ZONING BY-LAW

of the

TOWN OF CLINTON

Re-Codified by Town Meeting June 18, 2001

with

Amendments to June 5, 2017

TOWN OF CLINTON ZONING BY-LAW

Re-Codified by Town Meeting on June 18, 2001

With Amendments to **June 5, 2017**

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TOWN OF CLINTON ZONING BY-LAW

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SECTION 1000. PURPOSE AND AUTHORITY

1100. PURPOSE. These regulations are enacted to promote the general welfare of the Town of Clinton, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural and historical heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1200. AUTHORITY. This Zoning By-Law is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto.

1300. 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 of Clinton are regulated as hereinafter provided.

1400. APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town of Clinton, shall be in conformity with the provisions of the Zoning By-Law. 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 this By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this By-Law shall control.

1500. AMENDMENTS. This By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1600. SEPARABILITY. The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision herein.

SECTION 2000. DISTRICTS

2100. ESTABLISHMENT. For the purpose of this By-Law, the Town of Clinton is divided into the types of zoning districts set forth below:

Residential Neighborhood	R1
Residential	R2
Business - Retail	BR
Commercial	C
Industrial	I

2111. *Residential Neighborhood District (R1).* The purpose of the Residential Neighborhood District is to provide areas in which sound residential development may occur and be protected from future conflict with incompatible non-residential development.

2112. *Residential District (R2).* The purpose of the Residential District is to provide an area for low density residential uses, agriculture, watershed protection and conservation of natural resources.

2113. *Business - Retail District (BR).* The purposes of the Business - Retail District are to provide a downtown area with the range of business sales and services which generally constitute a central business district and to preserve the historic period represented by the existing structures in the area.

2114. *Commercial District (C).* The purpose of the Commercial District is to provide areas for non-residential uses serving sales, services and distribution uses, which are not compatible with the retail business district (downtown) areas or residential uses.

2115. Industrial District (I). The Industrial District is intended to provide areas for office parks, industrial parks, manufacturing, fabrication, research, development and assembly which are free from the intrusion of residential, retail or commercial uses, which might be adversely affected by the uses of the district.

2200. OVERLAY DISTRICTS. In addition, the following overlay districts are also hereby established:

Flood Plain Protection	FPPOD
Wireless Communications	WCOD
Bioscience Enterprise	BEOD
Mixed Use	MUOD

2300. MAP. The location and boundaries of the zoning districts are hereby established as shown on a map entitled, "*Zoning Map of the Town of Clinton ("the Map")*, dated June 18, 2001, and amended, which accompanies and is hereby declared to be part of this By-Law. All explanatory legend and memoranda thereon or attached thereto are hereby declared to be a part

of this By-Law. Any change in the location of boundaries of a zoning district hereafter made through the amendments of this By-Law shall be indicated by the alteration of such Map, and the Map, thus altered, is declared to be a part of the By-Law thus amended. The Zoning Map shall be drawn at a large scale with ink on stable material and shall be located in the office of the Planning Board. Photographic reductions of this large-scale Zoning Map may serve as copies of the Zoning Map. Copies of the Zoning Map and attached memoranda are filed with the Town Clerk.

2310. Rules for Interpretation of Zoning District Boundaries. Where uncertainties exist as to the boundaries of districts as shown on the official zoning maps the following shall apply:

2311. Where the boundary lines are shown upon the Map within the side lines of public and private ways, railroads or water courses, the center lines of such ways shall be the boundary lines.

2312. Where the boundary lines are shown upon the Map, approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

2314. Boundary lines located outside of such lines of public and private ways and shown approximately parallel thereto shall be regarded as parallel to such side lines and dimensions shown in figures on the Map between such boundary lines and side lines of public & private ways are the distances in feet of such boundary lines from such side lines, such distances being measured at right angles to such side lines unless otherwise indicated.

2315. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said Map, by the use of identifications as shown on the Map, or by the scale of the Map.

2316. Where a district boundary line (other than a boundary line for an overlay district) divides any lot existing at the time such line is adopted, the regulations for the less restricted portions of such lot may be extended upon the grant of a special permit by the Planning Board no more than thirty (30) feet into the more restricted portion, provided the lot has legal frontage in the less restricted district.

2317. Where boundary lines are contour lines they are of indicated elevation above the datum mean sea level of the U.S. Geological Survey.

2320. Amendment. Any change of the Zoning Map shall constitute an amendment of this By-law and the procedure for making such a change shall conform to the requirements for amending this By-Law.

SECTION 3000. USE REGULATIONS

3100. PRINCIPAL USES. No land shall be used and no structure shall be erected or used except as set forth in the following Table of Use Regulations, including the notes to the Schedule, or as otherwise set forth herein, or as exempted by General Laws. Any building or use of premises not herein expressly permitted is hereby prohibited.

3110. Symbols. Symbols employed in the Table of Use Regulations shall mean the following:

Y	-	Permitted as of right
N	-	Prohibited
BA	-	Special Permit/Board of Appeals
PB	-	Special Permit/Planning Board
SB	-	Special Permit/Select Board

3120. If Classified Under More than One Use. Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

3130. Table of Use Regulations.

PRINCIPAL USE	R2	R1	BR	C	I
A. RESIDENTIAL USES					
1. Single-family dwelling	Y	Y	PB	PB	PB
2. Two-Family dwelling	PB	PB	PB	PB	PB
3. Three or More Unit Multifamily dwelling	PB	PB	PB	PB	PB
4. Boarding house	N	N	N	N	N
5. Mobile home park or trailer camp	N	N	N	N	N
6. Planned unit development/mill conversion	N	N	PB	PB	PB
7. Flexible development	PB	PB	PB	PB	PB
B. EXEMPT AND INSTITUTIONAL USES	**R2**	**R1**	**BR**	**C**	**I**
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y
3. Family day care home, small	Y	Y	Y	Y	Y
Family day care home, large	BA	BA	BA	BA	BA
4. Child care facility	Y	Y	Y	Y	Y

PRINCIPAL USE	R2	R1	BR	C	I
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Y	Y	Y	Y	Y
6. Facilities for the sale of produce, and wine and dairy products, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y	Y	Y	Y
7. Cemeteries, private	BA	BA	BA	BA	BA
8. Municipal facilities	BA	BA	BA	BA	BA
9. Essential services	BA	BA	BA	BA	BA
10. Hospital	BA	BA	BA	BA	BA
C. COMMERCIAL USES	**R2**	**R1**	**BR**	**C**	**I**
1. Nonexempt farm	BA	BA	N	Y	Y
2. Nonexempt farm stand for wholesale or retail sale of products	BA	BA	Y	Y	Y
3. Nonexempt educational use	N	N	BA	BA	BA
4. Commercial greenhouse	BA	BA	BA	Y	Y
5. Animal clinic or hospital	N	N	BA	Y	Y
6. Kennel	N	N	N	N	N
7. Nursing or convalescent home	BA	BA	BA	BA	N
8. Funeral home	N	N	Y	Y	BA
9. Hotel or motel	N	N	BA	BA	BA
11. Retail stores and services not elsewhere set forth	N	N	Y	Y	Y
12. Personal service establishment	N	N	Y	Y	Y
13. Motor vehicle, trailer, or boat sales and rental	N	N	N	BA	BA
14. Motor vehicle general and body repair	N	N	N	BA	BA
15. Motor vehicle light service	N	N	N	BA	BA
16. Car wash	N	N	N	BA	BA
17. Restaurant	N	N	Y	Y	Y
18. Restaurant, fast-food or drive-in	N	N	BA	BA	BA
19. Business or professional office; bank, financial agency or institution	N	N	Y	Y	Y
20. Medical office building or clinic	N	N	Y	Y	BA
21. Any other commercial drive-through use	N	N	BA	BA	BA
22. Indoor commercial recreation	N	N	Y	Y	Y

PRINCIPAL USE	R2	R1	BR	C	I
23. Outdoor commercial recreation	BA	BA	Y	Y	BA
24. Membership club, civic, social, professional or fraternal organization	BA	BA	Y	Y	BA
25. Commercial parking lot or garage	N	N	Y	Y	Y
26. Adult entertainment establishment	N	N	N	SB	SB
27. Wireless Communications Facility	SB	SB	SB	SB	SB
28. Bus, taxi or other public transit terminal facility	N	N	BA	BA	BA
29. Temporary amusement enterprise	N	N	BA	BA	BA
30. Medical Marijuana Treatment Centers	N	N	N	PB	PB
D. INDUSTRIAL USES	**R2**	**R1**	**BR**	**C**	**I**
1. Quarrying or other extractive operation	N	N	N	SB	SB
2. Light manufacturing	N	N	N	BA	Y
3. Manufacturing	N	N	N	N	BA
4. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	N	N	N	BA	NA
5. Research, experimental and testing laboratories	N	N	N	BA	Y
6. Transportation freight terminal	N	N	N	BA	BA
7. Fuel storage or distribution facility	N	N	N	BA	BA
8. Electric, gas, steam generation or storage plant	N	N	N	BA	BA
9. Solid waste disposal facilities; sanitary landfill	N	N	N	N	PB
10. Junkyard or automobile salvage yard	N	N	N	N	N
11. Plant for dry cleaning, cold storage or freezing	N	N	BA	BA	BA
12. Beverage bottling or food packaging plant	N	N	N	BA	BA
13. Contractor's yard	N	N	N	BA	BA

3200. ACCESSORY USES

3210. Permitted Accessory Uses in All Districts. The following accessory uses are specifically permitted as of right or by special permit:

3211. *Accessory Scientific Uses*. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

3212. *Family Day Care Homes*. Small family day care homes, are allowed as an accessory use as of right in all districts. Large family day care homes are allowed in all districts only upon the issuance of a special permit by the Board of Appeals.

3213. *Exterior Storage*. Exterior storage, exclusive of junk cars or other junk items, is allowed as of right provided that the use is screened from view, by a fence or appropriate landscaping, from abutting streets or properties.

3220. Nonresidential Accessory Uses. Any use permitted as a principal use is also permitted as an accessory use provided such use is customarily incidental to the main or principal building or use of the land. Any use authorized as a principal use by special permit may also be authorized as an accessory use by special permit provided such use is customarily incidental to the main or principal building or use of the land. Any use not allowed in the district as a principal use is also prohibited as an accessory use. Accessory uses are permitted only in accordance with lawfully existing principal uses. In all instances where site plan review and approval is required for a principal use, the addition of any new accessory use to the principal use, where such addition exceeds the thresholds established in Section 9400, shall also require site plan review and approval. Nothing herein shall be construed to regulate home occupations. Notwithstanding this provision, the following nonresidential accessory uses are permitted:

3221. *Outdoor Sales*. The outdoor display and/or storage of goods and merchandise for sale, including motor vehicles, is permitted only when such display and/or storage is wholly incidental and secondary to the primary use conducted within the permanent structure on the lot. No such display and/or storage may occur in delineated parking spaces, traffic lanes, crosswalks, sidewalks or public ways so as to interfere with pedestrian and vehicular traffic. No additional signs are permitted except as otherwise provided herein. Such outdoor display of goods and merchandise for sale, or outdoor seasonal dining, where located on publicly owned land, shall be permitted where evidence of a lease and/or license, and appropriate insurance coverage, is provided to the Building Commissioner.

3230. Residential Accessory Uses. The following accessory uses are specifically permitted as of right or by special permit, as set forth herein:

3231. *Animals Accessory to Dwellings*. Animals kept as an accessory use at a residence shall conform to the regulations of the Board of Health. Swine and fur-bearing animals are prohibited. Livestock shall be allowed on parcels in excess of two acres; no animal shall be stabled or kept within 25 feet of any property line.

3232. *Boarders in Single-Family Dwelling.* The renting of rooms and/or furnishing of board to not more than two persons in a single-family dwelling by the owner/occupant thereof shall be a permitted accessory use. The renting of rooms and/or furnishing of board to three or four persons in a single-family dwelling by the owner/occupant thereof shall be allowed as an accessory use upon the grant of a special permit. The renting of rooms and/or furnishing of board to five or more persons shall be deemed a boarding house subject to the provisions of the Table of Use Regulations.

3233. *Major Recreational Equipment*. No major recreational equipment or vehicle shall be stored on any lot in a residential district as an accessory use other than in a carport or enclosed building or behind the front building line of the principal building, provided

however that such equipment or vehicle may be parked anywhere on residential premises for a period not to exceed seventy-two (72) hours. No such equipment or vehicle shall be used for living or housekeeping purposes when stored on a residential lot, or in any location not approved for such use.

3240. Prohibited Accessory Uses. The following accessory uses are prohibited:

3241. *Unregistered Motor Vehicles*. Not more than one (1) unregistered motor vehicle or trailer or major part(s) thereof, except for farm vehicles, shall remain ungaraged upon any premises at any time unless under a Class 1 or Class 2 license for sale of motor vehicles.

3242. *R1 and R2 Districts*. In the R1 and/or R2 Districts, the following accessory uses are prohibited:

a. Commercial kennels;
b. Contractor's yard for the storage of building materials, equipment, and/or commercial vehicles over 25,000 gvw;
c. Commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 25,000 gvw;
d. Commercial auto repair or service

3300. HOME OCCUPATIONS

3310. Home Occupation-As of Right. A home occupation may be allowed as of right, provided that it:

3311. is conducted solely within a dwelling and solely by the person(s) occupying the dwelling as a primary residence;

3312. is clearly incidental and secondary to the use of the premises for residential purposes;

3313. does not produce offensive noise, vibration, smoke, dust, odors, heat, lighting, electrical interference, radioactive emission or environmental pollution in accordance with the provisions of Section 5500;

3314. does not utilize exterior storage of material or equipment (including the parking of commercial vehicles);

3315. does not exhibit any exterior indication of its presence or any variation from residential appearance;

3316. does not produce any customer, pupil, client, or delivery trips to the occupation site and has no nonresident employees;

3317. is registered as a business with the Town Clerk.

3320. Home Occupation - By Special Permit. A home occupation may be allowed by special permit issued by the Board of Appeals, provided that it:

3321. fully complies with Sections 3312, 3313, 3314, and 3317, above.

3322. is conducted within a dwelling solely by the person(s) occupying the dwelling as a primary residence and, in addition to the residents of the premises, by not more than two additional employees;

3323. does not exhibit any exterior indication of its presence, or any variation from residential appearance, except for a sign or name plate in compliance with Section 5300;

3324. a special permit for such use is granted by the Board of Appeals, subject to conditions including, but not limited to, restriction of hours of operation, maximum floor area, off-street parking, and maximum number of daily customer or other vehicle trips. Such special permit shall be limited to five years, or the transfer of the property, whichever first occurs.

3400. ACCESSORY APARTMENTS

3410. Purpose. For the purpose of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options for elder residents, and (c) enabling owners of single family dwellings larger than required for their present needs, particularly elderly homeowners, to share space and the burdens of home ownership, the Board of Appeals may grant a special permit in accordance with the following requirements.

3420. Procedure. Accessory apartments may be allowed on special permit, from the Board of Appeals, in accordance with the special permit process in this Zoning By-Law, as set forth in Section 9300, and provided that each of the following additional criteria are met.

3430. Conditions.

3431. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Board of Appeals, showing the location of the building on the lot, proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey shall be sufficient to meet this requirement;

3432. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;

3433. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 sq. ft. in floor space and shall be located in the principal residential structure on the premises;

3434. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure, in accordance with the following:

a. Any stairways or access and egress alterations serving the accessory apartment shall be enclosed, screened, or located so that visibility from public ways is minimized;
b. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway.

3440. Decision. Special permits for an accessory apartment may be granted by the Board of Appeals upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located and after consideration of the factors specified in Section 9300 of this Zoning By-Law, governing special permits.

3500. [RESERVED]

3600. NONCONFORMING USES AND STRUCTURES

3610. Applicability. This Zoning By-law 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 this Zoning By-law, or any relevant part thereof, 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.

3620. Nonconforming Uses. The Board of Appeals may issue 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:

3621. Change or substantial extension of the use;

3622. Change from a nonconforming use to another, less detrimental, nonconforming use.

3630. Nonconforming Structures. The Board of Appeals may issue 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. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

3631. Reconstructed, extended or structurally changed;

3632. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

3640. Variance Required. 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, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals; provided, however, that this provision shall not apply to nonconforming single and two family residential structures, which shall be governed by Section 3650, below.

3650. Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon the issuance of a building permit after a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure. The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

3651. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient area, where the alteration will also comply with all of said current requirements.

3652. alteration to a structure which complies with all current setback, yard, building coverage, and building height requirements but is located on a lot with insufficient frontage, where the alteration will also comply with all of said current requirements.

3653. 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; the provisions of this subsection shall apply regardless of whether the lot complies with current area and frontage requirements.

In the event that the Building Commissioner determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, 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.

3660. Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this Zoning By-law.

3670. Reconstruction after Catastrophe or Demolition. A nonconforming structure may be reconstructed after a catastrophe or after demolition, provided that the owner shall apply for a building permit and start operations for reconstruction on said premises within twelve months and complete work within twenty-four months after such catastrophe or demolition, and provided that the building(s) as reconstructed shall be only as great in volume or area as the

original nonconforming structure or provided that the building meets all applicable requirements for yards, setback, and height. In the event that the proposed reconstruction would cause the structure to exceed the volume or area of the original nonconforming structure or exceed applicable requirements for yards, setback, and/or height, a special permit shall be required from the Board of Appeals.

