.

## **SECTION 7.5 MEDICAL MARIJUANA**

## 7.5.1 DEFINITIONS

**Independent Laboratory:** An independent laboratory that tests marijuana as required by 105 CMR 725.105(C) (or its successor regulation).

**Medical Marijuana Treatment Center:** a not-for-profit entity registered under 105 CMR 725.100, to also be known as a Registered Marijuana Dispensary (“RMD”), that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, 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, an RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

## 7.5.2 LOCATION

RMDs and Independent Laboratories shall only be located in the Medical Marijuana Overlay District.

The Town of Norwood has designated two (2) areas as Medical Marijuana Overlay Districts (“MMOD”), which are more particularly described as follows:

### **University Avenue Area**

The Medical Marijuana Overlay District (“MMOD”) at University Avenue includes all land in the existing Limited Manufacturing (LM) District abutting Downey Street, Everett Street and University Avenue. The MMOD is delineated on a map entitled “Medical Marijuana Overlay District (MMOD) dated April 2, 2014 by Mark P. Ryan – Town Engineer” and on file at the Town of Norwood Engineering Department.

### **Vanderbilt Avenue Area**

The MMOD at Vanderbilt Avenue is assigned over certain parcels of land in the existing Limited Manufacturing (LM) District at Vanderbilt Avenue, Morgan Drive and Astor Avenue. The included parcels are depicted on the Town of Norwood Assessors Maps as Map 15, Sheet 8. Lots 1 and 2 also on Map 15, Sheet 11, Lots 44, 45, 62, 63 also on Map 15, Sheet 14, Lots 30, 46, 50, 51, 59, 60, 61, 67, 68 and Map 16, Sheet 8, Lot 4, in effect as of April 2014. This MMOD is delineated on a map entitled “Medical Marijuana Overlay District (MMOD) dated April 3, 2014 by Mark P. Ryan – Town Engineer” and on file at the Town of Norwood Engineering Department.

The Official Zoning Map of the Town of Norwood, MA dated June 21, 2004 shall be amended to establish the two (2) new Medical Marijuana Overlay Districts (MMOD).

### **7.5.3 PURPOSE AND INTENT**

It is neither the purpose nor intent of this Section of the Zoning Bylaws to supersede any federal or state laws governing the sale or distribution of narcotic drugs. It is the purpose and intent of this Section of the Zoning Bylaws to provide for the limited establishment of RMDs and Independent Laboratories, as they are authorized by the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and state regulations adopted by the Massachusetts Department of Public Health (or its successor) (collectively, “DPH”) under 105 CMR 725.000, the Implementation of an Act for the Humanitarian Medical Use of Marijuana, in locations suitable for lawful RMDs; to minimize any adverse impacts on adjacent properties, residential neighborhoods, schools, playgrounds and other areas where children congregate, local historic districts, and other areas that are incompatible with such uses; and for the location of RMDs where they may be readily monitored by law enforcement for health and public safety purposes.

### **7.5.5 APPLICABILITY**

6. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an RMD to be established or operated in the Town of Norwood.
7. Compliance with the requirements for a hardship cultivation under 105 CMR 725.000 is required for personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or otherwise.
8. No special permit shall be required for the cultivation of marijuana that meets the requirements for an agricultural or horticultural exemption under Massachusetts General Laws Chapter 40A, Section 3.
9. A special permit must be granted by the Board of Appeals, acting as the Special Permit Granting Authority under Sections 7.5.7 and 10.4 of the Zoning Bylaws, and Site Plan Approval must be granted under Section 10.5 of the Zoning Bylaws, for an Independent Laboratory to be established or operated in the Town of Norwood.
10. No person shall be deemed to have any entitlement or vested rights to permitting under this Section 7.5 of the Zoning Bylaw by virtue of having received any prior permit from

the Town of Norwood, including, by way of example only, any zoning permit or any wholesale food manufacturer's license.

