Amended through
Town Meeting

APRIL 2016

ZONING BYLAW

TOWN OF CONCORD, MASSACHUSETTS

TOWN OF CONCORD
ZONING BYLAW

PREFACE

This volume contains the Zoning Bylaw of the Town of Concord, Massachusetts, adopted at the Special Town Meeting of April 1977, and as subsequently amended.

Amendments to the Zoning Bylaw are listed in the Table of Amendments following the Appendix. This table, the Table of Contents, the introduction entitled "Laws and Regulations Governing Land Use", the marginal notes and the Appendix are included for convenience of reference only and are not part of the Bylaw.

For uniformity and legibility, all section titles are capitalized, printed in bold type, and numbered sequentially. A uniform system of capitalization and indentation has been used, and obviously misspelled words have been corrected without notation. Language enclosed in brackets [ ] was added by the editor for clarity.

TOWN OF CONCORD
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INFORMATION RELATING TO LAWS AND REGULATIONS GOVERNING LAND USE

Land use in the Town of Concord is subject to regulation under various Town Bylaws and Statutes of the Commonwealth. Included among these are the Concord Zoning Bylaw, adopted pursuant to Chapter 40A, "The Zoning Act" of the Commonwealth of Massachusetts, and the following:

The Laws of Concord set forth the Board of Selectmen's Rules and Regulations, Standing Votes and Town Charter Bylaws including the Sign and Advertising Devices Bylaw, which is administered by the Building Inspector.

Subdivision Rules and Regulations set forth the Planning Board's procedures and standards to be followed in the subdivision of land and the construction of ways.

Wetlands Bylaw set forth to protect the Town of Concord's wetlands, water resources, flood prone areas, and adjoining upland areas including three major rivers, the Assabet, Sudbury, and Concord and their tributaries by prior review and regulation of activities deemed by the Concord Natural Resources Commission likely to have a significant or cumulative effect on resource area values.

State Building Code sets forth the regulations, administered by the Building Inspector, relative to the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of buildings and structures and use or occupancy thereof.

State Environmental Code - Title 5 sets forth the minimum standards for the protection of public health and the environment when circumstances require the use of individual systems for the disposal of sanitary sewage in areas where municipal sewage systems are not available.

Architectural Access Board sets forth the regulations, administered by the Building Inspector, relative to facilitating the use of public buildings by the physically handicapped.

Historic District Zones set forth the boundary description of the Historic Districts and the regulations administered by the Historic Districts Commission pertaining to the preservation and protection of buildings, places and districts of historic or literary significance in such zones through the development and maintenance of appropriate settings. Maps of the Districts are available at the Town House.

State Wetlands Protection Act is administered by the Concord Natural Resources Commission and provides for public review of proposed projects which involve construction or other alteration of land in or near wetlands or land deemed subject to periodic flooding.

Board of Selectmen supervises use of Town land, adopts regulations on diverse matters such as metered parking, acts on public utility petitions, and is the local licensing authority for liquor, entertainment, and similar activities.

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SECTION 1. AUTHORITY, PURPOSE AND DEFINITIONS

1.1 Authority

The Town of Concord Zoning Bylaw is adopted pursuant to and under the authority of "The Zoning Act" of the Commonwealth of Massachusetts, Chapter 40A of the General Laws.

1.2 Purpose

The purpose of this Bylaw is to implement the zoning powers granted to the Town of Concord under the Constitution and Statutes of the Commonwealth and includes but is not limited to, the following objectives: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town; to preserve and increase amenities; and to preserve and enhance the development of the natural, scenic and aesthetic qualities of the community.

1.3 Definitions

In this Bylaw the following terms shall have the following meanings:

1.3.1 Abandoned, abandonment: The visible or otherwise apparent intention of an owner or occupant to discontinue or abandon a particular nonconforming use or structure, including, but not limited to, such actions as removal of equipment or furnishings customarily incident to a particular use without their immediate replacement, or the replacement of a nonconforming use or structure with a conforming use or structure.