3680. Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

3.2 B Existing Lots. The separate use of a nonconforming lot, as a result of the adoption of the Clinton Zoning Bylaw of July 13, 1972 and to be used for erection of a single-family dwelling is permitted, subject to all of the following:

a. At the time such increased requirement became applicable to it, the lot:
    1. Had frontage and area equal to or greater than the average of other lots within 200 feet on the same street.
    2. Was not held in common ownership with more than one other lot.
    3. This provision applies to lots recorded in the Registry of Deeds prior July 13, 1972.
    4. Meets all other dimensional requirements of this By-law.
    5.

NOTE: The wording of this Section reverted back to the wording of the prior Zoning By-law, when the proposed revision was disapproved by the Attorney General on October 9, 2001

3700. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS

Deleted, by vote of Town Meeting, June 6, 2016.

3750. TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS AND THE SALE OR DISTRIBUTION OF MARIJUANA AND MARIJUANA PRODUCTS

3760. Purpose. By vote at the State election on November 8, 2016, the voters of the Commonwealth approved a law entitled the "Regulation and Taxation of Marijuana Act" (the "Act"), regulating the control, production and distribution of marijuana under a system of licenses and regulations. Currently under the Zoning Bylaws, a "marijuana establishment", as defined in the Act, and other types of marijuana related businesses and operations allowed under the Act are not permitted uses in the Town. Any regulations promulgated by the Cannabis Control Commission under the Act are expected to provide guidance to the Town in regulating marijuana sales and distribution. The regulation of marijuana raises novel and complex legal, planning, and public safety issues. The Town needs time to study and to consider the regulation of marijuana establishments and to address such novel and complex issues. The Town needs time to address the potential impact of the Act and the Cannabis Control Commission's regulations on local zoning, and to undertake a planning process to consider amending the

Zoning By-Law regarding the regulation of marijuana sales and distribution, and other uses related to marijuana under the Act. The Town intends to adopt a temporary moratorium (the "Temporary Moratorium") on the use of land and structures in the Town for marijuana sales and distribution, to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town, and to enact zoning by-laws in a manner consistent with sound land use planning goals and objectives.

3770. Definitions. As used in this Section 3750, the terms "Marijuana", "Marijuana Establishment", "Marijuana Product", "Marijuana Retailer", "Marijuana Cultivator", "Marijuana Testing Facility", and "Marijuana Product Manufacturer" shall have the same meanings as set forth in the Act.

3780. Temporary Moratorium. For the reasons set forth above and notwithstanding any other provision of the Zoning By-Law to the contrary, the Town hereby adopts a Temporary Moratorium on the use of land or structures, as a primary or accessory use, as a marijuana establishment, marijuana retailer, marijuana cultivator, marijuana testing facility, marijuana product manufacturer, or any other type of marijuana related business or operation allowed under the Act. The Temporary Moratorium shall be in effect through December 31, 2018. During the time that the Temporary Moratorium is in effect, the Town shall undertake a planning process to address the potential impacts of marijuana in the Town, consider the Cannabis Control Commission regulations, and shall consider adopting new zoning by-laws to address the impact of marijuana establishments and any other type of marijuana related business or operation allowed under the Act.

3790. Effect on Medical Marijuana Treatment Centers. This Section 3750 shall have no effect on the dispensing of marijuana and marijuana products to registered qualifying patients by a Medical Marijuana Treatment Center (MMTC), as defined in Section 6700 of this Zoning By-Law.

SECTION 4000. DIMENSIONAL REGULATIONS

4100. GENERAL. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute.

4110. One Structure per Lot. Except as otherwise provided herein, not more than one principal structure may be placed on any lot.

4120. Change of Lot. No existing conforming or nonconforming lot shall be changed in size or shape except through a public land taking or donation for road widening, drainage, or utility improvements or except where otherwise permitted herein, so as to create a nonconformity or increase the degree of nonconformity that presently exists. If land is subdivided, conveyed, devised or otherwise transferred in violation hereof, no building or other permit shall be issued with reference to said transferred land until the lot retained meets the requirements of this By-Law.

4130. Table of Dimensional Requirements.

DIMENSIONAL REQUIREMENTS	R1	R2	BR	C	I
Min. Lot Area, single family (sq. ft.)	12,000	18,000	12,000	12,000	12,000
Min. Lot Area, two family (sq. ft.)	18,000	27,000	18,000	18,000	18,000
Min. Lot Area, multifamily (sq. ft.)	24,000 for three units, plus 6,000 for fourth	36,000 for three units, plus 9,000 for fourth	N/A	N/A	N/A
Min. Lot Area, all other uses (sq. ft.)	12,000	18,000	5,000	12,000	12,000
Min. Frontage (feet)	110	110	50	110	110
Min. Lot Width (feet)	90	90	50	90	90
Min. Front Setback from Street (feet)	25	35	0	25	25
Min. Side Yard (feet)	10	20	0	15	15
Min. Rear Yard (feet)	10	20	10	15	15
Max. Lot Coverage (%)	25	25	80	50	50
Max. Building Height (feet)	35	35	50	35	50
Max. Building Height (# stories)	3	3	5	3	5

4200. SPECIAL DIMENSIONAL REGULATIONS

4210. [RESERVED]

4220. Height Limitations. In determining the height of a building, any floor level shall be counted as a story if it is to be used in part for sleeping rooms, or if it is higher than three feet below the average ground level around the exterior walls of the structure. Limitations of height shall not apply to chimneys, ventilators, skylights, spires, tanks, antennas, solar panels, and other features of such building usually carried above roofs, provided that in a residential district such features are in no way used for living purposes.

4230. Lot Area Computation. The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least 90% of the lot area required for zoning compliance shall be land other than that under water nine months or more in a normal year, and other than any wetland, marsh, swamp, or flat bordering on inland waters.

4231. *Lots without Public Sewer*. In all districts, an additional 10,000 square feet of area shall be required for a lot served by an individual septic system.

4232. *Lots without Public Water*. In all districts, an additional 10,000 square feet of area shall be required for a lot served by an on-site water supply.

4232. *Lots without Public Sewer or Public Water*. In all districts, an additional 20,000 square feet of area shall be required for a lot served by an on-site individual septic system and on-site water supply.

4240. Frontage. Frontage shall be measured along a street line connecting points of intersection of the side lot lines with the street line on which the lot is located. A building lot in any district shall have frontage on and rights of access to, as may be determined by the Planning Board, one or more of the following for the distance required under Dimensional Controls:

4241. A way legally accepted by town meeting vote, or

4242. A way established by county, state, or federal authority, or

4243. A way established by a subdivision plan approved in accordance with the Subdivision Control Law, or

4244. Any other way or portion of a way in existence when the Subdivision Control Law became effective which, because of unusual conditions such as limitations upon the extent or type of land use to be served, the Planning Board, following consultation with the DPW Superintendent, Police Chief, Fire Chief and Board of Selectmen, has determined to be sufficient for the needs for access and utilities to serve potential needs of land abutting on or served thereby.

4250. Dimensional Regulations - Special Circumstances.

4251. *Dead End Streets*. A lot on a turning circle of a dead end street may have a frontage of not less than 80% of frontage requirement provided that the shortest distance

between side lot lines shall be full required frontage at the front of dwelling or main nonresidential structure.

4252. *Frontage or Setback - Two Streets/Corner Lot*. A lot having frontage on two streets which do not intersect shall have two front yards, each of which shall comply with the minimum front yard setback requirements of this By-Law, but need to meet the minimum frontage requirement only with respect to one of the streets. A corner lot having frontage at the intersection of two streets must have the minimum frontage on at least one of the streets and shall be deemed to have two front yards, each of which shall comply with the minimum front yard setback requirements of this By-Law; one of the remaining yards shall be a rear yard.

4253. *Irregular Lots - Side Lot Lines*. In the event of an irregularly shaped lot and a question as to the identification of the appropriate side lot lines for measurements, the matter shall be decided by the Building Commissioner.

4254. *Building Setback - Modifications*. Where existing buildings on adjacent lots are set back less than the minimum required in the district in which they are located, a new building may be located at the average setback of the adjacent existing buildings within 200 ft. of the building.

4255. *Corner Lot Street Visibility*. Within an area formed by the side lines of intersecting streets and a line joining points on such lines twenty (20) feet distant from their point of intersection, or in case of a rounded corner, from the point of intersection of their tangents, no structure shall be erected and no fences, signs, plantings, walls, or other objects shall be maintained between a height of three (3) feet and a height of eight (8) feet above the plane through their curb grades.

4260. Minimum Lot Width. In any district, the minimum width of the lot at the building shall be measured as the shortest distance between side lot lines taken through the front wall of the dwelling or main non-residential structure on said lot.

4270. Side Yard in Industrial Districts. Where a lot is located on the boundary of the R1 or R2 District, the side yard adjacent to such residential district shall be 50 feet.

4300. ACCESSORY STRUCTURES

4310. Dimensional Requirements and Location.

4311. No accessory building or structure, except a permitted sign or roadside stand, shall be located within a required front yard setback.

4312. Accessory structures or buildings may be located in a rear or side yard provided that not more than twenty-five (25) percent of the required yard area shall be so occupied, and further provided that an accessory structure shall not be located nearer than ten (10) feet from the principal building and at least eight (8) feet from any side or rear lot line.

4313. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

4314. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.

4320. Permitted Accessory Structures. The following accessory structures are permitted in all districts:

4321. Accessory building not more than 15 feet in height above the average grade level around the structure; provided, however, that a barn dedicated to agricultural, horticultural or floricultural purposes shall not be subject to this requirement.

4322. Boundary fences, walls, or hedges shall be permitted provided that they do not exceed eight (8) feet in height and provided that no fence which obstructs vision shall exceed thirty-six (36) inches in height within twenty (20) feet of the street line or within twelve (12) horizontal feet of a habitable room in an abutting dwelling.

4323. Flag poles of a height not to exceed 20 feet are permitted and shall be exempt from the setback requirements of this Section.

4324. Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Zoning By-Law.

4330. Prohibited Accessory Structures. The following accessory structures are prohibited in all districts:

4331. A truck box shall not be deemed to constitute a permissible accessory structure or use.

4332. A conex box shall not be deemed to constitute a permissible accessory structure or use.

4333. A steel storage unit shall not be deemed to constitute a permissible accessory structure or use.

SECTION 5000. GENERAL REGULATIONS

5100. PARKING REQUIREMENTS

5110. General. Parking shall be provided in accordance with this Section for any building or use hereafter erected, enlarged or increased, except for non-residential and non-industrial uses fronting on High Street between Union and Water Street and Church Street between Walnut and School Street. Parking spaces shall be maintained and shall not be encroached upon so long as said principal building or use remains, unless an equivalent number of such spaces is provided elsewhere in conformance with this By-Law.

5111. *Obligation.* The requirement for parking space shall be a continuing obligation of the owner of the real estate on which any such structure or use is located as long as the structure or use is in existence and its use requiring vehicle parking facilities continues unless a change in use also changes the parking requirements. It shall be unlawful for an owner of any structure or use affected by this Section to discontinue, change or dispense with, or to cause the discontinuance of any vehicle parking space. It shall be unlawful for any firm, corporation or person to occupy a structure without providing parking spaces which meet with the requirements of and are in compliance with this By-Law.

5112. Nothing herein shall be construed to prohibit the owner of a parking or storage area from restricting the use thereof to his customers, employees or other invitees, nor from charging a reasonable fee for the use thereof.

5120. Collective Parking. Common parking areas may be permitted for the purpose of servicing two (2) or more principal uses on the same or separate lots, provided that:

5121. Evidence is submitted that parking is available within five hundred (500) feet of the premises, which lot satisfies the requirements of this By-law and has excess capacity during all or part of the day, which excess capacity shall be demonstrated by competent parking survey conducted by a traffic engineer registered in the Commonwealth of Massachusetts.

5122. A contract, agreement, or suitable legal instrument acceptable to legal counsel, shall be filed with the application for building permit, occupancy permit, or special permit which shall specify the location of all spaces to be jointly used, the number of such spaces, the hours during the day that such parking shall be available, and the duration or limit, if any on such parking.

5123. Any reduction in area required for parking because of these joint use provisions may be required as reserved landscaped open space; such area shall be computed at the rate of four hundred (400) square feet per parking space.

5124. Nothing in this section shall relieve the owner from providing parking facilities in accordance with this By-law if subsequently the joint use of parking facilities shall terminate.

Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately.

5130. Location of Parking. The parking spaces required for all residential dwellings shall be located on the same lot as the dwelling and the parking spaces required for other uses shall be located on the same lot as the principal use or on a lot which is within two hundred feet of the principal use, such distance to be measured along street lines to the property.

5131. In commercial and industrial zones, if there are special and unusual circumstances that make it impractical to provide all required parking within 300 feet of the principal use, other provisions may be made for the location of parking provided it is a permitted use in the zone in which it is to be located and subject to Special Permit and Site Plan approval by the Planning Board.

5132. When required parking spaces are provided on land other than the lot occupied by the principal use for which they are required, the land occupied by such spaces must be in the same possession as such principal use. The owner of such land must be bound by a covenant, recorded in the office of the Registry of Deeds binding such owner and his heirs and assigns to maintain the required number of parking spaces for the duration of the use served, unless the Town provides public parking for that particular business.

5133. In residential zones, no more than 50% of a required front yard shall be covered by impervious material.

5140. Size and Number of Spaces. An off-street parking space as used herein shall be a space 9 feet in width and 20 feet in length. However, a parking space not less than 8 feet by 18 feet may be permitted in cases where the parking spaces are for the exclusive use of employees or the parking spaces are within a garage. Off-street parking spaces shall be provided for all new uses or buildings hereafter constructed, reconstructed, or enlarged in accordance with the following Table, unless otherwise provided for by the Town.

TABLE OF PARKING REQUIREMENTS

PRINCIPAL USE	**NUMBER OF PARKING SPACES**
A. RESIDENTIAL USES	
1. Single-family dwelling	2 spaces per dwelling unit
2. Two-Family dwelling	2 spaces per dwelling unit
3. Three or Four Unit Multifamily dwelling	2 spaces per dwelling unit
4. Boarding house	2 spaces, plus 1 space per rental room
5. Planned unit development/mill conversion	See Section 8200
6. Flexible development	See Section 8100

PRINCIPAL USE	NUMBER OF PARKING SPACES
B. EXEMPT AND INSTITUTIONAL USES	
1. Use of land or structures for religious purposes	1 space for each three (3) persons with capacity based on State Building Code
2. Use of land or structures for educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	1 space per three occupants, plus 1 per two employees
3. Family day care home	2 spaces per dwelling unit, plus 1 space for each employee
4. Child care facility	1 space per three occupants, plus 1 per two employees
5. Use of land for the primary purpose of agriculture, horticulture, floriculture, or viticulture on a parcel of more than five acres in area	Not applicable
6. Cemeteries, private	Not applicable
7. Hospital	1 space per two patient beds
C. COMMERCIAL USES	
1. Nonexempt farm	Not applicable
2. Nonexempt educational use	1 space per three occupants plus 1 per two employees
3. Animal clinic or hospital	1 space per 200 square feet net floor area
4. Kennel	1 space per 200 square feet net floor area
5. Nursing or convalescent home	1 space per five occupants, plus 1 per two employees
6. Funeral home	1 space for each three (3) persons with capacity based on State Building Code
7. Hotel or motel	1 space for each rooming unit, plus required parking for facilities used for eating, drinking, assembly and other uses
8. Bed and Breakfast	1 per sleeping room, plus 1 per two employees
9. Retail stores and services not elsewhere set forth	1 space for each 150 square feet of gross floor area, but not less than 3 spaces for each separate enterprise
10. Personal service establishment	1 space for each 300 square feet of gross floor area, but not less than 2 spaces for each tenant or separate enterprise

PRINCIPAL USE	NUMBER OF PARKING SPACES
C. COMMERCIAL USES	
11. Motor vehicle, trailer, or boat sales and rental	1 space for each 150 square feet of net customer floor area
12. Motor vehicle general and body repair	1 space for each 500 square feet of gross floor area: or 3 spaces per bay, lift or equivalent whichever is greater
13. Motor vehicle light service	1 space for each 500 square feet of gross floor area: or 3 spaces per bay, lift or equivalent whichever is greater
14. Car wash	Attendant operated or self-service car wash shall have at least 5 waiting positions for each bay between the street line and such bay for cars approaching and at least 2 waiting positions for cars leaving said bays
15. Restaurant	1 space for each 75 square feet of gross floor area, but not less than 3 spaces per separate enterprise
16. Restaurant, fast-food or drive-in	1 space for each 75 square feet of gross floor area, but not less than 3 spaces per separate enterprise
17. Business or professional office; bank, financial agency or institution	1 space for each 300 square feet of gross floor area, but not less than 2 spaces for each tenant or separate enterprise
18. Medical office building or clinic	1 space for each 300 square feet of gross floor area, but not less than 2 spaces for each tenant or separate enterprise
19. Any other commercial drive-through use	Drive-in windows shall have at least five waiting positions between the street line and said window for cars approaching and at least one waiting position for cars leaving said window
20. Indoor commercial recreation	1 space for each three (3) persons with capacity based on State Building Code
21. Membership club, civic, social, professional or fraternal organization	1 space for each three (3) persons with capacity based on State Building Code
22. Commercial parking lot or garage	Not applicable
23. Adult entertainment establishment	See Section 6400
24. Wireless Communications Facility	Not applicable
25. Medical Marijuana Treatment Centers	1 space for each 300 square feet of gross floor area, but not less than 2 spaces for

	each tenant or separate enterprise
PRINCIPAL USE	
D. INDUSTRIAL USES	
1. Quarrying or other extractive operation	Not applicable
2. Light manufacturing	1 space for each 500 square feet of gross floor area, but not less than 3 spaces per separate enterprise
3. Manufacturing	1 space for each 500 square feet of gross floor area, but not less than 3 spaces per separate enterprise
4. Wholesale, warehouse, self-storage mini-warehouse, or distribution facility	1 space for each 1000 square feet of gross floor area, but not less than 3 spaces per separate enterprise
5. Research, experimental and testing laboratories	1 space for each 500 square feet of gross floor area, but not less than 3 spaces per separate enterprise
6. Transportation freight terminal	As determined by the Planning Board during site plan review
7. Fuel storage or distribution facility	As determined by the Planning Board during site plan review
8. Electric, gas, steam generation or storage plant	As determined by the Planning Board during site plan review
9. Solid waste disposal facilities; sanitary landfill	As determined by the Planning Board during site plan review
10. Junkyard or automobile salvage yard	Not applicable
11. Plant for dry cleaning, cold storage or freezing	As determined by the Planning Board during site plan review
12. Beverage bottling or food packaging plant	As determined by the Planning Board during site plan review
13. Contractor's yard	As determined by the Planning Board during site plan review

5150. Special Permit. Any parking requirement set forth herein may be reduced upon the issuance of a special permit by the Planning board if the Board finds that the reduction is not inconsistent with public health and safety, or that the reduction promotes a public benefit. Such cases might include:

5151. Use of a common parking lot for separate uses having peak demands occurring at different times;

5152. Age or other characteristics of occupants of the facility requiring parking which reduces auto usage;

5153. Peculiarities of the use which make usual measures of demand invalid;

5154. Availability of on-street parking or parking at nearby municipally owned facilities.

5155. Where a special permit is granted, a reserve area, to be maintained indefinitely as landscaped open space, may be required sufficient to accommodate the difference between the spaces otherwise required and the spaces reduced by special permit. The parking/site plan shall show (in dotted outline) how the reserve area would be laid out in order to provide the otherwise required number of spaces.