#### **7.5.9 DIMENSIONAL AND OPERATIONAL REQUIREMENTS**

6. An RMD must comply with the following dimensional and developmental requirements:
  - a. An RMD must have a valid registration issued by DPH.
  - b. No RMD shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, another RMD or related activity, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed RMD is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).
  - c. No RMD shall be located in any premises for which an alcoholic beverages license has been issued.
  - d. No RMD shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
  - e. No RMD shall have a gross floor area of less than two thousand five hundred (2,500) square feet or in excess of twenty thousand (20,000) square feet.
  - f. An RMD must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No RMD shall be located inside a building containing residential units, including without limitation transient housing such as motels and dormitories.

- g. Hours of operation for any RMD shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
- h. An RMD shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
- i. Signage:
  - i. The exterior signage shall conform to the requirements set forth in 105 CMR 725.105(L).
  - ii. Off-site signage in any form, including billboards shall not be allowed in the Town of Norwood.
  - iii. External signage for an RMD shall not be illuminated except for a period of thirty (30) minutes before sundown until closing in accordance with 105 CMR 725.105(L).
  - iv. No RMD may have any flashing lights visible from the exterior of the premises.
  - v. Exterior signs shall identify the name of the RMD as registered with DPH but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.
- j. Physical Appearance:
  - i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.
  - ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the RMD.

- iii. The RMD shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
    - iv. The RMD shall not utilize graphics related to marijuana or paraphernalia on the exterior of the RMD or the building in which the RMD is located.
    - v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.
  - k. RMDs may not have a drive-thru service.
  - l. The disposal of waste shall comply with 105 CMR 725.105(J). Outdoor storage of waste shall be screened with a locking fence.
  - m. Any and all distribution, possession, storage, display, sales or other distribution of marijuana shall occur only within the restricted interior area of an RMD and shall not be visible from the exterior of the business. An RMD shall be designed and constructed such that no area or portion where marijuana is cultivated or stored is visible from the exterior; however, the entrance shall be fully visible.
  - n. Consumption, smoking and burning of marijuana on the premises or grounds of any RMD is prohibited, provided however that the RMD may administer marijuana for the purposes of teaching use of vaporizers, or demonstration of use of other products as necessary.
  - o. Cultivation of medical marijuana, marijuana-infused products, or associated products shall follow the regulations set forth in 105 CMR 725.105(B).
  - p. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.
7. An Independent Laboratory must comply with the following dimensional and developmental requirements:

- a. No Independent Laboratory shall be located: (a) within two hundred and fifty (250) feet of any residential zoning district; and (b) within five hundred (500) feet of any parcel containing a school, daycare center, church, recreational facility or other locations where children may congregate in concentrated numbers such as, but not limited to ball fields, parks or libraries, a drug or alcohol rehabilitation facility, or any correctional facility, halfway house, or similar facility. The distances specified in this subsection shall be measured by a straight line from the nearest property line of the premises on which the proposed Independent Laboratory is to be located to the nearest boundary line of the residential zoning district or to the nearest property line of any other designated uses set forth above (as applicable).
- b. No Independent Laboratory shall have a gross floor area in excess of twenty thousand (20,000) square feet.
- c. No Independent Laboratory shall be located in any premises for which an alcoholic beverages license has been issued.
- d. No Independent Laboratory shall be located in a building that contains the office of any medical doctor or the office of any other professional practitioner authorized to prescribe marijuana for medical use.
- e. An Independent Laboratory must be located in a permanent building and may not be located in a trailer, cargo container, motor vehicle, or movable or mobile structure. No Independent Laboratory shall be located inside a building containing residential units, including transient housing such as motels and dormitories.
- f. Hours of operation for any Independent Laboratory shall be established by the Board of Appeals, but in no event shall said facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM, including any delivery services.
- g. An Independent Laboratory shall be designed and constructed in accordance with the requirements of the zoning district and with the requirements of all applicable provisions of the Zoning Bylaw.
- h. Signage:

- i. Off-site signage in any form, including billboards shall not be allowed.
  - ii. External signage for an Independent Laboratory shall not be illuminated except for a period of thirty (30) minutes before sundown until closing.
  - iii. No Independent Laboratory may have any flashing lights visible from the exterior of the premises.
  - iv. Exterior signs may identify the name of the Independent Laboratory but shall not contain any other advertisement or information, such as figures or symbols related to marijuana.
- i. Physical Appearance:
- i. The development or redevelopment of properties shall improve the exterior appearance of structures already constructed or under construction within the immediate area, and shall be maintained so as to prevent blight or deterioration or substantial diminishment or impairment or property values within the immediate area.
  - ii. Marijuana, marijuana-infused products, or associated products shall not be displayed or clearly visible to a person from the exterior of the Independent Laboratory.
  - iii. The Independent Laboratory shall not display on the exterior of the facility advertisements for marijuana or any brand name, and may only identify the building by the registered name.
  - iv. The Independent Laboratory shall not utilize graphics related to marijuana or paraphernalia on the exterior of the Independent Laboratory or the building in which the Independent Laboratory is located.
  - v. All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private way or from any abutting property.
- j. Independent Laboratories may not have a drive-thru service.



- k. The disposal of waste shall comply with 105 CMR 725.105. Outdoor storage of waste shall be screened with a locking fence.
- l. An Independent Laboratory shall be designed and constructed such that no area or portion where marijuana is tested, processed or otherwise handled is visible from the exterior; however, the entrance shall be fully visible.
- m. The odor of marijuana products or treatment, or of associated activities, shall not be detectable from the exterior of the premises.

#### **7.5.10 SPECIAL PERMIT AND SITE PLAN PROCEDURES**

- 2. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an RMD must include the following information:
  - a. The legal name of the RMD.
  - b. A copy of the RMD's certificate of registration to operate an RMD, issued by DPH.
  - c. The activities proposed by the RMD.
  - d. The identity and location of any other RMDs for which the applicant may cultivate marijuana.
  - e. A proposed timeline for achieving operation of the RMD and evidence that the applicant will be ready to operate within that proposed timeline.
  - f. A statement indicating the projected service area for the RMD, including the current patient population amounts in that service area.
  - g. Evidence that the applicant has adequate liability insurance.
  - h. Copy of the detailed written operating procedures as required by DPH in 105 CMR 725.105 and as otherwise required by other applicable law or regulation.

- i. A description of the security measures, including employee security policies, required by DPH for the RMD.
- j. A copy of the emergency procedures required by DPH for the RMD.
- k. A copy of the policies and procedures for patient or personal caregiver home-delivery required by DPH for the RMD.
- l. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between the RMD and another RMD or independent testing laboratory as required by DPH.
- m. A copy of proposed waste disposal procedures for the RMD.
- n. A description of any waivers from DPH regulations granted for the RMD.
- o. Details of proposed water consumption for any site that will include cultivation.
- p. Evidence of the applicant's right to use the proposed site of the RMD, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an RMD.
- q. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.
- r. 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 marijuana-infused products.

- s. Proposed security measures for the RMD, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
  - t. A detailed site plan of the proposed RMD, including the distances to the uses set forth in Section 7.5.6.1.b.
  - u. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.
2. In addition to full compliance with the requirements of Section 10.4 and 10.5, each application for a special permit and Site Plan Approval for an Independent Laboratory must include the following information:
- a. The legal name of the Independent Laboratory.
  - b. The activities proposed by the Independent Laboratory.
  - c. A proposed timeline for achieving operation of the Independent Laboratory and evidence that the applicant will be ready to operate within that proposed timeline.
  - d. A statement indicating the projected service area for the Independent Laboratory, including the name and contact information for each RMD served by the Independent Laboratory.
  - e. Evidence that the applicant has adequate liability insurance.
  - f. Description of the Independent Laboratory's proposed operating procedures or plans for the following: security measures, including employee security policies or plans; emergency procedures or plans; transportation, transfer and delivery procedures or plans; and waste disposal procedures or plans.
  - g. Evidence of the applicant's right to use the proposed site of the Independent Laboratory, such as a deed, lease or other real estate instrument. If the application is by a lessee, the owner of the site (or its

duly authorized agent) must acknowledge in writing that the owner knows that the proposed use of the property is as an Independent Laboratory.