1.3.2 Affordable housing: A dwelling unit that by deed restriction is and will remain (a) for sale and sold at a selling price that will result in an annual shelter cost (which for this purpose shall include, to the extent required by the applicable federal, state or local program, real estate taxes, insurance and mortgage interest) of not more than thirty percent (30%) of the annual household income of a qualified affordable housing unit purchaser; or (b) available for rent and rented at an annual rent (which for this purpose shall include, to the extent required by the applicable federal, state or local program, an appropriate, allowance for utilities to the extent they are not otherwise included in the rent) that will result in an annual shelter cost of not more than thirty percent (30%) of the annual household income of a qualified affordable housing unit tenant; and/or, (c) a dwelling unit that qualifies and that will be included in the Affordable Housing Inventory for the Town of Concord that is maintained by the Massachusetts Department of Housing and Community Development or any successor entity.

A qualified affordable housing unit purchaser or a qualified affordable housing unit tenant with respect to a unit is an individual or household with total annual income which qualified such purchaser or tenant under the appropriate provisions of the federal, state or local program applicable to the unit.

1.3.3 *Board:* The Town of Concord Board of Appeals.

1.3.4 *Building:* A structure, whether portable or fixed, enclosed within exterior walls or firewalls, having a roof, and built, erected and framed of a combination of any materials to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

1.3.5 *Building Code:* The State Building Code of the Commonwealth of Massachusetts, as the same may be amended from time to time. Terms used in this Bylaw shall have the same meaning as ascribed to them in the Building Code unless the context of usage in this Bylaw clearly indicates another meaning.

1.3.6 *Bylaw:* Town of Concord Zoning Bylaw. All sections and subsections refer to sections and subsections of this Bylaw unless otherwise specifically stated.

1.3.7 *Dwelling:* A structure or portion thereof which is used exclusively for human habitation.

1.3.8 *Dwelling unit:* A structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

1.3.9 *Family day care:* A private dwelling which receives for temporary custody not more than six children, including participating children living in the residence, provided said dwelling and day care provider have received a license from the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c.28A. For purposes of this bylaw, a family day care home is a customary home occupation.

1.3.10 *Formula business:* A type of business activity that maintains two or more of the following standardized features:

1. array of services and/or merchandise, or menu
2. trademark, logo, service mark or symbol
3. décor, architecture, layout or color scheme
4. uniforms
5. sign

and these features are the same as or substantially the same as fifteen or more such establishments, regardless of ownership or location. Formula businesses shall not include post offices, churches, schools, government facilities, grocery stores or accessory uses.

1.3.11 Frontage: A continuous portion of a sideline of a street between the side lines of a lot, which provides safe and adequate vehicular and pedestrian access from said street to the principal use of a lot.

1.3.12 Gross floor area: The sum of the horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, not including any space where the floor to ceiling height is less than six feet, eight inches (6'8").

1.3.13 Home occupation: A non-residential use of a dwelling unit that is subordinate but compatible to residential use.

1.3.14 Large family day care: A private dwelling which receives for temporary custody up to ten children, including participating children living in the residence, provided said dwelling an day care provider have received a license from the Commonwealth of Massachusetts to provide family day care, as defined in G.L.c28A. For purposes of this bylaw, a family day care home is a customary home occupation.

1.3.15 Lot: An area of land in one ownership with definitive boundaries ascertainable from a recorded deed or recorded plan.

1.3.16 Mobile medical facility: a trailer or other mobile structure that has been modified by the installation of specialized medical testing equipment as a medical center and laboratory.

1.3.17 Multi-unit dwelling: A structure containing more than two (2) dwelling units. This term shall include, but is not limited to, triplex, quadraplex, and townhouse structures containing three (3) or more dwelling units.

1.3.18 One ownership: Undivided ownership of a lot by one or more natural or legal persons, whether title thereto be joint, in common, or by the entirety.

1.3.19 Planning Board: The Town of Concord Planning Board.

1.3.20 Record, or recorded: Title to a lot as disclosed by a deed recorded in the Middlesex title issued by the Land Court and registered in the Land Court section of such Registry, or record title disclosed by any and all pertinent public records.

1.3.21 Single-family detached dwelling: A structure containing one dwelling unit designed for and used exclusively as a single housekeeping unit.