5160. Design Requirements. The general layout and traffic circulation of parking areas for nonresidential and multifamily uses and structures shall be designed so as to avoid unsafe conditions and traffic congestion in the streets upon which the area has access and to provide for the safety and adequacy of access for vehicles and pedestrians using the area. This section shall not apply in the BR District if adequate municipal parking is provided by the Town of Clinton. The following standards shall apply:

5161. Individual parking spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Building Commissioner.

5162. No access drive, aisle or maneuvering area shall have a turning radius of less than 20 feet.

5163. Where vehicles will be located adjacent to sidewalks, fences, walls, required buffer strips, trees, landscaping, or similar constructions, a suitable bumper or curb shall be provided in such a location that the vehicle cannot overhang or otherwise damage said obstruction.

5164. Off-street parking areas shall be surfaced with an asphaltic, bituminous cement or other properly bound pavement so as to provide a durable and dustless surface, and shall be so graded and drained as to dispose of all surface water accumulation within the area. The use of so called hard surface porous paving is encouraged. The surface shall be delineated so that the parking space is apparent.

5165. Any lighting used to illuminate any off-street parking area shall be shielded and so arranged as to reflect the light away from adjoining premises and public right-of-ways.

5166. Any portion of a parking area not used for parking space or circulation shall be appropriately landscaped and protected.

5167. All portions of all parking spaces and maneuvering aisles shall be set back a minimum of five (5) feet from any wall of a building.

5168. Each required off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle or by passing over any other parking space, except where the parking area is attended or limited to employees.

5170. Landscaping for Parking Areas.

5171. Parking areas with more than five spaces shall contain 150 square feet of planted areas for every 1000 square feet of parking proposed, including aisles, appropriately situated within the parking area. Such planted area shall contain an appropriate mix of shade trees and other plants.

5172. Parking lots, loading areas, and service areas shall be screened from view, to the extent feasible, from all adjacent residentially zoned properties, by the use of planted areas, berms, natural contours, fences or a combination of the above.

5173. Buffer strips between parking lots and rear or side lot lines adjacent to the R1 or R2 Districts shall have at least ten (10) feet of depth.

5180. Access Drives. No driveway or access road, to or from any property shall be so located at its juncture with a street as to create a danger or menace to the community or to the convenience or proper use of the adjoining property. No driveway shall provide access to a lot located in another Zoning District, if said lot is used for any use, principal or accessory, not permitted in the district in which such driveway is located. The driveway or access road to a lot shall be through its frontage, unless authorized otherwise by Section 5120 or 5150.

5181. No driveway shall be located closer than 25 feet to any street intersection measured along the street lines. In any non-residential district, no two driveways on the same lot shall be located closer than 25 feet to each other at their closest limits. This provision is limited to one entrance and one exit on a circular drive.

5182. No lot having less than 200 feet of street frontage shall have more than two driveway entrances and/or exits on each street abutting the lot, but not closer than 90 feet to each other. Lots with more than 200 feet of street frontages may have up to one driveway entrance and/or exit for each 200 feet of additional street frontage.

5183. All requirements of the Town of Clinton Department of Public Works must be met.

5184. Access drives shall be arranged for the free flow of vehicles at all times; and all maneuvering spaces and aisles shall be so designed that all vehicles must exit from and enter into a public street by being driven in a forward direction.

5200. LOADING AREAS

5210. General. Off-street loading areas shall be designed and constructed in accordance with this Section.

5211. Loading bays shall not be less than twelve (12) feet in width, sixty-five (65) feet in length, and fourteen (14) feet in height, exclusive of driveway and maneuvering space. Required off-street loading bays and maneuvering spaces shall be located entirely on the same lot as the building being served.

5212. Individual loading spaces, maneuvering areas, entrances and exits shall be suitably identified with lines and arrows, as deemed necessary by the Building Commissioner.

5220. Screening and Landscaping Requirements. Loading areas shall be screened in accordance with Section 5172, herein.

5230. Number of Loading Spaces. All buildings, requiring the delivery of goods, supplies, or materials, or shipments of the same shall have bays and suitable maneuvering space for off-street loading of vehicles in accordance with the following:

5231. Retail stores and services. For each establishment with a net floor area from five thousand (5,000) to eight thousand (8,000) square feet, at least one (1) berth. Additional space is required at the rate of one (1) berth per eight thousand (8,000) square feet or nearest multiple thereof. Where two (2) or more such establishments are connected by a common wall such as in a shopping center, common berths may be permitted for the use of all establishments at the rate of one (1) berth space per eight thousand (8,000) square feet in the entire shopping center.

5232. Office buildings. For each office building with net area of four thousand (4,000) square feet or more, at least one (1) berth shall be provided.

5233. Manufacturing, industrial uses or warehousing. For manufacturing, industrial uses or warehousing and similar uses up to eight thousand (8,000) square feet of net floor area, at least one (1) berth shall be provided. For larger floor areas, additional berths shall be provided as required by the Building Commissioner adequate for off-street loading and unloading.

5240. Location. Any enclosed loading space shall be located at least 30 feet from any street line and any open loading space shall be so designed that trucks when loading or unloading will not project over any street line.

5250. Backing onto or Queuing on the Street. No loading area shall require vehicles exiting the area to back onto a public way. No loading area shall require vehicles waiting to be off-loaded to park in a queue on a public way.

5260. Special Permit. The Planning Board may vary any requirement of Section 5200 upon the grant of a special permit, where such relief will not result in substantial detriment to the neighborhood or the town.

5300. SIGN REQUIREMENTS

5310. General Regulations. No sign shall be erected, enlarged or structurally altered without a sign permit issued by the Building Commissioner, with the exception of unlighted signs one (1) square foot or smaller. A building permit may also be required.

5311. *Maintenance*. All signs shall be maintained in a safe and neat condition to the satisfaction of the Building Commissioner and in accordance with 380 CMR 3102 of the State Building Code.

5312. *Removal*. Any sign deemed to be abandoned or in disrepair so as to cause a hazard, or no longer pertaining to a business in existence shall be removed or caused to be removed within fourteen days after written notification from the Building Commissioner.

5313. *Nonconforming Signs*. Any sign legally erected may be continued and maintained despite being made nonconforming through change in the Zoning By-law. Any sign rendered nonconforming through erection of additional signs on the premises or through change or termination of activities on the premises shall be removed within thirty (30) days of order of the Building Commissioner. No existing sign shall be enlarged, redesigned, or altered in any way except in conformity with the provisions contained herein. Any sign which has been destroyed or damaged to the extent that the cost of repair or restoration will exceed one-third of the replacement value as of the date of the destruction shall not be repaired, rebuilt, restored, or altered unless in conformity with this by-law.

5314. *Identification*. All signs approved by the Building Commissioner will have an identifying number affixed to the face of the sign in the lower right hand corner.

5315. *Illumination*. Externally lit signs are permitted. Internally lit signs may be used upon the issuance of a special permit by the Planning Board.

5320. Prohibited Signs.

5321. *General*. No moving, animated, revolving, moving light, or flashing sign or sign elements shall be permitted, except for traditional illuminated barber shop poles with revolving pillars. Only registered and licensed barber shops shall be allowed to display a barber pole, which shall not exceed 18" in height. No pennants, streamers, advertising flags, spinners, or similar devices shall be permitted.

5322. *Location.* No sign shall be located within twenty-five (25) feet of the intersection of sidelines of intersecting streets.

5323. *Height*. No part of any sign shall be more than twelve (12) feet in height above ground level or exceed the height of the building to which it relates unless granted a special permit to vary this requirement by the Planning Board.

5324. *Overhanging Signs*. No part of any sign shall overhang a public way by more than twenty four (24) inches.

5325. *Sandwich Signs*. Wood sandwich or A frame type signs are not allowed. Metal or plastic framed temporary advertising type signs on light gauge brackets and/or wheels are not allowed.

5327. *Temporary Wiring*. The temporary power wiring of any sign is not allowed.

5330. Temporary Signs. Temporary signs (including those mounted on wheels, trailers, or motor vehicles if those vehicles, trailers, or wheeled signs are regularly located for fixed display) are prohibited unless complying with all requirements of this By-law as applicable to permanent signs, or as may be allowed herein.

5331. Temporary signs, including real estate, construction, posters in conjunction with an event, and yard sale signs, shall be limited to 45 days prior to the event and shall be removed within seven days after the event. No such sign shall be placed on the property of the Town. Such temporary signs shall not exceed 12 square feet in the R1 or R2 District, or 20 square feet in the BR, C or I District.

5340. Off-Premises Signs. Off-premises signs shall be allowed only by special permit from the Board of Appeals in the C or I Districts. Such signs shall not exceed thirty-two square feet in area or twelve feet in height. Such signs shall not be located on the roof of any building. Such signs shall be permitted by the Outdoor Advertising Board, where applicable, pursuant to 711 CMR 3.00.

5350. Signs in the R1 or R2 District. The following signs are permitted in R1 and R2 districts.

5351. One (1) sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no such sign shall exceed two (2) square feet in area.

5360. Signs Permitted in BR, C and I Districts. The following signs are permitted in BR, C, and I districts.

5361. *Attached signs*. One sign may be attached to any one wall of a building, not to exceed an area equivalent to ten (10) percent of the front wall area of said building, or thirty-two (32) square feet, whichever is smaller.

5362. Allowable sign area may be divided between two (2) signs, each sign to be attached to a different wall of the building, or thirty-two (32) square feet, whichever is smaller.

5363. In the case of buildings with multiple occupants, each occupant is allowed one (1) sign, with the above total allowable sign area divided among them in proportion to their share of total floor area.

5364. Unlighted directional signs not exceeding two square feet in area and subsidiary signs, such as travel club or credit card signs are not limited, where such signs are incorporated within other allowable signs.

5365. A building located at an intersection fronting on two (2) public ways may divide the allowable sign area between two (2) signs, each sign to be attached to a different wall of the building. The total allowable sign area shall not exceed an area equivalent to ten (10) percent of the wall, or thirty-two (32) square feet, whichever is smaller.

5366. *Freestanding signs*. One freestanding sign located within the front yard area of the building and not exceeding thirty-two (32) square feet, provided that the building has a minimum setback of thirty (30) feet and the sign is so located as to be set back fifteen (15) feet from the street line and twenty (20) feet from any side lot line.

5367. *Directory signs*. A freestanding "directory" sign, such as a sign representing multi-tenants, must have uniformity of size and color and the overall sign must meet the criteria for freestanding signs.

5368. *Directional signs*. No more than two (2) directional signs per driveway, said signs to contain no advertising and shall not exceed an area of two (2) square feet each.

5370. Guidelines. These guidelines are not mandatory, but degree of compliance with them shall be considered by the Planning Board in acting upon special permits authorized under this section, as shall consistency with the basic sign objectives and any specific criteria cited above.

5371. *Design*.

a. Any increase above the basic maxima for the size and number of signs should be justifiable because of multiple frontages, development scale, or other special needs, and should be appropriate in relation to street width, signage on nearby structures, and speed of vehicular travel.

b. Sign content normally should not occupy more than forty (40) percent of the sign background, whether a signboard or a building element.

c. Signs should be simple, neat, and avoid distracting elements, so that contents can be quickly and easily read.

d. Signs should be sized and located so as to not interrupt, obscure, or hide the continuity of columns, cornices, roof eaves, sill lines, or other elements of building structure, and where possible, should reflect and emphasize building structural form.

e. Sign materials, form, colors, and lettering shall be reflective of the character of the building to which the sign relates.

f. Clutter should be avoided by not using support brackets extending above the sign or guy wires and turnbuckles, unless these are consistent with the architecture of the building to which they relate.

5372. *Content*.

a. Signs should not display brand-names, symbols, or slogans of nationally distributed products except in cases where the majority of the floor or lot area on the premises is devoted to manufacture, sale, or other processing of that specific product.

b. Premises chiefly identified by a product brand-name (such as a gasoline or auto brand) should devote some part of their permitted sign area to also displaying the identity of the local outlet.

c. Signs should not contain selling slogans, product descriptions, help wanted notices, or other advertising which is not an integral part of the name or other identification of the location or the enterprise.

5380. Special Permit. The Planning Board, by special permit, may authorize signs larger than otherwise set forth herein, or a greater number of signs, upon a determination that such deviation will not result in substantial detriment to the neighborhood or the town.

5390. 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 Zoning or Administrative 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 therfor, if so required. A decision thereon shall be rendered no later than thirty (30) days from the date of submission of a complete application.

5400. GENERAL LANDSCAPING REQUIREMENTS

5410. Purpose. This section is designed to accomplish the following objectives: to provide a suitable boundary or buffer between residential uses and districts and nearby nonresidential uses; to define the street edge and provide visual connection between nonresidential uses of different architectural styles; to separate different and otherwise incompatible land uses from each other in order to partially or completely reduce potential nuisances such as dirt, dust, litter, noise, glare from motor vehicle headlights, intrusion from artificial light (including ambient glare), or view of signs, unsightly buildings or parking lots; to provide visual relief and a source of shade in parking lots and other areas, and protection from wind in open areas; to preserve or improve the visual and environmental character of the city, as generally viewed from residential or publicly accessible locations; and to offer property owners protection against diminution of property values due to adjacent nonresidential use.

5420. Applicability. The requirements of this section shall apply to any nonresidential use and to multifamily dwellings.

5430. Landscaping Requirements for Property Lines. Property line(s) with residential districts shall be screened from nonresidential uses by means of plantings or maintenance of trees of a species common to the area and appropriate for screening, spaced to minimize visual intrusion, and providing an opaque year-round visual buffer between uses. Such plantings shall be provided and maintained by the owner of the property used for nonresidential purposes. The buffer area may contain walks, sewerage, and wells, but no part of any building structure, or paved space intended for or used as a parking area may be located within the buffer area. Planted buffer areas along property lines with residential districts or uses shall be of the following minimum depth in each district, which may be reduced by special permit issued by the Planning Board upon a finding that such reduction will not detract from the objectives of this Section:

DISTRICT	BR	C	I
BUFFER WIDTH (ft.)	10	10	10

5440. Landscaping Requirements for Street Frontage of Nonresidential Uses. In the C District, a landscaped buffer area, except for approved access ways, at least twenty feet in width as measured from the layout of the roadway providing frontage, shall be established. The buffer area shall be planted with grass, medium height shrubs, and shade trees. Shade trees shall be planted at least every 35 feet along the road frontage.

5450. Planted Area Requirements. Planted Areas shall contain an appropriate mix of the following types of plants. Plant species shall be appropriate to proposed use, siting, soils, and other environmental conditions. Where the Planning Board determines that the planting of trees is impractical, the permit applicant may substitute shrubbery for trees.

5451. Shrubs and hedges shall be at least 2.5 feet in height at the time of planting, and have a spread of at least 18 inches.

5452. Grass is preferable to mulch where practical.

5453. Existing trees with a caliper of six inches (6") or more shall be preserved wherever feasible.

5454. Deciduous trees shall be at least two (2") inches in caliper as measured six (6") inches above the root ball at time of planting. Deciduous trees shall be expected to reach a height of 20 feet within ten years after planting. Evergreens shall be a minimum of five (5') feet in height at the time of planting.

5460. Coordination with Site Plan Approval. The Planning Board may require a landscaping plan as part of the overall site plan for the premises. Such landscaping plan shall be at a scale sufficient to determine compliance with the specifications set forth in this Section.

5470. Maintenance of Landscaped Areas. The owner of the property used for nonresidential purposes shall be responsible for the maintenance, repair and replacement of all landscaping materials installed in accordance with this section. All plant materials required by this chapter shall be maintained in a healthful condition and such continued maintenance shall be a condition of any variance, special permit, or site plan approval. Dead limbs, refuse and debris shall be promptly removed. Dead plantings shall be replaced with new live plantings at the earliest appropriate season. Bark mulch and non-plant ground surface materials shall be maintained so as to control weed growth.