- h. If the applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities or business organizations, rather than individuals, the applicant must disclose the identity of the owners of such entities or business organizations for each level of ownership until the disclosure contains the names of all individuals and their addresses.
  - i. A detailed floor plan of the premises of the proposed Independent Laboratory that identifies the square footage available and describes the functional areas of the Independent Laboratory, including areas for the testing or processing of any marijuana.
  - j. Proposed security measures for the Independent Laboratory, including lighting, fencing, storage, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.
  - k. A detailed site plan of the proposed Independent Laboratory, including the distances to the uses set forth in Section 7.5.6.2.a.
  - l. The name, telephone number, and email address of the manager and the emergency/after-hours contact person for the RMD.
- 8. After notice and public hearing and consideration of application materials, consultant reviews, public comments, and the recommendations of other Town's officials or departments under Section 10.4.4 of the Zoning Bylaw (if any), the Board of Appeals may act upon a special permit for an RMD or an Independent Laboratory under this Section 7.5.7.
- 9. A special permit under this Section 7.5.7 shall be granted provided that the Board of Appeals finds that the applicant has strictly complied with all of the applicable terms, requirements, conditions, and procedures of Sections 7.5 and 10.4.2 of the Zoning Bylaw.

10. The Board of Appeals, acting as Special Permit Granting Authority, shall attach conditions, limitations and other appropriate safeguards to the special permit. Conditions shall include, but not be limited to:
- a. The special permit shall not be assignable or transferable to any other person, and shall remain exclusively with the applicant. The special permit shall terminate automatically on the date there is a voluntary or involuntary alienation of the applicant's title or leasehold interest in the premises or the applicant's right to occupy the premises terminates for any reason.
  - b. The special permit holder shall supply the Board of Appeals and Chief of Police with information pertaining to any change in the name, telephone number, and email address for the owner of the building where the RMD or Independent Laboratory (as applicable) is located and the manager and emergency/after-hours contact for the RMD or Independent Laboratory (as applicable). The failure of the special permit holder to comply with this provision shall result in the immediate revocation of the special permit.
  - c. The special permit holder shall be required to remove all materials, plants, equipment and other paraphernalia upon the revocation, abandonment, cancellation, lapse, non-renewal or termination of the Special Permit for any reason.
  - d. The Board of Appeals may require the applicant to post a bond at the time of construction to cover the costs for the removal of the RMD or Independent Laboratory (as applicable) in the event the Town of Norwood must remove the RMD or Independent Laboratory (as applicable), in an amount to be determined by the Board of Appeals.
  - e. No later than January 31 annually, the special permit holder shall file a copy of all current applicable state and local licenses and registrations, any updates to its operating policies, the current insurance policies, and demonstrated compliance with the conditions of the special permit.
  - f. If the special permit is issued for an RMD:

- i. In the event DPH cancels, revokes or non-renews the certificate of registration for the RMD, the special permit for that RMD shall immediately become void.
- ii. The RMD shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Board of Appeals, Chief of Police, and Board of Health, within twenty-four (24) hours of creation. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- iii. The RMD shall file a copy of any summary cease and desist order, cease and desist order, quarantine order, summary suspension order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, final action, or other adverse actions or decisions regarding the RMD issued by DPH or taken or rendered by any other state or government agency, as applicable, with the Board of Appeals, Chief of Police, and Board of Health, within forty-eight (48) hours of receipt by the RMD.
- g. If the special permit is issued for an Independent Laboratory, the Independent Laboratory shall file a copy of any adverse actions or decisions taken or rendered by DPH or any other state or government agency, as applicable, against the Independent Laboratory, including but not limited to a cease and desist order, enforcement order, or disciplinary order.
- h. Applicants shall be required to follow the current regulations set forth in 105 CMR 725.000 and the current requirements of Section 7.5 of the Zoning Bylaw.
- i. A special permit issued under this Section of the Zoning Bylaw may be valid for a specific time as determined by the Board of Appeals, subject to being renewed upon further application.

#### **7.5.11 CONFLICT OF LAWS/SEVERABILITY**

- 3. In the event of any conflict between the provisions of this Section of the Zoning Bylaw and any other applicable state or local law, the stricter provision, as deemed by the Zoning Enforcement Officer, shall control.

4. The provisions of this Section of the Zoning Bylaw are severable and, if any of those provisions shall be held to be unconstitutional by any court of competent jurisdiction or otherwise held invalid, the remaining provisions shall remain in full force and effect.