1.3.22 Single-Family Semi-Detached Dwelling: A single-family dwelling unit attached to another single-family dwelling unit by a common vertical wall, with each dwelling unit located on a separate lot.

1.3.23 Storage Trailers: An enclosed metal storage container that was designed principally for the transport of goods or materials.

1.3.24 Street: An improved public way laid out by the Town of Concord, the Middlesex County Commissioners or the Commonwealth of Massachusetts, or a way which the Concord Town Clerk certifies is maintained by public authority and used as a public way, or a way in existence having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. A way shall not be a "street" with respect to any lot which does not have appurtenant to it a recorded right of access to and over such way for vehicular traffic.

1.3.25 Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word "structure" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

1.3.26 Two-family dwelling: A structure, located on a single lot, containing two (2) dwelling units each of which is totally separated from the other either by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell, or by a common vertical wall. This definition includes the duplex dwelling.

1.3.27 Use, accessory: Any use which (1) is subordinate to a principal use, (2) is secondary in physical area, intensity of use, and purpose to the principal use served, and (3) is customarily incidental to the principal use.

1.3.28 Use or structure, Nonconforming: A use or structure, lawfully existing at the time of adoption of this Bylaw or any subsequent amendment hereto, which does not conform to one or more provisions of this Bylaw.

1.3.29 Use, principal: The main or primary purpose for which a structure or lot is designed, arranged or intended, or for which it is permitted to be used, occupied or maintained under this Bylaw.

1.4 Changes in Numbering

The Town Clerk is authorized to make non-substantive changes to the numbering of this Bylaw and future amendments hereto in order to make numbering conform to the numbering format of this Bylaw.

SECTION 2. ESTABLISHMENT OF DISTRICTS

2.1 Classification of Districts

For the purpose of this Bylaw, the Town of Concord is hereby divided into the following classes of zoning districts:

Residential Districts
- Residence AA
- Residence A
- Residence B
- Residence C

Commercial Districts
- Business
  - West Concord Village (WCV)
  - West Concord Business (WCB)
  - Concord Center Business (CCB)
  - Thoreau Depot Business (TDB)
  - Nine Acre Corner Business (NACB)
- Limited Business
  - #1 @ Elm Street and Route 2
  - #2 @ 59 Walden Street
  - #3 @ Monument Square
  - #4 @ Walden Street and Route 2
  - #5 @ Main Street at the Sudbury River
  - #6 @ Main Street and Old Road to Nine Acre Corner
  - #7 @ 106 Main Street
  - #8 @ 68 Commonwealth Avenue

Medical-Professional
- North of Route 2
- South of Route 2

Industrial Districts
- West Concord Industrial
- Industrial
- Industrial Park A (IP A)
- Industrial Park B (IP B)
- Limited Industrial Park
- Limited Industrial Park #1 @ 2229 Main Street
- Limited Industrial Park #2 @ Main Street and Forest Ridge Road

Conservancy Districts
- Flood Plain
- Groundwater
- Wetlands

By-Pass District

Personal Wireless Communication Facilities District

Public Service Corporation Overlay District

2.2 Zoning Map

Location and boundaries of the zoning districts shall be as shown on the following identified zoning maps as the same may be hereinafter amended, which maps are herein collectively referred to as "The Zoning Map".

Zoning Districts, Town of Concord, 2010 (Scale 1" = 100' consisting of 122 sheets).

Flood Plain Conservancy District, Town of Concord, January 1, 2015 (Scale 1”=1000’ consisting of a single sheet). The general boundaries of the Flood Plain Conservancy District includes all special flood hazard areas within the Town of Concord designated as Zone A, AE and AH, on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Concord are panel numbers 25017C0244F, 25017C0263F, 25017C0264F, 25017C0356F, 25017C0357F, 25017C0358F, 25017C0359F, 25017C0366F, 25017C0367F, 25017C0376F, 25017C0377F, 25017C0378F, 25017C0379F, 25017C0381F, 25017C0383F, 25017C0386F and 25017C0387F dated July 7, 2014, with panels 25017C0378F and 25017C0379F revised by Letter of Map Revision dated August 14, 2015. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated July 7, 2014 and Letter of Map Revision dated August 14, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

Groundwater Conservancy District, Town of Concord, January 4, 2010 (Scale 1" = 1000' consisting of a single sheet).