5480. Special Permit. The Planning Board may vary any requirement of Section 5400 upon the grant of a special permit, where such relief will not result in substantial detriment to the neighborhood or the town.

5500. ENVIRONMENTAL STANDARDS

5510. General. No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection included herein. The Building Commissioner may require an applicant for a building or occupancy permit to supply, at his expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. After a permit is issued in accordance with this section, continuing compliance is required. When the Building Commissioner suspects a subsequent violation he may, as necessary obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the town. The following standards are hereby established.

5520. Noise. No use shall be permitted which, by reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property, as set forth in 310 CMR 7.01.

5530. Solid Waste Storage. Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage or solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible in accordance with Section 5400 of this by-law. Screening materials will not be attached to any structure.

5540. Miscellaneous Standards.

5541. Vibration. No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use.

5542. Air Borne Matter. Cinders, dust, fumes, gases, odors, smoke, radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.

5543. Interference. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

5544. Hazardous Materials. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire fighting and fire suppression equipment standard in this industry. Burning of waste materials in the open contrary to state law is prohibited.

5545. Vermin. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.

5550. Erosion Control. Site design, materials, and construction processes shall be designed to avoid erosion damage, sedimentation, or uncontrolled surface water runoff by conformance with the following:

5551. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area, or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff, or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

5552. All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

5553. No area or areas totaling 2 acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled 6 inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided, and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

5554. The Building Commissioner may require the submission of all information from the building permit applicant or the landowner, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover, and the nature of impoundment basins proposed, if any.

5555. In granting a special permit hereunder, the Planning Board shall require a performance bond to ensure compliance with the requirements of this Section.

5560. Exterior Lighting. No exterior lighting, other than street lighting approved by the Board of Selectmen, shall shine on adjacent properties or toward any street. Exterior illumination of buildings or grounds in Residential or Neighborhood Residential Districts, except as may be permitted for required parking areas, shall:

5561. Be permitted only for non-commercial uses open to the public, such as a church or playground; and

5562. Shall be shown on a site plan approved by the Planning Board.

5563. Any lighting shall be continuous and non-flashing.

SECTION 6000. SPECIAL REGULATIONS

6100. COMMON DRIVEWAYS

6110. General. Common driveways are permitted in the Town of Clinton providing:

6111. Each lot served by the common driveway otherwise has frontage required by the Clinton Zoning Bylaw.

6112. The approval of the Planning Board is obtained on a Definitive Plan approved in accordance with G.L. c. 41 and the Rules and Regulations Governing the Subdivision of Land adopted by the Planning Board of Clinton or on a plan submitted to the Clinton Planning Board in the same manner and acted on by the Planning Board in the same manner as a Definitive Plan.

6120. Approval. The approval called for in the above shall be conditioned on:

6121. A covenant between the owner or developer and the Town in a form acceptable to the Planning Board of the Town of Clinton prohibiting the sale of lots and erection of buildings except for lots approved and/or buildings erected prior to the adoption of this Bylaw, until such time as the common driveways have been constructed in accordance with the approved plan.

6122. A declaration of covenants, easements and restrictions running with title to the land in a form satisfactory to the Planning Board for the use and maintenance of said common drives.

6123. Any existing common driveways must be recorded with the register of deeds prior to or at time of sale of any lot as of the effective date of this by-law.

6124. All driveways must comply with Section 5180 and any regulation as adopted by the Town of Clinton Department of Public Works.

6200. HAMMERHEAD LOTS

6210. General. Parcels located in R1 or R2 Districts with frontage on a public way may be divided into hammerhead lots for residential use only.

6211. Any subdivision of land containing less that 15 lots - 2 hammerhead lots will be allowed - over 15 lots a maximum of 15% of the lots will be allowed rounding off each fraction to the next highest number.

6220. Special Permit Required. A special permit may be granted by the Planning Board if it finds that the standards described in this section have been met, efficient current and future use of land will be encouraged, the scenic and natural resources of Clinton will be protected, and that adequate access has been provided as required by Section 5180. Once approved as a hammerhead lot, such lot shall not subsequently be subdivided.

6230. Development Standards. It is the intent to allow for optional limited development of deep back-land lots subject to the following standards for individual lots:

6231. Land area conforms to 2 times lot size of standard lot for that area, without counting the access strip. "Access Strip" in this case shall mean that portion of lot between the street and to where the lot width is 110 feet or more.

6232. Access frontage of at least 35 feet suitable for an access driveway.

6233. Access corridor width of at least 35 feet.

6234. Lot width at the building line of at least 90 feet and shall conform to rear front and side set-backs.

6240. Access. Access driveways serving hammerhead lots shall meet the following minimum standards.

6241. Width of at least 12 feet.

6242. Maximum grade of 10%. All grades greater than 5% shall be finished with bituminous concrete.

6243. A length such that the distance along driveway center line to each principal building on the premises will not exceed 500 feet from the street sideline. Unless a special permit for unusual cases is issued and adequate provisions for safety are provided.

6244. Passing turnouts providing a total width of at least 15 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts and with the first such passing turnout at the driveway connection to the street.

6245. Provision for turn-around space available for use in all seasons capable of serving all vehicles including moving vans, ambulances, fire engines and police vehicles for driveways over 200 feet.

6246. At most three lots may be connected to or otherwise share the same access driveway.

6247. A recorded clear provision for all shared driveways and running with the land establishing clear responsibilities for maintenance and snow removal.

6248. A location entirely within the lot or lots being served.

6250. Driveway Site Plan Approval. A building permit for a residence located on a hammerhead lot shall be issued only upon receipt of a written statement from the Planning Board indicating a satisfactory driveway and turn around consistent with the standards of the subdivision rules and regulations has received site plan approval.

6251. The Building Commissioner may consider the construction of a driveway or its extension "satisfactory" for the approved site plan for construction of the driveway if all

drainage, utilities, erosion control measures, base gravel, and the first course of any bituminous concrete that may be required are all in place.

6260. Occupancy Permit. No occupancy permit for a residence constructed on a hammerhead lot shall be issued until the access driveway has been completed in accordance with the standards specified in the driveway site plan approval, and a maintenance agreement, approved by the Planning Board, has been recorded in the Registry of Deeds.

6300. MOBILE HOMES

6310. General. Mobile homes shall not be parked, stored, or occupied for living or business purposes, except as follows:

6311. *Temporary Permit*. If granted a temporary permit by the Building Commissioner, a mobile home may be occupied incidental to construction or reconstruction of a permanent structure on the premises or, for a period not to exceed 30 days in any calendar year, in conjunction with a carnival, blood bank, or similar function.

6312. *Storage*. A mobile home may not be stored accessory to a residence except in accordance with Section 3233.

6313. *Mobile Homes or Trailers*. No corporation, person or persons, owners, lessees or other person in control of a trailer, trailer coach, trailer coach park, mobile home or other closed vehicle furnished for housekeeping and designed to be pulled behind another vehicle shall cause the same to be placed upon any premises in any district within the Town. Provided, however, in cases of emergency where a person or persons dwelling has become uninhabitable because of fire, hurricane, flood or other disaster, a mobile home or trailer home may be permitted on such premises for a period not to exceed twelve (12) months for the purpose of allowing such person or persons to live in while rebuilding or reconstructing their dwelling. Any such mobile home shall be subject to the provisions of the State and local sanitary codes and further provided, however, the Building Commissioner may grant permission to locate upon construction sites a mobile home or trailer home for use as an office without hearing for a period not to exceed six months, and further, provided, recreational campers and mobile trailers used only for recreational purposes shall be exempt from this section, but in no instance may such be inhabited or used as a dwelling. Campers may be occupied by nonpaying guests accessory to a residence up to seven days in any calendar year. Campers may be stored accessory to a residence. Campers, whether occupied or not, shall not be maintained within a required yard.

6400. MINING, QUARRYING AND REMOVAL OF LOAM, SAND, GRAVEL AND ROCK

6410. General. The removal of over 200 cubic yards of loam, sand, gravel, rock or earth material from any parcel of land in the Town of Clinton except as provided in Section 6411, shall be considered commercial earth removal, and shall be allowed only after a written special permit therefore is obtained from the Board of Selectmen after a public hearing of which due notice is given. The Board of Selectmen in issuing a special permit under this Bylaw may impose such conditions as it deems necessary.

6411. Removal of less than 200 cubic yards of earth products in conjunction with building or road construction shall be allowed.

6420. Conditions. The following conditions shall apply to earth removal:

6421. Soil, loam, sand, gravel, rock and earth material may only be removed from the area appropriate to such removal as shown on approved engineered drawings.

6422. Excavation hours are 7:00 a.m. to 5:00 p.m. Monday through Friday, and 7:00 a.m. to 12:00 Noon on Saturday or as modified by permitting authority. No Sunday or legal holiday hours.

6423. The operation will not produce noise, dust or other effects, observable at the lot lines in amounts objectionable or detrimental to the normal use of the adjacent property. This condition shall also include the service road.

6424. The operation will not result in transportation which will cause undue injury to the roadway surfaces.

6425. All finish grades shall be shown on the permitted plan.

6426. All excavation must be graded to a maximum 2:1, horizontal to vertical slope. In areas where material has been removed, the surface will be restored and covered with 4 inches of topsoil and re-seeded within a stated time.

6427. All Federal, State, County or Local laws must be adhered to.

6428. Any excavation or other work within 100 feet of a Wetland or Stream must be proceeded by an order of conditions from the Clinton Conservation Commission.

6430. Term of Permit. The permit shall be for a one year period and shall be reviewed annually for compliance with adherence to the conditions specified herein.

6500. ADULT ENTERTAINMENT USE ESTABLISHMENTS

6510. Authority. This bylaw is enacted pursuant to G.L. c. 40A and pursuant to the Town of Clinton's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling town interests of limiting the location of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

6520. Purpose. It is the purpose of this Section 6500 to address and mitigate the secondary effects of adult entertainment use establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to increase crime, adverse impacts on the property values of residential and commercial properties and adverse impacts on the quality of life in the Town. All of the secondary impacts are adverse to the health, safety and general welfare of the Town of Clinton and its inhabitants.

6521. The provisions of Section 6500 have neither the purpose nor the 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 nor the intent of this Section to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States 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.

6530. Special Permit Required; Eligibility. Adult entertainment uses shall be allowed by special permit within the Industrial and Commercial zoning districts. The Board of Selectmen shall serve as the special permit granting authority. Such special permit may be granted only where each of the following standards has been met:

6531. No special permit shall be issued to any person convicted of violating the provisions defined by G.L. c. 119, s. 63, or G.L. c. 272, s. 28.

6532. Adult entertainment uses shall not be located within:

a. 100 feet from the nearest residential zoning district; or
b. 500 feet from the nearest church, school, park, playground, play field, youth center or public or private nursery school, daycare center or kindergarten.

6533. The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.

6534. All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public. No adult entertainment use shall be allowed to display for advertisement or other purposes any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent materials any sexually explicit figures or words as defined in as defined by G.L. c. 272, s. 31 as amended.

6535. No adult entertainment use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.

6536. The proposed adult entertainment use shall comply with the off-street parking requirements of this bylaw.

6540. Application. The application for such special permit shall provide the name, and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment. Such application shall be accompanied by a plan depicting all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The plan shall show the distances between the proposed adult entertainment use and the boundary of the nearest residential zoning district and the property line of each of the uses set forth in Section 6530, above. The Select Board may retain professional assistance to review and give recommendations in assessing the application, at the expense of the applicant, pursuant to the Board's rules and regulations for consultant fees.

6550. Conditions. The Select Board may impose reasonable conditions, safeguards and limitations on time or use of any special permit granted and shall require that any such special permit granted shall be personal to the applicant, shall not run with the land, and shall expire upon expiration of the applicant's lease or upon sale or transfer of the subject property. Hours of operation for any adult entertainment use shall not exceed the hours of 9:00 A.M to 11:00 P.M.

6560. Expiration. A special permit to conduct an adult entertainment use shall expire after a period of two calendar years from its date of issuance and shall be renewable for successive two year periods thereafter, provided that a written request is made to the Select Board based upon the public safety factors applied at the time that the original special permit was granted.

6570. Prohibition of Alcoholic Beverages. The sale, dispensation or consumption of alcoholic beverages is prohibited on premises where an adult entertainment use establishment exists.

6580. Signs. No adult entertainment use shall erect a free standing sign nor shall any such establishment advertise on a free standing accessory sign. No such sign may contain any moving, flashing or animated lights, or visible moving or moveable parts, or changeable type. Such sign may only be located on the building in which the adult entertainment use is operating. Such sign may only contain the name of the adult entertainment use and the hours of operation.

6600. WIND ENERGY CONVERSION SYSTEMS

6610. General. Wind energy conversion systems, machinery and equipment are allowed, provided that:

6611. The system shall not cause interference with radio and/or television broadcasting or reception and shall comply with the provisions of 47 CFR Part 15 (Federal Communications Commission) as it exists, or as it may be amended.

6612. The base of a windmill shall be set back from all property lines and principal buildings at least the setback distance shown on the "Wind Turbine Setback Graph" North East Solar Energy Center Report, March 1979.

Section 6700: Medical Marijuana Treatment Centers

6710. Purpose. This Section 6700 ("Section") is established to provide for the placement of Medical Marijuana Treatment Centers (MMTC), in accordance with the Humanitarian Medical Use of Marijuana Act, M.G.L. c. 94C, App. § 1-1 et seq., and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725, et seq.

The Intent of this Section is to:

6711. Establish specific zoning standards and regulations for the placement, location, design, security, and removal of MMTC.

6712. Minimize adverse impacts of MMTC on adjacent properties, residential neighborhoods, historic districts, schools, playgrounds and other locations where minors congregate

6713. Establish submittal and review requirements under zoning for MMTC.

6720. Applicability

6721. The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a MMTC under this Section.

6722. No MMTC shall be established except in compliance with the provisions of this Section.

6723. Nothing in this Section shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

6724. Any capitalized terms used in this Section not defined in this Section or defined in Section 10000, Definitions, of the Zoning By-Law shall be as defined in the Humanitarian Medical Use of Marijuana Act and 105 CMR 725, et seq.

6730. General Requirements

6731. *Structures.* All MMTC shall be contained within a building or structure. Facilities shall be ventilated such that no odor from marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.

6732. *Medical Offices*. A MMTC shall not be located in buildings that contain any medical doctor's offices or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.

6733. *Residential Buildings*. No MMTC shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

6734. *Minimum Separations*. No MMTC shall be located on a parcel which is within five hundred (500) feet of parcels occupied by any school attended by children under the age of 18, child care facility or any other use in which children commonly congregate in an organized ongoing formal basis, or any playground, public athletic field or similar public recreational facility. No MMTC shall be located within 500 feet of another MMTC. The 500 foot distance under this section is measured in a straight line from the nearest property line of the facility in question to the nearest point of the proposed MMTC.

6735. *Area Limitations.* A MMTC shall not exceed 3,000 gross square feet for client dispensary and consultation area, and shall provide adequate interior space to accommodate all activities inside the building so as not to have patient queuing on sidewalks, parking areas, or other areas outside the building.

6736. *Hours of Operation*. The hours of operation of a MMTC shall be set by the Special Permit Granting Authority, but in no event shall said facility be open and/or operating between the hours of 8:00 PM and 8:00 AM.

6737. *Use of Product on Premises*. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises or property on which a MMTC is located.

6738. *Signage*. Signage for MMTC shall comply with the requirements of Section 5300 of this by-law, as well as Massachusetts Department of Health Regulations105 CMR 725.105.L.

6739. An MMTC shall comply with Massachusetts Department of Public Health Regulations 105 CMR 725.

6740. Special Permit. A MMTC shall only be allowed in the Commercial or Industrial Districts by special permit from the Planning Board, in accordance with the requirements of this Section and Section 9300 of this By-law.

6741. *Uses*. A special permit for a MMTC shall be limited to one or more of the following uses:

a. Cultivation of Marijuana for Medical Use;

b. Processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and

c. Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

6742. *Submittal Requirements*. In addition to the submittal requirements described in Section 9300 of this By-law, applications under this Section 6700 shall include the following:

a. The name and address of each owner of the MMTC facility/operation;

b. A copy of its registration as a Registered Marijuana Dispensary (RMD) from the Massachusetts Department of Public Health (DPH) or documentation that demonstrates that said RMD facility, and its owner/operators, qualify and are eligible to receive a Certificate of Registration and meet all of the requirements of a RMD in accordance with 105 CMR 725.000 of the DPH;

c. Evidence that the applicant has site control and right to use the site for a RMD;

d. A copy of the security procedures approved by DPH for the RMD, including location and specification of lighting, fencing, gates, alarms, and other security devices.

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

f. A detailed floor plan identifying the areas available and functional uses (including square footage) ; and

g. All signage being proposed for the facility;

h. A description of all activities to occur on site, including all provisions for the delivery of medical marijuana and related products to RMD's or off-site direct delivery to patients.

6743. *Mandatory Findings.* In addition to the criteria established under Section 9320 of this By-law, the Special Permit Granting Authority shall not issue a special permit for a MMTC unless it finds that:

a. The MMTC is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in M.G.L. c. 40A, §11;

b. The MMTC demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

c. The applicant has satisfied all of the conditions and requirements of this Section 6700.

6744. *Duration*. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and/or lease of the premises as a MMTC. A special permit may be transferred to a new owner only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit, subject to a review conducted in a public hearing and consistent with the requirements of this Section

a. *Rescission:* A special permit issued under this Section shall lapse if not exercised within two years of the date of approval.

6750. Abandonment or Discontinuance of Use

6751. A MMTC shall be required to remove all materials, plants, equipment and other paraphernalia:

a. prior to surrendering its state issued licenses or permits; or

b. within six months of ceasing operations; whichever comes first.

6760. Severability: The provisions of this Section are severable. If any provision, paragraph, sentence, or clause, or the application thereof to any person, establishment, or circumstance s shall be held invalid, such invalidity shall not affect the other provisions or application of this Section.

SECTION 7000. SPECIAL RESIDENTIAL REGULATIONS

7100. FLEXIBLE DEVELOPMENT

7110. Purpose. The purposes of this section, Flexible Development, are:

7111. to encourage the preservation of open land for its scenic beauty and to enhance agricultural, open space, forestry, and recreational use;

7112. to preserve historical and archeological resources; to protect the natural environment, including Clinton's varied landscapes and water resources;

7113. to protect the value of real property;

7114. to promote more sensitive siting of buildings and better overall site planning;

7115. to perpetuate the appearance of Clinton's traditional New England townscape;

7116. to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;

7117. to offer an alternative to standard subdivision development;

7118. to promote the development of housing affordable to low, moderate, and median income families; and

7119. to promote the development of housing for persons over the age of fifty five.

7120. Applicability. In accordance with the following provisions, a Flexible Development project may be created, whether a subdivision or not, from any parcel or set of contiguous parcels held in common ownership and located entirely within the Town.

7130. Procedures. Flexible Development may be authorized upon the issuance of a special permit by the Planning Board. Applicants for Flexible Development shall file with the Planning Board seven (7) copies of the following:

7131. A development plan conforming to the requirements for a preliminary plan as set forth in the Subdivision Rules and Regulations of the Planning Board.

7132. Where wetland delineation is in doubt or dispute, the Planning Board may require appropriate documentation.

7133. Data on proposed wastewater disposal, which shall be referred to a consulting engineer for review and recommendation.

7134. The Planning Board may also require as part of the development plan any additional information necessary to make the determinations and assessments cited herein.

7140. Design Process. Each development plan shall follow the design process outlined below. When the development plan is submitted, applicants shall be prepared to demonstrate to the

Planning Board that this Design Process was considered in determining the layout of proposed streets, house lots, and contiguous open space.

7141. *Understanding the Site*. The first step is to inventory existing site features, taking care to identify sensitive and noteworthy natural, scenic and cultural resources on the site, and to determine the connection of these important features to each other.

7142. *Evaluating Site Context*. The second step is to evaluate the site in its larger context by identifying physical (e.g., stream corridors, wetlands), transportation (e.g., road and bicycle networks), and cultural (e.g., recreational opportunities) connections to surrounding land uses and activities.

7143. *Designating the Contiguous Open Space*. The third step is to identify the contiguous open space to be preserved on the site. Such open space should include the most sensitive and noteworthy resources of the site, and, where appropriate, areas that serve to extend neighborhood open space networks.

7144. *Location of Development Areas*. The fourth step is to locate building sites, streets, parking areas, paths and other built features of the development. The design should include a delineation of private yards, public streets and other areas, and shared amenities, so as to reflect an integrated community, with emphasis on consistency with Clinton's historical development patterns.

7145. *Lot Lines*. The final step is to draw in the lot lines (if applicable).

7150. Modification of Lot Requirements. The Planning Board encourages applicants for Flexible Development to modify lot size, shape, and other dimensional requirements for lots within a Flexible Development, subject to the following limitations:

7151. Lots having reduced area or frontage shall not have frontage on a street other than a street created by the Flexible Development; provided, however, that the Planning Board may waive this requirement where it is determined that such reduced lot(s) are consistent with existing development patterns in the neighborhood.

7160. Basic Maximum Number of Dwelling Units. The Basic Maximum Number of dwelling units allowed in a Flexible Development shall not exceed the number of lots which could reasonably be expected to be developed upon the site under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

7170. Density Bonus. The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number. The density bonus for the Flexible Development shall not, in the aggregate, exceed fifty (50%) percent of the Basic Maximum Number. All dwelling units awarded as a density bonus shall be two bedroom units. Computations shall be rounded to the lowest number. A density bonus may be awarded in the following circumstances:

7171. For each additional ten percent (10%) of the site (over and above the required twenty percent) set aside as contiguous open space, a bonus of five (5%) percent of the Basic Maximum Number may be awarded; provided, however, that this density bonus shall not exceed 25% of the Basic Maximum Number. The 10% and 5% may be prorated.

7172. For every two (2) dwelling units restricted to occupancy by persons over the age of fifty-five, one (1) dwelling unit may be added as a density bonus; provided, however, that this density bonus shall not exceed 10% of the Basic Maximum Number.

7173. For every dwelling unit restricted as affordable to persons or families qualifying as low income, four (4) dwelling unit may be added as a density bonus. For every dwelling unit restricted as affordable to persons or families qualifying as moderate income, three (3) dwelling unit may be added as a density bonus. For every dwelling unit restricted as affordable to persons or families qualifying as median income, two (2) dwelling unit may be added as a density bonus. This density bonus shall not exceed 15% of the Basic Maximum Number.

7174. For every basic dwelling unit restricted to two (2) bedrooms, an additional two (2) bedroom unit may be added as a density bonus. This density bonus shall not exceed 10% of the Basic Maximum Number.

7180. Development Standards. The following standards shall apply in all Flexible Developments:

7181. *Types of Buildings*. The Flexible Development may consist of any combination of single-family, two-family and multifamily residential structures. A multifamily structure shall not contain more than twelve (12) dwelling units; provided, however, that not more than ten percent of the dwelling units may be in multifamily structures with more than five (5) units. The architecture of all multifamily buildings shall be residential in character.

7182. *Roads*. The principal roadway(s) serving the site shall be designed to conform to the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

7183. *Parking*. Each dwelling unit shall be served by 1.5 off-street exterior parking spaces. Parking spaces in front of garages may count in this computation.

7184. *Contiguous Open Space.* A minimum of twenty percent (20%) of the parcel shown on the development plan shall be contiguous open space. Any proposed contiguous open space, unless conveyed to the Town or its Conservation Commission, shall be subject to a recorded restriction enforceable by the Town, providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively

agricultural, horticultural, educational or recreational purposes, and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

a. The percentage of the contiguous open space which is wetlands shall not normally exceed the percentage of the tract which is wetlands; provided, however, that the applicant may include a greater percentage of wetlands in such open space upon a demonstration that such inclusion promotes the purposes set forth in Section 1, above. In no case shall the percentage of contiguous open space which is wetlands exceed fifty (50%) of the tract.
b. The contiguous open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes.
c. The contiguous open space shall remain unbuilt upon, provided that the Planning Board may permit up to twenty (20%) percent of such open space to be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths.
d. Underground utilities to serve the Flexible Development site may be located within the contiguous open space.

7185. *Ownership of the Contiguous Open Space*. The contiguous open space shall, at the Planning Board's election, be conveyed to:

a. the Town or its Conservation Commission;
b. a nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;
c. a corporation or trust owned jointly or in common by the owners of lots within the Flexible Development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots in perpetuity. Maintenance of such open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town to perform maintenance of such open space and facilities, if the trust or corporation fails to provide adequate maintenance, and shall grant the town an easement for this purpose. In such event, the town shall first provide fourteen (14) days written notice to the trust or corporation as to the inadequate maintenance, and, if the trust or corporation fails to complete such maintenance, the town may perform it. Each individual deed, and the deed or trust or articles of incorporation, shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded.

7186. *Buffer Areas*. A buffer area of fifty (50) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance.

7187. *Drainage.* Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.

7190. Decision. The Planning Board may approve, approve with conditions, or deny an application for a Flexible Development after determining whether the Flexible Development better promotes the purposes of Section 7110 of this Flexible Development By-law than would a conventional subdivision development of the same locus.

7191. *Relation to Other Requirements.* The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law.

7200. MILL CONVERSION/PLANNED DEVELOPMENT

7210. General. Existing mill structures of more than twenty thousand (20,000) square feet of floor area can be converted to a Planned Development which may include the following uses: dwelling units, retail offices, artist's lofts and hand crafts, and any other uses authorized as of right or by special permit in any zoning district.

7220. Uses. Within a Mill Conversion/Planned Development, dwelling units, retail offices, artist's lofts and hand crafts, and the like may be allowed by special permit from the Planning Board.

7221. Accessory uses and recreation facilities for the use of the residents and/or employees of the area only to include golf course, tennis courts, jogging trails, swimming pools and similar outdoor facilities; a community building not to exceed five (5) percent of the total floor area of the residential units, parking area and garages, storage sheds, cabanas, detached fireplaces and similar facilities for use by the residents of the Planned Development, but not including home occupations, taking of boarders or lodgers, renting of rooms or professional offices; incidental retail sales and services.

7222. If there is more than one type of major land use (e.g., residential, institutional, office building, or research establishment), no one type shall constitute less than ten (10) percent or more than seventy (70) percent of the total dwelling units or gross floor area.

7223. If the conversion is to dwelling units, at least ten (10) percent of the units shall be set aside for low and moderate income housing as defined by the Commonwealth of Massachusetts and the Clinton Housing Authority.

7230. Structures.

7231. Buildings shall be an architectural style which is compatible with the prevailing style in the area in which the Planned Development is located and shall be compatible with other buildings in the Planned Development.

7232. Each dwelling unit shall have at least one (1) side with full exposures, and shall meet all fire codes.

7233. No floor, except unfinished basement, of a dwelling unit shall be located beneath the average finished grade of the ground adjoining the building.

7234. Any exterior change made to the original structure is in keeping with the architecture of the original structure and is subject to approval by the Planning Board.

7235. Any new buildings must comply with Section 7240.

7236. Except for an existing mill building being adapted to a permitted use, no building or structure shall be located closer than one hundred (100) feet from the center line of any public way or other way utilized to meet the frontage requirements of this section, or within seventy-five (75) feet from the center line of any interior street, way, or driveway.

7237. No building or structure shall be located within or closer than twenty-five (25) feet of an area which is required to be maintained in a natural state.

7238. No building or structure shall be located within fifty (50) feet of a property or a lot line.

7239. If there is more than one building containing dwelling units on a single lot, there shall be a minimum of twenty-five (25) feet between such buildings.

7240. Site Development.

7241. Buildings, open spaces, driveways, parking areas and other development features shall be located and designed in a manner which conforms to the existing natural terrain of the site.

7242. Building placement which makes maximum use of solar energy should be encouraged.

7243. All existing or proposed utilities shall be installed underground at the time of initial construction. When required, each structure or dwelling unit shall be equipped with fire protection systems approved by the Clinton Fire Department.

7244. Lighting facilities, whether placed along service drives, in parking areas or on the exterior of buildings, shall be so arranged and shielded that they do not unreasonably distract the occupants of the buildings or shine directly upon abutting properties and/or public ways. In no case shall illumination upon the window surface of any buildings used for dwelling purposes exceed five-tenths (0.5) foot candles.

7245. Provisions shall be made for the storage, collection and removal of garbage and trash. All necessary facilities shall be appropriately screened from view.

7246. There shall be at least one (1) entrance road and one (1) exit road to each Planned Development, unless a divided entrance-exit road is approved by the Planning Board.

7247. All interior roads, drives and parking areas shall be constructed to the roadway standards of the Planning Board as contained in the Subdivision Rules and Regulations of the Town of Clinton.

7248. All areas not covered by pavement, curbing, buildings and/or structures including such facilities as playing area for court games, swimming pools, and plazas, shall be landscaped with grass, shrubbery, trees, flowers, or ground covers indigenous to the area. Along the length of each exterior wall of each principal building there shall be landscaped area.

7249. All areas not required for parking and landscaping shall be kept in an open and natural state. Such natural area shall be subject to permanent restrictions.

7250. Parking. Off-street parking shall be provided in accordance with the provisions of Section 5100. All parking spaces, including any which may be in excess of those requirements, shall be subject to site plan reviews. Unless in an accessory garage within the structure, no parking space shall be located closer than twenty five (25) feet from a building used for dwelling purposes. All required parking spaces shall be provided within three hundred (300) feet of the dwelling units which they are required to serve.

7260. Agreements. Any specified open area left substantially in its natural state shall be placed in an ownership which shall provide for its permanent retention and maintenance. The manner of ownership, use and maintenance of such permanent natural area shall be determined by the agreement of the applicant, the owner, and the Planning Board. The agreement, duly executed in a form suitable for recording by the owner or owners of such natural area, shall provide that, in the event the Planning Board shall grant a Special Permit under this Section, such permanent area shall be owned by a non-profit organization the principal purpose of which is the preservation of natural areas, or a corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in which the ownership of the natural area runs with that title to the dwelling units and is not separably alienable.

7261. An organization, corporation or trust owned or to be owned in common by the owners of the dwelling units within the development in a form approved by the Planning Board shall be responsible for the maintenance of all common areas, not otherwise provided in accord with section including, but not limited to lighting, plowing, roadway, sidewalks, recreation facilities and accessory structures.

SECTION 8000. SPECIAL DISTRICTS

8100. FLOOD PLAIN PROTECTION OVERLAY DISTRICT

8110. Purpose. The purposes of the Flood Plain Protection Overlay District (FPPOD) are to protect the public health, safety, and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics, and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain.

8120 District Delineation. The FPPOD is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Clinton designated as Zones A and AE, on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Clinton are panel numbers 25027C0461E, 25027C00462E, 25027C0463E dated July 4, 2011; and 25027C0464F, 25027C0466F and 25027C0468F, dated July 16, 2014. The exact boundaries of the FPPOD may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Worcester County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Conservation Commission, Board of Assessors, Building Commissioner and Zoning Commissioner.

8121. Adoption of the above maps and study shall render all notations or descriptions with regard to flood plain on the Zoning Map, dated June 15, 1982; null and void.

8122. Within Zone A, where the 100 year flood elevation is not provided on the FIRM, the developer/applicant shall obtain any existing flood elevation data and it shall be reviewed by the Building Commissioner.

8130. Overlay District. The FPPOD is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

a. Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas.
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, Title5);

8140. Base Flood Elevation and Floodway Data

8141. *Floodway Data.* 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.

8142. *Base Flood Elevation Data*. 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.

8150. Notification of Watercourse Alteration

In a river line situation, the Conservation Commission shall notify the following of any alteration or relocation of a watercourse:

a. Adjacent Communities

b. NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

c. NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

8160. Use Regulations. The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed in the FPPOD provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment:

8161. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

8162. Forestry and nursery uses.

8163. Outdoor recreational uses, including fishing, boating, play areas, etc.

8164. Conservation of water, plants, and wildlife.

8165. Wildlife management areas, foot, bicycle, and/or horse paths.

8166. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises.

8167. Buildings lawfully existing prior to the adoption of these provisions.

8170. Special Permit. No structure or building shall be erected, constructed, substantially improved, or otherwise created or moved; no earth or other materials stored, dumped, filled, excavated, or transferred, unless a special permit is granted by the Board of Appeals. Said Board may grant a special permit hereunder subject to the following provisions:

8171. The proposed use shall comply in all respects with the provisions of the underlying District.

8172. All encroachments, including fill, new construction, substantial improvements to existing structures, and other developments are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any decrease in flood storage capacity or increase in flood levels during the occurrence of the 100 year flood.

8173. A determination has been made that the use will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws.

8174. The applicant has established that the land is not unsuitable for the proposed use, based on hydrological/topographic data supplied by a registered professional engineer.

8175. Nothing contained in this section shall excuse compliance with the Wetlands Protection Law, G.L. c. 131, ss. 40 and 40A or any other laws of the Commonwealth of Massachusetts.

8180. Prohibited Uses. The following uses shall not be allowed in the FPPOD:

8181. Dumping of refuse or solid waste including but not limited to tires, refrigerators, and motor vehicles or parts of any of the foregoing.

8182. Storage, either permanent or temporary, of any hazardous, toxic, radioactive, or deicing material.

8190. Procedures. Within 10 days of receipt of the application for a special permit, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Building Commissioner and Zoning Enforcing Officer. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed. The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use.

8200. WIRELESS COMMUNICATIONS OVERLAY DISTRICT (WCOD).

8210. Purpose. The purpose of this section is to establish procedures for establishment of wireless communications facilities (WCF) by safe and appropriate siting consistent with the Telecommunications Act of 1996, while minimizing visual impacts from such facilities on residential districts and scenic areas within Clinton.

8220. Location. A WCF may be allowed by Special Permit in the WCOD. The WCOD is within the "Industrial" and "Commercial" districts as shown on the Zoning Map of the Town of Clinton, and also includes the following parcels:

Assessor's Map 115, Parcel A	155 Park Street

Assessor's Map 116, Parcel 3666, 3675, 3795	7-9 Mulberry Drive
Assessor's Map 5, Parcel 3636, 3662	242-250 Church Street
Assessor's Map 7, Parcel 3635	34 Walnut Street
Assessor's Map 7, Parcel 3815	243 Chestnut Street
Assessor's Map 56, Parcel 3663	176 Chestnut Street
Assessor's Map 71, Parcel 3596	271 Chestnut Street
Assessor's Map 68, Parcel 3637, 3638	155 Chestnut Street

8230. Submittal Requirements. As part of any application for a special permit, applicants shall submit, at a minimum, the information required for site plan approval, as set forth herein at Section 9400. Applicants shall also describe the capacity of the facility, including the number and types of antennas that it can accommodate and the basis for the calculation of capacity.