Public Service Corporation Overlay District, the Town of Concord, January 2, 2013 (no scale), consisting of a single sheet.

Wetlands Conservancy District, Town of Concord, 1976 (Scale 1" = 100' consisting of 122 sheets).

Wireless Communication Facility(s) Overlay District, Town of Concord, April 26, 2004 (Scale 1” = 1000’ consisting of a single sheet).

The Conservancy Districts and the Wireless Communication Facility(s) Overlay District are overlay districts whose boundaries are superimposed on the Residential, Commercial, Industrial and By-Pass Districts established by this Bylaw. Said zoning maps are hereby made part of this Bylaw and shall be filed in the Office of the Town Clerk.

2.3 Zoning Map Interpretation

For purposes of interpretation of The Zoning Map, the following shall apply:

2.3.1 Zoning boundaries, which appear to follow streets, railroads or rivers and streams, shall coincide with the centerline thereof.

2.3.2 Zoning boundaries, which appear to follow a property or lot line, the exact location of which is not indicated by means of dimensions shown in figures, shall coincide with the actual property or lot line.

2.3.3 Zoning boundaries, which appear to run parallel to the sidelines of streets or railroads, shall be regarded as parallel to such sidelines.

2.3.4 Where a zoning boundary divides a lot at the time such zoning boundary was first adopted, the regulations for either district may, upon the issuance of a special permit from the Board with the advice of the Planning Board, be extended thirty (30) feet into the other district, provided that, in a case where the less restrictive portion of the lot is to be extended into the more restrictive portion, the lot has frontage on a street in the less restrictive district.

2.3.5 The exact boundaries of the Flood Plain Conservancy District shall be the location on the ground of the 100-year flood contours shown on the FPCD maps or the Middlesex County FIRMs, and as determined by an actual field survey. Supplementary information concerning flood elevations and the limits of the floodway may be found in the Middlesex County “Flood Insurance Study" booklet dated July 7, 2014 and Letter of Map Revision dated August 14, 2015 and published by the Federal Emergency Management Agency.

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SECTION 3. USE REGULATIONS

3.1 General Provisions

No land shall be used or building or other structures erected or modified in any district for any use not set forth in Section 4, Table I and denoted either with the word "yes" or by the letters "SP", except accessory uses permitted pursuant to Section 5 and nonconforming uses as provided in subsection 7.1. It is the intent of this Bylaw to prohibit in any district any use, which is not specifically permitted, as well as any use, which is denoted in Section 4, Table I, by the word "no".

3.2 Provisions Applicable to Section 4, Table I

Existing and future uses of land, buildings, or structures shall be allocated among the categories set forth in Section 4, Table I. Each use set forth in the principal use column of Table I shall be defined by reference to the subsection of Section 4 appearing next to such principal use, and each such use shall be subject to any conditions or limitations that are set forth in Table I or in the applicable subsection.

3.2.1 A use listed in Section 4, Table I, is permitted in any district under which it is denoted by the word "yes". If denoted by the letters "SP", the use is permitted only if the Board, or the Planning Board where it is specifically designated in this Bylaw, grants a special permit as provided herein and makes such specific findings as may be required by this Bylaw in respect of such use.

3.2.2 The word "yes" followed by one or more numerals in the Limited Business column denotes that the use is permitted only in the Limited Business District corresponding to such numeral(s). If no numeral appears, the use is permitted in all Limited Business Districts in accordance with the provisions of this Bylaw.

3.2.3 A use listed in Section 4, Table I, subsection 4.3 Institutional Uses, subsection 4.5 Business Uses and subsection 4.6 Industrial Uses, other than parking and loading, is permitted in the Industrial Park Districts and Limited Industrial Park District only when conducted entirely within one or more buildings.

3.2.4 Site plan approval in accordance with subsection 11.8 is required for a use where the letter "R" appears and is not required where the letters "NR" appear.