8240. Special Permit. A wireless communications facility may be erected upon the issuance of a special permit by the Board of Selectmen if the Board determines that the adverse effects of the proposed facility will not outweigh its beneficial impacts as to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

8241. communications needs served by the facility;

8242. traffic flow and safety, including parking and loading;

8243. impact on neighborhood character, including aesthetics;

8244. impacts on the natural environment, including visual impacts;

8245. potential fiscal impact, including impact on town services, tax base, and employment;

8246. new mono-poles shall be considered only upon a finding that existing or approved mono-poles or facilities cannot accommodate the equipment planned for the proposed monopole.

8250. Conditions. All wireless communications facilities shall be subject to the following conditions:

8251. To the extent feasible, service providers shall co-locate on a single facility. Monopoles shall be designed to structurally accommodate foreseeable users (within a ten year period) where technically practicable.

8252. New free-standing facilities shall be limited to monopoles; no lattice towers shall be permitted. Monopole height shall not exceed 100 feet above mean finished ground elevation at the base of the mounting structure; provided, however, that a monopole may be erected higher than 100 feet where co-location is approved or proposed, not to exceed a height of 130 feet above mean finished ground elevation at the base of the mounting structure.

8253. Wireless communications facilities may be placed upon or inside existing buildings or structures, including water tanks and towers, church spires, electrical transmission lines, and the like. In such cases, the facility height shall not exceed two (2) feet above the height of the existing structure or building.

8254. All structures associated with wireless communications facilities shall be removed within one year of cessation of use. The Board of Selectmen may require a performance guarantee to effect this result.

8255. To the extent feasible, all network interconnections from the communications facility shall be via land lines.

8256. Existing on-site vegetation shall be preserved to the maximum extent practicable.

8257. The facility shall minimize, to the extent feasible, adverse visual effects on the environment. The Board of Selectmen may impose reasonable conditions to ensure this result, including painting, lighting standards, landscaping, and screening.

8258. Traffic associated with the facility shall not adversely affect public ways.

8259. Fencing may be required to control unauthorized entry to wireless communications facilities.

8300. BIOSCIENCE ENTERPRISE OVERLAY DISTRICT

8310. Purposes and Intent. The purposes of the Bioscience Enterprise Overlay District are to encourage new development and redevelopment of existing properties, including but not limited to historic mill buildings, for bioscience and related uses as defined hereunder. Toward these ends, development shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning district(s) provided that such development complies with the requirements of this Section and all other applicable requirements of this By-law.

8320. Scope of Authority. In the Bioscience Enterprise Overlay District, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a proponent wishes to develop in accordance with the regulations hereunder, the rules and regulations of the Bioscience Enterprise Overlay District shall apply, and by filing an application for a Special Permit, site plan review or building permit under this Section 8300, the owner shall be deemed to accept and agree to them. Where the provisions of the Bioscience Enterprise Overlay Street District are silent on a zoning regulation that applies in the underlying district, the requirements of the underlying district shall apply.

8330. Establishment and Delineation of Bioscience Enterprise Overlay District. There is hereby established a Bioscience Enterprise Overlay District with boundaries shown on a map entitled, "*Zoning Map of the Town of Clinton, Massachusetts*" on file in the Office of the Town

Clerk, said boundaries defined by the following map and lot numbers on the Town of Clinton Assessor's Map:

Assessor's Map Number	Address
Map 131, Lot 2066	285 W. Boylston Street
Map 102, Lots 1416, 1418, 1420, 1423, 1425	172 Sterling Street
Map 82, Lots 496, 865	89 Brook Street
Map 93, Lots 3141, 3149	1-55 Green Street
Map 85, Lots 297, 298, 299, 377, 378, 1252, 1436, 2363, 3490	474-530R Main Street

8340. Use Regulations. The following use regulations shall apply in the Bioscience Enterprise Overlay District:

3841. *Permitted Uses*. The following uses shall be permitted as of right, subject to Site Plan Review under Section 9400, as applicable:

a. Uses exempt under G.L. c. 40A, s. 3
b. Professional or business office
c. Bank
d. Light manufacturing

3842. *Special Permitted Uses*. The following uses shall be allowed only upon the grant of a special permit from the Planning Board:

a. Research, testing, development and manufacturing in the fields of bioscience: biotechnology, medical, pharmaceutical, physical, biological, and behavioral sciences and technology; bioinformatics; environmental science, toxicology, medicine, genetic engineering, comparative medicine, bioengineering, and cell biology, including a biosafety laboratory level I or II, and the production of equipment, apparatus, machines and other devices for research, development, manufacturing, and practical application in any such field or area, and including non/laboratory uses such as related offices, administrative and support facilities
b. Research and development in the electronic, computer, instrumentation, photonics, and communication fields, production and product assembly, laboratory testing, and related uses, including light manufacturing, assembly and production of equipment, apparatus, machines and other devices for such field, and also including internet service providers, electronic data storage centers and similar back office operations, and including offices, administrative and support facilities related to any of the foregoing activities
c. Hospital, medical clinic, or clinical laboratory
d. Animal hospital or clinic
e. Restaurant or other food service establishments, excluding drive-in food service or food service delivered through a drive-up window
f. Conference or convention facility, including overnight accommodations
g. Hotel, motel, or inn

3843. Accessory uses shall be in accordance with Section 3200 of this By-law.

8350. Dimensional Regulations. The following dimensional and density regulations shall apply in the Bioscience Enterprise Overlay District:

Dimensional Requirement	**Standard***
Minimum lot area (sq. ft.):	20,000
Minimum frontage (feet):	110
Minimum lot width (feet):	90
Minimum front setback (feet):	25
Minimum side and rear setbacks (feet):†	25
Maximum floor area ratio:‡	1
Maximum height (feet):§	50
Maximum stories:	5

*As an incentive to develop bioscience uses in existing mill buildings, the Planning Board may grant a special permit to waive the minimum frontage, lot width or setback requirements, or the maximum floor area ratio of this Section, provided that (a) the existing mill contains at least 20,000 sq. ft. of gross floor area and (b) at least 80 percent the mill structure shall be preserved and used for purposes consistent with the Bioscience Enterprise Overlay District.

†Regardless of the underlying zoning district, the provisions of Section 4270 shall apply to uses in the Bioscience Enterprise Overlay District.

‡The maximum floor area ratio (FAR) shall be calculated as follows. For new development, the gross floor area of all buildings and structures on the lot, excluding parking structures or parking garages,divided by the horizontal area of the lot. For a mill conversion/redevelopment project, the maximum FAR shall be the FAR of the existing mill building(s) on the lot. The Planning Board may grant a special permit to increase the maximum FAR for a mill conversion project to 1.5 times the existing FAR.

§As an incentive to develop bioscience uses, the Planning Board may grant a special permit to increase the maximum building height as follows: height may be increased by up to six additional feet for each floor with wet laboratory space, provided that wet laboratory uses occupy at least 20 percent of the floor space on each such floor.

8351. More than one building may be located on a lot in the Bioscience Enterprise Overlay District, subject to the grant of a special permit from the Planning Board.

8352. There shall be no maximum lot coverage requirement in the Bioscience Enterprise Overlay District.

8360. Special Permit Application, Review and Decision Procedures. The Planning Board shall be the Special Permit Granting Authority for special permits in the Bioscience Enterprise Overlay District. Special permits shall comply with Section 9300 of this By-law and this Section 8300.

8361. *Scoping Session*. Prior to filing a special permit application in accordance with Section 9300 and this Section, the proponent shall submit five copies of a concept plan and an accompanying narrative to the Planning Board. The concept plan and narrative shall describe the proposed uses and existing conditions on the site, and show existing and proposed buildings and structures, access roads, off/street parking areas and pedestrian facilities, and landscaping. No later than thirty (30) days from the submission of the concept plan, the proponent shall meet with the Planning Board for a scoping session. The purposes of the scoping session shall be to facilitate the permitting process by identifying information that may be needed in the special permit application and waivers, if any, from procedural requirements of this Section. No special permit application shall be submitted to the Planning Board until a scoping session has been held unless the proponent specifically requests a waiver and the Planning Board grants the same.

8362. *Development Impact Statement (DIS).* All special permit applications in the Bioscience Enterprise Overlay District shall be required to include a Development Impact Statement in accordance with Section 9340 of this By-law. In addition to meeting all of the DIS submission requirements listed therein, the proponent of a special permit for bioscience uses shall submit the following:

a. A description of the proposed bioscience activity(ies), a listing of all biotechnology materials to be used, stored or developed on the site, and the applicable containment level assigned by the National Institute of Health.
b. A description of the proposed user's management capacity, qualifications and experience in establishing and maintaining environmental controls and monitoring measures, and internal research or production controls to protect employees and the public from risks and potential risks associated with bioscience uses.
c. A description of the provisions that shall be made to:
    1. Protect against discharge or loss of biotechnology materials through corrosion, accidental damage, spillage or vandalism, through measures such as spill control in the vicinity of delivery points, secure storage areas, and indoor storage protocols.
    2. Prevent infectious biomedical waste products or byproducts from being discharged through the municipal sewer system.
    3. Assure that biotechnology materials are rendered noninfectious on-site and disposed in accordance with federal and state laws, regulations and policies.
    4. Assure systematic pest control management in laboratories, contiguous facilities, and food service establishments located in the same building.
d. For a facility exceeding 80,000 sq. ft. of gross floor area, the proponent shall provide a transportation demand management plan and evidence of participation in a transportation demand management program.

8363. *Application*. The proponent shall submit a special permit application to the Planning Board in accordance with Section 9300 and this Section, and the Planning Board's Rules and Regulations. Within five (5) working days of the date of filing the completed application with the Planning Board, the proponent shall also file copies of the application, site plan and other documentation with the Board of Health, Conservation Commission, Building Inspector, Police Chief, Fire Chief, Department of Public Works, the Office of Community and Economic Development, and Board of Selectmen for their review.

All boards, commissions or departments reviewing the application shall report to the Planning Board within 35 days of receiving the application. Failure of any reviewing party to make recommendations within the allotted time, after having received copies of all such required materials, shall be deemed a lack of opposition to the adequacy of the application and to the proposed development.

8364. *Review Period*. The Planning Board shall not render a decision on said application until it has received and considered all reports requested from other Town departments and boards, or until the 35-day review period has expired, whichever is earlier.

8365. *Public Hearing, Notice and Decision Procedures*. The Planning Board shall hold a public hearing on a completed special permit application within 65 days following the date of submission, and shall render its decision and submit the same to the Town Clerk within 90 days of the close of the public hearing. The public hearing and notice requirements shall comply with G.L. c.40A, s. 11. The proponent shall be responsible for all costs associated with public and abutter notification requirements.

8370. Decision Criteria. The Planning Board shall grant a special permit only upon its written determination that any adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. The Planning Board shall base its determination on the decision criteria set forth in Section 9320.

8380. Duration of Approval. Special permits granted in the Bioscience Enterprise Overlay District shall lapse if a substantial use thereof or construction thereof has not begun, except for good cause, within two years following the date of filing of the special permit approval with the Town Clerk (or the date of the final resolution of any appeal of such decision) in accordance with G.L. c.40A, s. 9. The issuance of a building permit or the commencement of a construction activity within two years of said date(s) shall be deemed to constitute substantial use of rights under a Bioscience Enterprise Overlay District special permit.

8400. MIXED USE OVERLAY DISTRICT

8410. Purpose. The purpose of the Mixed Use Overlay District (MUOD) is to:

8411. Encourage redevelopment of existing historic properties;

8412. Preserve and enhance district and community character;

8413. Encourage appropriate new development of a scale and type consistent with district characteristics;

8414. Encourage investment and to promote economic development; and

8415. Provide for mixed use development.

8420. Definitions. In the MUOD, the following terms shall be defined as set forth:

Mixed Use Project (MUP): Mixed Use Project shall mean a single development proposal containing a mix of residential, exempt or institutional, and/or commercial uses as allowed in Section 8450.

8430. Overlay District. The MUOD shall be construed as an overlay district. Within the MUOD, the requirements of the underlying zoning district(s) shall remain in full force and effect until a special permit for an MUP has been granted, except where the requirements herein are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements herein shall supersede the underlying zoning regulations.

8440. Location. The MUOD District shall consist of the following properties:

Jasna Gora - a district of approximately 6.5 acres, which includes the following parcels and street addresses:

Assessor's Map 58, Parcels 145, 2298, 2838 3650	128A-176 Franklin Street
Assessor's Map 58, Parcel 3952	137-139 Pleasant Street
Assessor's Map 58, Parcel 2297,	183-185 Pleasant Street

Holy Rosary - approximately 6.35 acres, which includes the following parcels and street addresses:

Assessor's Map 99, Parcels 3626, 3644	40-46 Boylston Street

8450. Use Regulations. A MUP may be developed upon the issuance of a special permit by the Planning Board (SPGA). A MUP may be composed of the following available uses. All others are prohibited.

8451. *Residential Uses*.
Two family dwelling
Multifamily dwelling, three to four units
Multi family dwelling, five or more units
Artist live/work unit
Assisted living residence
Congregate residence for the elderly
Extended stay facility

8452. *Exempt and Institutional Uses*
Adult day care
Child care facility

Cultural use
Municipal facilities

8453. *Commercial Uses*
Retail stores
Restaurant
Personal service establishment
Business or professional office
Bank, financial agency or institution
Medical office building or clinic
Nursing or convalescent home
Membership club, civic, social, professional, or fraternal organization
Hotel or motel
Bed and breakfast establishment
Nonexempt educational use
Wireless communications facility in or on existing structure

8460. Dimensional Regulations. A MUP shall be permitted to exceed the density and dimensional requirements that normally apply in the underlying district(s) provided that the SPGA determines that such development complies generally with the requirements of this Section and all other applicable requirements of the By-law. In granting any special permit, the SPGA may waive the minimum frontage, lot width, or setback, or building height requirements of the underlying district.

8470. Application and Scoping Session.

8471. *Scoping Session*. Prior to filing a special permit application in accordance with Section 9300 and this Section, the Applicant shall submit five copies of a concept plan and an accompanying narrative to the SPGA. The concept plan and narrative shall describe the proposed uses and existing conditions of the site, and show existing and proposed buildings and structures, access roads, off-street parking areas and pedestrian facilities, and landscaping. No later than thirty (30) days from the submission of the concept plan, the Applicant shall meet with the SPGA for a scoping session. The purposes of the scoping session shall be to facilitate the permitting processes by identifying information that may be needed in the special permit application and waivers, if any, from procedural requirements of this by-law. No special permit application shall be submitted to the SPGA until a scoping session has been held unless the proponent specifically requests a waiver from the SPGA.

8472. *Application*. An application for a special permit shall be submitted to the SPGA on forms furnished by the SPGA. Each such application shall be accompanied, if applicable, by a preliminary plan of land pursuant to the provisions of G.L. c. 41, s. 81S and the Regulations of the Planning Board and a filing fee determined in accordance with said Regulations. In addition, the applicant shall submit a plan in accordance with Section 9360.

8480. Standards. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed MUP shall meet all of the following standards:

8481. More than one building may be located on a lot.

8482. *Buffer*. The SPGA may require a buffer area of at least 20 feet at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance. The SPGA may waive the buffer requirement (i) where the land abutting the site is the subject of a permanent restriction for conservation or recreation; or (ii) where the land abutting the site is held by the Town for conservation or recreation purposes; or (iii) the SPGA determines that a smaller buffer will suffice to accomplish the objectives set forth herein.

8483. *Roadways*. The principal roadway(s) serving the site shall be designed to conform with the standards of the Town where the roadway is or may be ultimately intended for dedication and acceptance by the Town. Private ways shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

8484. *Parking and Loading*. The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. All parking areas shall be screened from view from adjacent residentially zoned or occupied premises located outside the site, including public ways, by a landscaped border at least 20 feet in width. Screening and landscaping shall be provided to block all views of loading areas (except those specifically designated for emergency vehicles) from the public right-of-way and adjacent properties.

8485. *Stormwater Management*. The stormwater management system shall be designed in accordance with the Regulations of the Planning Board.

8486. *Utilities*. All electric, gas, telephone, and cable lines shall be placed underground, except upon a demonstration of exceptional circumstances.

8487. *Sidewalks and Paths*. Sidewalks shall be required to connect parking areas and buildings to nearby buildings. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, adequate connectivity, completeness of access to the various amenities and facilities on the site and to pathways on adjacent sites.

8488. *Emergency Systems*. The MUP shall have an integrated emergency call, telephone and other communications system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for the emergency evacuation of the residents with emphasis on ensuring the safety of residents with physical impairments.

8489. *Design*. Applications shall be subject to design standards as set forth in this Section and/or the Planning Board's rules and regulations. Projects shall be:

a. complementary to nearby buildings and structures;
b. consistent with any Comprehensive Housing Plan, Master Plan, area-specific plan, or any other plan document adopted by the SPGA; and
c. consistent with the character of building types, streetscapes and other community features found in densely-settled areas of Clinton.

Applicants are encouraged to propose the appropriate reuse of land and buildings that are no longer needed or suitable for their original use, where such conversion is compatible with the character of the neighborhood.

8490. Action by the SPGA. The SPGA may grant a special permit for an MUP where it makes the following findings, in addition to those set forth elsewhere in the by-law:

8491. The proposed MUP complies with the requirements of this Section;

8492. The proposed MUP does not cause substantial detriment to the neighborhood from noise or light pollution

8493. The proposed MUP does not produce offensive visual impacts caused by the character and scale of the proposed structure(s).

SECTION 9000. ADMINISTRATION AND PROCEDURES

9110. Permits. This By-law shall be administered by the Building Commissioner. Pursuant to the State Building Code, the Building Commissioner may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal or accessory use without compliance with then-applicable zoning, and after all necessary permits have been received under federal, state, or local law. Issuance of a Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth's State Building Code, may serve as certification of such compliance.