3.3 Formula Business

3.3.1 *Purpose.* The purpose of regulating the number, location, and visual features of formula businesses in the West Concord Business District and the West Concord Village District is to maintain the unique, small-scale, small-town character and the quality of life for all Concord residents by preserving the individuality and distinctive appeal of the West Concord Business and the West Concord Village districts. Preservation of the existing

character, diversity, variety and scale of West Concord's Business and Village districts is also vital to the continuation of West Concord's ability to attract both residents and visitors. West Concord's Business and Village districts currently provide a mix of unique businesses, architecture, signage, and graphic and other design elements, which gives West Concord a distinctive visual appearance and small-scale eclectic ambiance. These goals are evidenced in the Comprehensive Long Range Plan of 2005, the Village Centers Study of 2007, the Call to Action of 2008, the West Concord Task Force Public Survey of 2009, in committee and public comment in public meetings and public forums of the West Concord Task Force and in the West Concord Master Plan of 2010.

3.3.2 Limitation on the number of formula businesses in the West Concord Business District and the West Concord Village District combined: Limiting the number of formula businesses will allow the West Concord Business District and the West Concord Village District to avoid the proliferation of businesses that are homogenous, visually obtrusive, and often have a high impact on infrastructure, will safeguard West Concord's historical relevance, and will ensure that Concord residents and tourists continue to have unique dining, retail and service experiences in West Concord.

The total number of formula businesses in the West Concord Business District and the West Concord Village District combined is limited to ten. When the total existing number is equal to or greater than ten, no new formula businesses can be established until and unless an existing formula business closes, adapts so that it no longer qualifies as a formula business, or relocates outside of the West Concord Business or West Concord Village Districts. If a business in current operation becomes a formula business by means of additional locations being established, this business shall count toward the total number of formula businesses, but shall not be considered as a formula business being established.

3.3.3 Special permit required: The establishment of a new formula business or expansion or relocation of an existing formula business in the West Concord Business District and the West Concord Village District shall require the grant of a special permit as defined in Section 11.6 from the Planning Board.

3.3.4 Additional criteria for establishment, expansion, or relocation of a formula business in the West Concord Business District and West Concord Village District:

(a) The formula business is designed and operated in a manner that preserves the community's distinctive small-town character;

(b) The formula business contributes to the diversity of uses to assure a balanced mix of businesses available to serve residents and visitors;

(c) The formula business does not result in an over-concentration of formula businesses in its immediate vicinity;

(d) The formula business use, together with the design and any improvements, is compatible with the existing architecture and unique aesthetic appearance of the district;

(e) The formula business shall not increase the intensity of use on the site to a level that will adversely impact land uses in the area, pedestrian or motor vehicle traffic or the public welfare; and

(f) No drive-through facilities are allowed.

3.3.5 *Determination:* A formula business may adapt its business activities in consultation with the Building Inspector so that the proposed establishment no longer qualifies as a formula business as defined in subsection 1.3.10.

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PRINCIPAL USES

SECTION 4. CLASSIFICATION OF PRINCIPAL USES

4.1 Extensive Uses

4.1.1 *Forestry* - Cultivating and harvesting of forest products.

4.1.2 Farming, *or agriculture* – Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. Horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

4.1.3 *Greenhouse and Farm Stand*- Commercial greenhouse, salesroom, or stand for the sale of nursery, garden agricultural or farming products, including facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities are only permitted on parcels of 5 acres or more or; parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least $1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticultures, floriculture or viticulture.

4.1.4 *Earth removal* - See subsection 7.5.

4.1.5 *Conservation use* - Wildlife management, boating, fishing and hunting.

4.1.6 *Private recreation* - Country club, riding academy, playground and tennis, fishing, boating, skating, swimming, fitness clubs and similar facility for organized athletic activities.

4.2 Residential Uses

4.2.1 Single-family dwelling: No more than one dwelling unit shall be located upon a lot except as provided in subsections 4.2.2, 4.2.3, and 4.2.4.