9120. Certified Plot Plan. A Certified Plot Plan shall be submitted to the Inspector of Buildings for any new building, structure, addition to an existing building or structure, or in-ground swimming pool for which a building permit is required. (Not including agricultural buildings, tents, sheds, or on/above ground swimming pools.) This certified plot plan shall contain information as required by the Inspector of Buildings in conformance with local and state regulations. This Plan shall be submitted prior to the start of framing.

9130. Enforcement. The Building Commissioner shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-law and of permits, special permits, site plan approvals and variances issued thereunder, including notification of noncompliance and institution of legal action.

9140. Non-criminal Disposition. In addition to the remedies set forth otherwise, the provisions of this By-law may also be enforced by non-criminal disposition, as provided in G. L. c. 40 s. 21D. The penalty for such violation shall be $50.00 for the second offense, $100.00 for the third offense, and $200.00 for the fourth and each subsequent offense.

9150. Penalties. The penalty for violation of any provision of this By-Law, of any of the conditions of a permit, special permit, site plan approval, and/or variance, shall be Three Hundred dollars ($300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

9200. BOARD OF APPEALS

9210. Establishment. A Board of Appeals is hereby established in accordance with G.L. c. 40A, ss. 12 and 14, as may be amended. The Board of Appeals shall consist of five (5) members, each appointed by the Board of Selectmen for a term of five (5) years, provided that only one term shall expire each year; there shall be two (2) Associate Members, each appointed by the Board of Selectmen for a period of four (4) years, one term to expire every second year, to serve on said Board of Appeals in case of vacancy, the inability to act, the absence, or personal interest on the part of a member. No member or associate member shall act on any appeal in which he (she) has a personal or financial interest.

9220. 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 this By-Law. The Board's powers are as follows:

9221. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of Section 9300, or as otherwise specified.

9222. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10.

9223. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

9224. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

9230. Regulations. The Board of Appeals may adopt rules and regulations for the administration of its powers.

9240. 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.

9300. SPECIAL PERMITS

9310. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

9320. Criteria. Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

9321. Social, economic, or community needs which are served by the proposal;

9322. Traffic flow and safety, including parking and loading;

9323. Adequacy of utilities and other public services;

9324. Neighborhood character and social structures;

9325. Impacts on the natural environment; and

9326. Potential fiscal impact, including impact on town services, tax base, and employment.

9330. Procedures. Applicants are encouraged to hold a pre-application meeting, with the special permit granting authority prior to filing a formal application; said pre-application meeting shall be mandatory if the application requests a special permit in connection with the development of a Priority Development Site (PDS). Whenever an application for a special permit is filed with a special permit granting authority, the applicant shall also file, within five (5) working days of the filing of the completed application with said authority, copies of the application, accompanying site plan, and other documentation, to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, Director Community & Economic Development and Board of Selectmen for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant.

9331. An application shall not be deemed complete until all copies of required information and documentation have been filed with the special permit granting authority.

9332. The special permit granting authority shall notify applicants by certified mail, within 14 days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time or to file plans with the agencies or officials set forth herein shall be deemed nonsubmittal of the application, without prejudice.

9333. Reports from other boards and officials shall be submitted to the special permit granting authority by the date of the public hearing, but in any case within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto.

9334. In the event that the public hearing by the special permit granting authority is held prior to the expiration of the 35 day period, said authority shall continue the Public Hearing to permit the formal submission of reports and recommendations within that 35 day period.

9335. The Decision/Findings of the special permit granting authority shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

9336. The provisions of this section shall not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two family structures. The Board of Appeals may establish procedures governing such applications by regulation.

9337. Where the development of a Priority Development Site (PDS) requires one (1) or more special permit(s), application(s) required by the Zoning or Administrative 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. The completeness of said application(s) shall be determined, and the applicant(s) notified of the same, in accordance with G.L. c. 43D and 400 CMR 2.00, et seq. Decision(s) on said application (s) shall be rendered no later than 1800 days from the date of submission of complete application (s); provided, however, that a decision on an application for a special Permit to allow on-or off- submission, with an application for a sign permit submitted to the Building Commissioner immediately thereafter.

9340. Development Impact Statement (DIS). At the discretion of the special permit granting authority, the submittal of a development impact statement (DIS) may be required. The DIS shall be prepared by an interdisciplinary team including a Registered Landscape Architect or Architect, a Registered Professional or Civil Engineer, and a Registered Surveyor.

9341. **Physical Environment.**

a. Describe the general physical conditions of the site, including amounts and varieties of vegetation, general topography, unusual geologic, archeological, scenic and historical features or structures, location of significant viewpoints, stone walls, trees over 12 inches in diameter, trails and open space links, and indigenous wildlife.
b. Describe how the project will affect these conditions, providing a complete physical description of the project and its relationship to the immediate surrounding area.

9342. **Surface Water and Subsurface Conditions.**

a. Describe location, extent, and type of existing water and wetlands, including existing surface drainage characteristics, both within and adjacent to the site.
b. Describe any proposed alterations of shore lines, marshes, or seasonal wet areas.
c. Describe any limitations imposed on the project by the site's soil and water conditions.
d. Describe the impact upon ground and surface water quality and recharge, including estimated phosphate and nitrate loading on groundwater and surface water from septic tanks, lawn fertilizer, and other activities within the site.

9343. **Circulation Systems.**

a. Project the number of motor vehicles to enter or depart the site per average day and peak hour. Also state the number of motor vehicles to use streets adjacent to the site per average day and peak hour. Such data shall be sufficient to enable the special permit granting authority to evaluate (i) existing traffic on streets adjacent to or approaching the site, (ii) traffic generated or resulting from the site, and (iii) the impact of such additional traffic on all ways within and providing access to the site. Actual study results, a description of the study methodology, and the name, address,

and telephone number of the person responsible for implementing the study, shall be attached to the DIS.

9344. **Support Systems.**

a. *Water Distribution*: Discuss the types of wells or water system proposed for the site, means of providing water for fire-fighting, and any problems unique to the site.
b. *Sewage Disposal*: Discuss the type of on-site or sewer system to be used, suitability of soils, procedures and results of percolation tests, and evaluate impact of disposal methods on surface and groundwater.
c. *Refuse Disposal*: Discuss the location and type of facilities, the impact on existing the town's refuse disposal capacity, hazardous materials requiring special precautions.
d. *Fire Protection*: Discuss the type, location, and capacity of fuel storage facilities or other flammables, distance to fire station, and adequacy of existing firefighting equipment to confront potential fires on the proposed site.
e. *Recreation:* Discuss the distance to and type of public facilities to be used by residents of the proposed site, and the type of private recreation facilities to be provided on the site.
f. *Schools:* Project the increase to the student population for nursery, elementary, junior high school, and high school levels, also indicating present enrollment in the nearest public schools serving these categories of students.

9345. **Phasing.** Where development of the site will be phased over more than one (1) year, indicate the following:

a. Describe the methods to be used during construction to control erosion and sedimentation through use of sediment basins, mulching, matting, temporary vegetation, or covering of soil stockpiles.
b. Describe the approximate size and location of portion of the parcel to be cleared at any given time and length of time of exposure.
c. Describe the phased construction, if any, of any required public improvements, and how such improvements are to be integrated into site development.

9350. Conditions. Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

9360. Plans. An applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9400, herein.

9361. The provisions of this section shall not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two family structure. The Board of Appeals may establish procedures governing such applications by regulation.

9370. Regulations; Fees. The special permit granting authority may adopt rules and regulations for the administration of this section. The special permit granting authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

9380. Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus 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) with the Town Clerk.

9400. SITE PLAN REVIEW

9410. Applicability. The following types of activities and uses require site plan review by the Planning Board:

9411. Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or multi-family structure involving more than 1,000 square feet;

9412. Construction or expansion of six or more parking spaces for a municipal, institutional, commercial, industrial, or multi-family structure or purpose, other than in the BR District;

9413. Grading or clearing more than ten percent (10%) of a lot, except for the following: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with a approved subdivision plan, or work pursuant to an earth removal permit.

9414. Construction or expansion of a municipal, institutional, commercial, industrial, or multi-family structure anticipated to generate more than 150 daily vehicle trips.

9420. Exemption. A building wholly or partially destroyed may be rebuilt without recourse to this section if rebuilt without change to the building footprint or the square footage of usable space.

9430. Procedures. Applicants for site plan approval shall submit five (5) copies of the site plan to the Planning Board for review, and within three (3) days thereafter shall also submit a copy of the site plan to the Board of Health, Conservation Commission, Building Commissioner, Director of Public Works, Police Chief, Fire Chief, Director Community & Economic Development and Board of Selectmen for their advisory review and comments. Site plan review shall require notice and a public hearing in accordance with the procedures set forth in G.L. c. 40A, §§ 9 and 11. The Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within ninety (90) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of the Board as constituted, and shall be in writing.

No building permit or certificate of occupancy shall be issued by the Building Commissioner without the written approval of the site plan by the Planning Board, or unless ninety (90) days lapse from the date of the submittal of the site plan without action by the Planning Board.

9431. *Application for Building Permit*. An application for a building permit to perform work as set forth herein available as of right shall be accompanied by an approved site plan.

9432. *Application for Special Permit or Variance.* An application for a special permit or a variance to perform work as set forth herein shall be accompanied by an approved site plan; in the alternative, any special permit or variance granted for work set forth herein shall contain the following condition:

The work described herein requires the approval of a site plan by the Clinton Planning Board pursuant to Section 9400 of the Zoning By-Law. Any conditions imposed in such site plan approval shall also be conditions of this special permit/variance.

9433. Where the Planning Board serves as the special permit granting authority for proposed work, it shall consolidate its site plan review and special permit procedures.

9434. The applicant may request, and the Planning Board may grant by majority vote, an extension of the time limits set forth herein.

9435. No deviation from an approved site plan shall be permitted without modification thereof.

9436. *Priority Development Site(s).* Notwithstanding the foregoing, where the development of a Priority Development Site (PDS) requires site plan review, an application therefor shall be submitted simultaneously with any other permit application(s) required by the Zoning or Administrative 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. Due to the complexity associated with concurrent reviews, where development of the PDS also requires one (1) or more special permit(s), regardless of the designated special permit granting authority, the 60-day deadline for Planning Board action on a complete application for site plan review, as aforesaid, shall be extended to 180 days from the date of submission thereof.

9437. *Waivers.* The Planning Board may, upon written request of the applicant and by supermajority vote of the Board as constituted, waive any of the parking, loading, signage or landscaping requirements as set forth in Sections 5100, 5200, 5300 and 5400 of the Zoning By-Law, respectively, where such waiver is not inconsistent with public health and safety and will not result in a substantial detriment to the neighborhood or the Town. Such waiver shall be in lieu of any special permit otherwise required under said Sections 5100 through 5400.

9440. Preparation of Plans. Applicants are invited to submit a pre-application sketch of the proposed project to the Planning Board and to schedule a comment period at a regular meeting of the Planning Board; submittal of a pre-application sketch and scheduling of a comment period, as aforesaid, shall be mandatory if the application is for site plan review of a project located on a Priority Development Site (PDS). 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 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'.

9450. Contents of Plan. The contents of the site plan are as follows:

9451. Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20) feet or such other scale as may be approved by the planning board. The plans are as follows:

a. 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, and areas for snow storage after plowing. The first sheet in this plan shall be a 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.
b. Topography and drainage plan, which shall contain the existing and proposed final topography at two-foot intervals and plans for handling storm water drainage.
c. Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including flood plain areas.
d. A conceptual building plan, which shall include site sections, the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
e. 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.

9452. The site plan shall be accompanied by a written statement indicating the estimated time required to complete the proposed project and any and all phases thereof.

9453. 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.

9454. The site plan shall be accompanied by drainage calculations by a registered professional engineer. Storm drainage design must conform to Town of Clinton subdivision regulations.

9455. The Planning Board may require a DIS as set forth in Section 9300, above.

9456. Certification that the proposal is in compliance with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.

9460. Minor Site Plan. The Planning Board may, upon written request of the applicant, waive any of the technical requirements of this section where the project involves relatively simple development plans or constitutes a minor site plan. An application for permits to build, alter or expand any nonresidential building, structure or use in any district where such construction will exceed a total gross floor area of 1000 square feet but not exceed a total gross floor area of 5000 square feet, or an application which will not generate the need for more than 10 parking spaces shall be deemed a "minor site plan." For the purposes of computing the total gross floor area of a minor site plan, the Planning Board shall aggregate all such applications made within the five (5) previous calendar years. Minor site plans may be required to contain all of the information required by this section; provided, however, that the Planning Board shall normally relax such requirements. The exact submittal requirements of a minor site plan shall be agreed upon in a pre-application scoping session between the applicant and the Planning Board at a regularly scheduled meeting of the Board.

9470. Approval. Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and storm water drainage consistent with the functional requirements of the Planning Board`s Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

9471. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of storm water flow increase from the site, soil erosion, and threat of air and water pollution;

9472. Maximize pedestrian and vehicular safety on the site, egressing from it, and in the immediate vicinity;

9473. Minimize obstruction of scenic views from publicly accessible locations;

9474. 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;

9475. Minimize glare from headlights and lighting intrusion;

9476. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

9477. 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;

9478. Ensure compliance with the provisions of this Zoning Ordinance, including parking and landscaping.

9480. Lapse and Appeal. Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant. Any decision rendered by the Planning Board pursuant to this Section 9400 shall be appealed to a court of competent jurisdiction as set forth in G.L. c. 40A, s. 17.

9490. Regulations; Fees. The Planning Board may adopt and from time to time amend reasonable regulations, including reasonable administrative fees and technical review fees, for the administration of site plan review.

SECTION 10000. DEFINITIONS.

In this by-law, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the by-law. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or "including" shall not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this by-law.

ABUTTER: One who abuts.

ABUTTING: Having a common property line with, contiguous to, fronting upon, or within 300 feet of a property line thereof.

ACCESSORY BUILDING OR STRUCTURE: A building or structure subordinate to a principal building or structure and customarily used to serve the purposes of that principal building. A building is accessory only where a principal building exists on the same lot.

ACCESSORY USE: A use customarily incidental to and located on the same lot with the principal use. A use is accessory only where a principal use exists on the same lot.

ADULT ENTERTAINMENT USES: Shall include the following uses;

a. Adult book stores, as defined by G.L. c. 272, s. 31 as amended.
b. Adult motion picture theaters, as defined by G.L. c. 272, s. 31 as amended.
c. Adult paraphernalia stores, as defined by G.L. c. 272, s. 31 as amended.
d. Adult video stores, as defined by G.L. c. 272, s. 31 as amended.
e. Establishments which display live nudity for its patrons, as defined by G.L. c. 272, s. 31 as amended.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS LOW INCOME: Affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MEDIAN INCOME: Affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 80% but less than 120% of the median income.

AFFORDABLE TO PERSONS OR FAMILIES QUALIFYING AS MODERATE INCOME: Affordable to persons in the area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.

AGRICULTURE: Use of land for agriculture, horticulture, floriculture, or other protected operations pursuant to G.L. c. 40A, s. 3.

AGRICULTURE, NONEXEMPT: Agricultural activities, limited to cultivating and harvesting general crops including the storage of necessary farm equipment and the raising of livestock, on parcels of less than five (5) acres.

ALTERATIONS: As applied to a building or structure, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one (1) location or position to another.

ANIMAL CLINIC OR HOSPITAL: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

BED AND BREAKFAST ESTABLISHMENT: Accommodations with not more than four bedrooms occupied by bed and breakfast guests in which the owner of the establishment resides. Bed and breakfasts are intended for guest on intermittent visits, and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

BEDROOM: In a multifamily dwelling, any inhabitable room of 70 sq. ft. or more, other than the living room, dining room, kitchen, utility room, or bathroom. Any dwelling unit in which no such room exists shall be construed to contain one bedroom.

BOARD OF APPEALS: The Board of Appeals established or operating in the Town pursuant to G.L. c. 40A, or any amendment thereof, or in addition thereto.

BIOSCIENCE USE: Research, testing, development and manufacturing in any branch of natural science dealing with the structure or behavior of living organism, including but not limited to the following subsectors of the bioscience industry: agricultural feedstock and chemicals, drugs and pharmaceuticals, medical or veterinary devices or equipment, research and testing, and academic medical centers and teaching or research hospitals.

BOARDING OR LODGING HOUSE: A dwelling in which more than five (5) unrelated persons are housed or lodged by the day, week or month, either with or without meals.

BUILDING: An independent structure having a roof supported by columns, or walls, resting on its own foundations, and designed for the shelter, housing, or enclosure of persons, animals or property of any kind.

BUILDING COVERAGE: That percentage of the lot or plot area covered by the roof area of a building or buildings.

BUILDING HEIGHT: The height of the building shall be the vertical distance measured from the mean level of the established grade at the building to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures which do not enclose potentially habitable floor space.

BUILDING COMMISSIONER: The Building Commissioner appointed under the provisions of the Administrative By-Laws of the Town as now or hereinafter in force and effect.

BUILDING, PRINCIPAL: A building in which is conducted the main or principal use of the lot on which said building is situated.

BUSINESS OR PROFESSIONAL OFFICE: A building or part thereof for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise, including, but not limited to, offices of banks and financial institutions, medical offices, medical clinics, and others.

CAR WASH: Any building or premises or portions thereof charging a fee for washing automobiles, or offering such service accessory to a commercial operation.

CHILD CARE: A day care center or a child care program, as those terms are defined in G. L. c. 28A, s.9.

CLUB OR LODGE: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

COMMERCIAL RECREATION, INDOOR: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. Places of assembly shall include theaters, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

COMMERCIAL RECREATION, OUTDOOR: Drive-in theater, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in this By-Law.

CONTIGUOUS OPEN SPACE: Open space suitable, in the opinion of the Planning Board, for the purposes set forth herein. Such open space may be separated by the road(s) constructed within the Flexible Development. Contiguous open space shall not include required yards, unless covered by a recorded restrictive covenant.

CONTRACTOR'S YARD: Premises used by a building contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of wheeled equipment.

COOKING FACILITIES: Any facilities (including without limitation a hot plate or portable oven, but not including an outdoor grill) which permits the occupant of a building to prepare or serve hot meals in the building on a regular basis.

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

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

DEBRIS: Accumulated fragments, ruins, or rubbish. In addition to this usual meaning shall also include but not be limited to the following: used motor vehicle and heavy equipment parts and demolition materials from buildings and other structures.

DRIVEWAY: An improved access (other than a street) connecting between a street and one or more parking or loading spaces.

DWELLING UNIT: One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same and including room or rooms for living, sleeping, and eating.

DWELLING: A building, or portion thereof, designed exclusively for residential occupancy, including single-family, two-family, or multiple family dwelling (apartments), but not including hotels, motels, boarding homes, trailers, or structures primarily for transient or overnight occupancy. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) families, respectively.

DWELLING, MULTIFAMILY: A building containing three or more dwelling units.

EARTH REMOVAL: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

EDUCATIONAL PURPOSES, USE OF LAND OR STRUCTURES FOR: Exempt activity as set forth in G.L. c. 40A, s. 3.

EDUCATIONAL PURPOSES, NONEXEMPT: Educational facilities not exempted from regulation by G.L. c. 40A, s. 3.

ERECT: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

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 or sewer transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, 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.

FAMILY: Two persons living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.

FAMILY DAY CARE, LARGE: Any private residence which on a regular basis receives children for temporary custody and care during part or all of the day, as defined in G.L. c. 28A, s.9.

FAMILY DAY CARE, SMALL: Any private residence which on a regular basis receives children for temporary custody and care during part or all of the day, as defined in G.L. c. 28A, s.9.

FARM STAND, EXEMPT: Sale of farm products on a parcel larger than five acres, provided that during the months of June, July, August, and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located.

FARM STAND, NONEXEMPT: Facility for the sale of produce, wine and dairy products on property not exempted by G.L. c. 40A, s. 3.

FIRM: Flood Insurance Rate Map(s).

FLOOD: A temporary rise in river, stream, or brook flow that results in water overtopping the banks and inundating overbank areas adjacent to the channel.

FLOOD ELEVATION, 100 YEAR: The elevation of a flood which has a one percent (1%) probability of occurring in any given year.

FLOOD PLAIN: Those areas of land adjacent to the rivers, streams, and other water courses in the Town which experience frequent regular or periodic flooding.

FLOODWATER STORAGE CAPACITY: The quantity of water which can be held within the Flood Plain.

FRONTAGE: The lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than one hundred and twenty (120) degrees. Vehicular access to a building site on the lot shall be exclusively through the legal frontage of the lot.

FUNERAL HOME: Facility for the conducting of funerals and related activities such as embalming.

GAME COURT is any specially prepared play area whose surface, topography, size, shape and configuration is associated with recreational games, such as basketball, volleyball, badminton, tennis, horseshoes and archery. Such term shall not include golf courses or walking and jogging trails.

GARAGE FOR AUTOMOTIVE STORAGE: A structure which is accessory to a commercial or industrial establishment and is primarily for the parking and storage of vehicles operated by the customers, visitors and employees of such an establishment.

GROSS FLOOR AREA: The sum of the areas of the several floors of any building on a lot, including areas used for human occupancy in basements, attics and penthouses, as measured from the exterior faces of the walls, but excluding cellars, unenclosed porches, balconies, attics, or any floor space in accessory buildings or in any building intended and designed for the parking of automobiles, or for accessory heating and ventilating equipment, laundry, or accessory storage.

HAMMERHEAD LOT: A lot with reduced frontage and special dimensional requirements, as specified in Section 6200 of this By-Law.

HEIGHT, BUILDING: Height shall be measured as the vertical distance from the average ground elevation around the exterior walls of the structure to the highest point of the top story in the case of flat roof, and to the mean height between the plate and the ridge in the case of a pitched roof provided that the ridge of a pitched roof shall not be higher than 130% of the stipulated height for the district.

HOME OCCUPATION: Any occupation, business, trade, service or profession which is customarily incidental to and conducted in a dwelling unit or in a building or other structure accessory thereto, by a resident thereof. No more than one home occupation may be conducted on any premises.

HOSPITAL: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury and other conditions, and related facilities, such as laboratories, outpatient facilities, training facilities, offices, and staff residences.

HOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building and with or without public dining facilities.

INTERIOR DRIVEWAY: A travel lane located within the perimeter of a parking lot which is not used to directly enter or leave parking spaces. An interior driveway shall not include any part of the access driveway.

JUNKYARD OR AUTOMOBILE SALVAGE YARD: The use of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

KENNEL, COMMERCIAL: A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold located on at least five (5) acres of land.

LIGHT MANUFACTURING: Fabrication, assembly, processing, finishing work or packaging.

LOT: A parcel of land used or set aside and available for use as site of one (1) or more buildings and buildings accessory thereto or for any other definite purpose, in one ownership and not divided by a street, nor including any land within the limits of a public or private way upon which lot abuts.

LOT COVERAGE: The projected area of space in all buildings on the lot, including all roof overhangs.

MAJOR RECREATIONAL EQUIPMENT: Campers, boats, trailers, motor homes, personal water craft, airplanes, or other recreational vehicles.

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.

MEDICAL CENTER OR CLINIC: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

MEDICAL MARIJUANA TREATMENT CENTER (MMTC): A not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

MEMBERSHIP CLUB, CIVIC, SOCIAL, PROFESSIONAL OR FRATERNAL ORGANIZATION: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

MIXED USE PROJECT (MUP): Mixed Use Project shall mean a single development proposal containing a mix of residential, exempt or institutional, and/or commercial uses.

MOBILE HOME: Any vehicle or object on wheels and having no motive power of its own, but which is drawn by or used in connection with, a motor vehicle, and which is so designed, and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation whether resting on wheels, jacks or other foundation, and shall include the type of vehicle commonly known as mobile home.

MOBILE HOME PARK: Any lot of land upon which three or more Mobile Homes occupied for dwelling purposes are located, including any buildings, structure, fixtures and equipment used in connection with Mobile Homes.

MOTEL: A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities, and characterized by direct access to every unit from an automobile, parking spaces or facility (includes motor hotels) and motor inns).

MOTOR VEHICLE GENERAL AND BODY REPAIR: An establishment, garage or work area enclosed within a building for the servicing and repair of autos, including fenders, bumpers and similar components of motor vehicle bodies, but not including the storage vehicles for the cannibalization of parts or fuel sales.

MOTOR VEHICLE LIGHT SERVICE: Premises for the supplying of fuel, oil, lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

MOTOR VEHICLE, MOTORCYCLE, TRAILER, SNOWMOBILE, OR BOAT SALES AND RENTAL: The indoor or outdoor sales or rental of the listed commodities.

MUNICIPAL FACILITY: Any use of land or structures by the Town of Clinton. Such facilities shall be exempt from all dimensional requirements set forth in this By-Law.

NONCONFORMING USE OR STRUCTURE: A building, structure, or use of land as set forth in G.L. c. 40A, s. 6.

NURSING HOME: Any place or institution for aged, infirm, chronic or convalescent, whether conducted for charity or for profit, which is established to render domiciliary' care, custody, treatment and/or lodging of three (3) or more unrelated persons who require or receive assistance in ordinary daily activities of life, or who are confined to bed or chair. (This term includes boarding and rooming houses for aged people, convalescent homes, rest homes, homes for the aged or infirm, convalescent homes for children, and the like; but does not include hospitals, clinics, and similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness).

OVERLAY DISTRICT: A zoning district which is superimposed on other zoning districts and whose regulations are supplementary to those of the zoning districts so overlaid. Any uses permitted on the portions of districts so overlaid shall be permitted subject to the provisions contained in the overlay district.

PARKING AREA: A public parking area or a private parking area that is open to the parking of motor vehicles by customers and employees of an establishment.

PERSON: Shall include an individual corporation, society, association, partnership, trust or other entity, public or private.

PERSONAL SERVICE ESTABLISHMENT: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

PREMISES: A lot together with all structures, building and uses therein.

PRINCIPAL BUILDING: That building or group of buildings in which the main or primary use of the premises occurs.

PRIORITY DEVELOPMENT SITE: Any of the 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 85, Parcel 297, 298, 299, 377, 378, 1252, 1436, 1669, 2363 and 3460 and Map 131, Parcel 2066. Final action on application(s) relating to the use or development of the Priority Development Site (PDS), or the buildings and/or structures thereon, shall be taken within 180 days, subject to extension as per G.L. c. 43D and 400 CMR 2.00, et seq.

PROFESSIONAL OFFICE: The office of one engaged in such generally recognized professions as physician, dentist, veterinarian, attorney-at-law, engineer, architect, landscape architect, interior designer, and accountant.

PUBLIC WAY: Shall include a private way that is open to public use.

RELIGIOUS PURPOSES, USE OF LAND OR STRUCTURES FOR: Exempt activity as set forth in G.L. c. 40A, s. 3.

RESTAURANT: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term "restaurant" shall not include "fast food restaurants."

RESTAURANT, FAST-FOOD: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

RESTRICTED AS AFFORDABLE: Restricted for a period not less than fifteen (15) years. The fifteen year restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Clinton Housing Authority for a period not less than 120 days after notice thereof.

RETAIL SALES: A facility selling goods not specifically listed in the Table of Use Regulations.

SERVICE AREA: A room or rooms in a building used to house electrical or mechanical equipment necessary to provide central utility service to the building, such as a boiler room.

SIGN: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs." The following, however, shall not be considered signs within the context of this ordinance:

(a) Flags and insignia of any government except when displayed in connection with commercial promotion.

(b) Legal notices, or informational devices erected or required by public agencies.

(c) Temporary displays inside windows, covering not more [than] thirty (30) percent of window area, illuminated by building illumination only.

(d) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.

(e) Integral decorative or architectural features of a building, except letters, trademarks, moving parts, or parts internally illuminated or decorated with gaseous tube or other lights.

(f) Devices identifying a building as distinct from one (1) or more of its occupants, such device being carved into or attached in such a way as to be an integral part of the building, not illuminated separate from building illumination, without color contrasting with sign background, and not exceeding four (4) square feet in area.

(g) Address identification through numerals or letters not exceeding three (3) inches in height.

SIGN, ACCESSORY: Any billboard, sign or other advertising device that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or the business transacted therein, or advertises the property itself or any part thereof as for sale or to let, and which contains no. other advertising matter.

SIGN, ADULT USE ADVERTISEMENT: An advertising sign or devise which advertises an adult use establishment, adult bookstore, adult video store, adult cabaret, adult paraphernalia store, or adult motion picture theater and/or advertises the trade, rental or sale of 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.

SIGN, AREA OF: The area of a sign shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols.

SIGN, FREE-STANDING OR STANDING: The term "standing" shall include any and every sign erected on or affixed to the land and any and every exterior sign that is not attached to a building.

SIGN, NON-ACCESSORY: Any billboard, sign or other advertising device that does not come within the foregoing definition of an accessory sign.

SIGN, OFF-PREMISES: A sign with content that relates to products, accommodations, services or activities on premises other than the premises which serves as the location of the sign.

SPECIAL PERMIT GRANTING AUTHORITY (SPGA): The board with authority to grant special permits, which shall be the Board of Appeals unless some other board is so designated in these By-laws.

STREET: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation

to the proposed use of the land, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE: Anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes (includes the term "building").

TRAILER: A vehicle without motor power designed to be drawn by a motor vehicle, used for hauling or living purposes and standing on wheels or rigid supports. (Does not include "mobile home", which is defined elsewhere).

TRANSPORTATION OR FREIGHT TERMINAL: Terminal facilities for handling freight with or without maintenance facilities.

TRUCK STOP: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sales of accessories or equipment for trucks or similar commercial vehicles. A truck stop shall also be defined to include those overnight accommodations and restaurant facilities primarily for the use of truck crews.

VARIANCE: An authorization by the Board of Appeals to use property or locate a structure pursuant to G.L. c. 40A, s. 10.

WAREHOUSE: A building used primarily for the storage of goods and materials, for distribution, but not for sale on the premises.

WETLAND: Any perennially wet area, including all lands which are subject to the provisions of G.L. c. 131.

WIDTH OF PARKING STALL: The linear dimension measured across the stall and parallel to the maneuvering aisle.

YARD: An area open to the sky, located between a street or other property line and any structure or element thereof other than a fence, wall other customary yard accessory, or projection allowed to encroach on building lines by the State Building Code, and free of any storage of materials or manufactured products.

YARD, FRONT: A yard extending between side lot lines across the front of a lot on each street it adjoins, measured perpendicular to a line connecting the foremost points of the side lot lines. Front yard depth shall be measured from the street line to the nearest point of the front wall of any dwelling or any structure, provided that nothing shall prevent the projection of uncovered steps, cornices, window sills and other ornamental features, nor the construction of walls or fences which do not interfere with vision at the intersection of two or more streets.

YARD, REAR: A yard abutting a rear property line, that is typically a line or set of lines approximately parallel to the street frontage, 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.

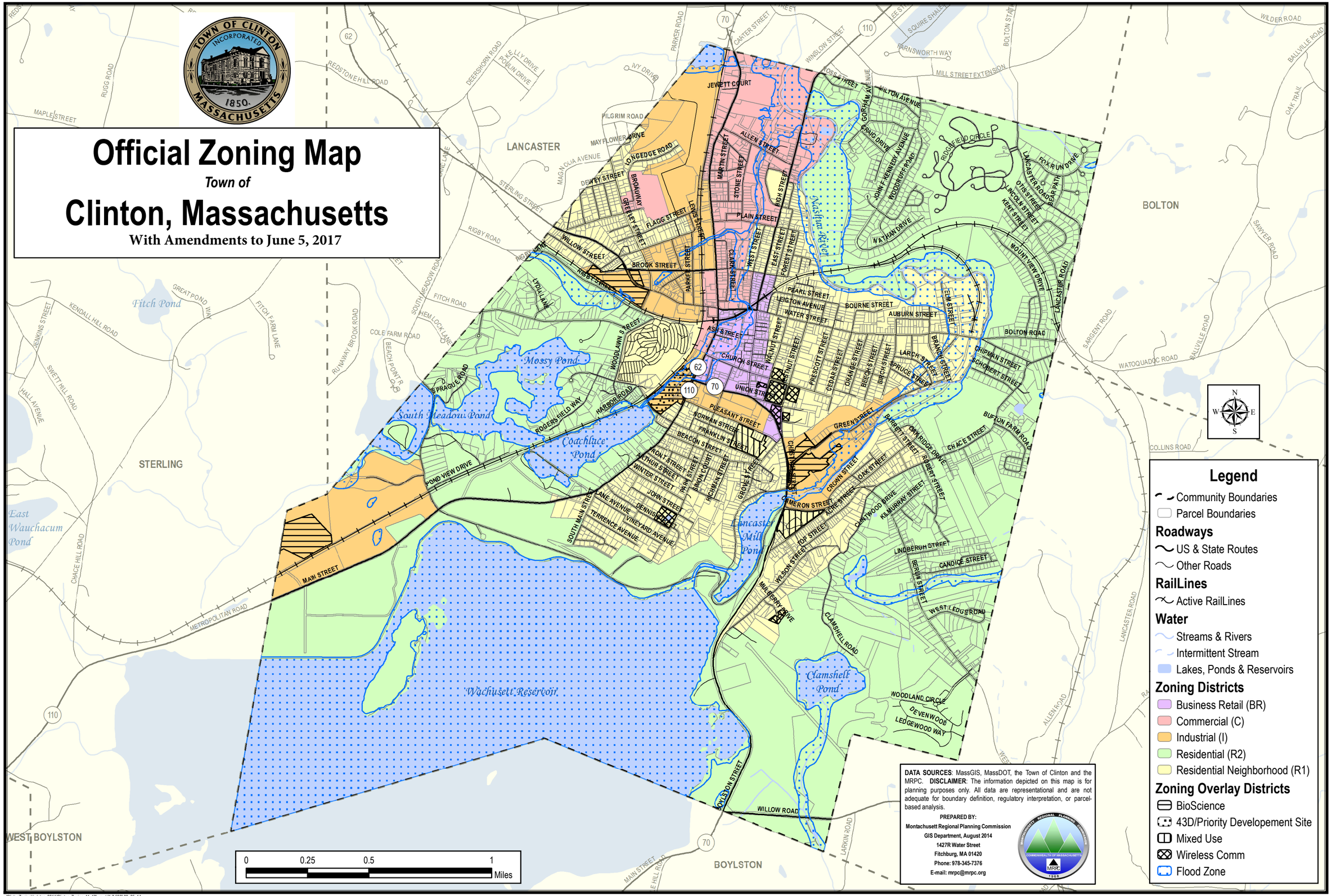
YARD, SIDE: A yard abutting a side property line, typically a line or set of lines which intersect a street line, separating lots whose frontage is established on the same street, extending between side and rear yards. Corner lots commonly have one side yard and one rear yard.

Official Zoning Map

Town of

Clinton, Massachusetts

With Amendments to June 5, 2017



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