4.2.2 Two-family or additional dwelling unit:

4.2.2.1 The Board may grant a special permit for the alteration and use of a building existing at the time its lot is placed in a single residence district for not more than two (2) dwelling units, provided the volume of any additions shall not exceed in all one-fifth of the volume of the existing building. Any additions to create an additional dwelling unit pursuant to this section shall be structurally part of the existing building and share a common wall or floor with the existing building.

4.2.2.2 For the purpose of 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 and for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, the Board may grant a special permit for one additional dwelling unit in a single-family dwelling for which a final certificate of occupancy was issued at least two years prior to an application for said permit, or if no such certificate was issued, which was legally occupied prior to such date, provide that:

(a) The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet;

(b) The dwelling unit shall be located within the single-family dwelling as it existed two years prior to the date of application for the special permit;

(c) The dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than one-third of the gross floor area (as of two years prior to the date of application for the special permit) of the single-family dwelling exclusive of any garage, shed or similar structure of accessory use attached to the single-family dwelling;

(d) The dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;

(e) No more than one such dwelling unit shall exist within the single-family dwelling;

(f) No more than minimum exterior alterations shall be made to the single-family dwelling;

(g) Either the dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;

(h) Floor plans of the dwelling unit and the single-family dwelling, with a site plan showing the location of the single-family dwelling on the lot, have been filed with the Building Inspector prior to or at the time of application to the Board;

(i) Application for a building permit or certificate of occupancy shall be made to the Building Inspector and no use or occupancy shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;

(j) A site plan, at a measurable scale, shall be submitted with the application to the Board showing the location and arrangement of parking spaces on the property;

(k) Parking for the dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;

(l) Confirmation that the property is served by Town sewer or, alternatively, confirmation that the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit.

(m) Additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties;

(n) The special permit expires upon the sale or transfer of the equity interest in the property to another owner. A new owner may seek a special permit from the Board, and the Board may grant a special permit, for continued use of the dwelling unit provided that the property is in compliance with all other provisions of the Zoning Bylaw.

4.2.3 *Combined business/residence:* A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

4.2.3.2 For development of four (4) or more units, at least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet;

4.2.3.4 Except in Limited Business District #2, in a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow a decrease in the amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

4.2.4 *Combined industrial/business/residence:* A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and non-retail business uses are conducted provided that:

4.2.4.1 Each such dwelling unit and retail store (including grocery store) is structurally part of an industrial/non-retail business building(s), having at least a common foundation and roof.

4.2.4.2 At least twenty (20) percent of the dwelling units (and no less than one unit) are available as affordable housing; however, if at least ten (10) percent of the industrial use and/or non-retail business use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

4.2.4.3 In a combined industrial/business/residence project, one or more retail store(s) or grocery store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area.

4.2.4.4 In a combined industrial/business/residence project, the industrial and non-retail business uses combined shall be not less than thirty percent (30%) of the total gross floor area.

4.2.4.5 No residential dwelling units shall be located on the ground/first floor.

4.2.4.6 If located in the West Concord Industrial District, the design of the structure and the site for the combined industrial/business/residence project shall adhere to the recommendations of the West Concord Design Guidelines. A special permit shall be issued under this section only if the Board shall find that the combined industrial/business/residence use is in harmony with or advances the recommendations and intent of the 2010 West Concord Master Plan and the criteria listed in Section 11.6 Special Permit.

4.2.4.7 In a combined industrial/business/residence project where at least ten percent of the dwelling units are available as affordable housing and at least ten percent of the industrial or non-retail business use area is available at an affordable rent or lease, the Board may grant a special permit to allow an increase in the height of the building to forty (40) feet, as defined in Section 6.2.11, if the Board finds that the proposed combined industrial/business/residence project is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to be located.

4.2.5 *Residential compound:* A limited subdivision of land for single-family dwellings in accordance with the provisions of Section 8.

4.2.6 *Residential cluster development:* Single-family dwelling in accordance with the provisions of Section 9.

4.2.7 *Planned residential development:* Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

4.2.8 *Boarding house:* A single-family detached dwelling in which permanent lodging is provided for consideration to more than three (3) persons unrelated to the owner or proprietor. The term "boarding house" shall include dormitories.

4.2.9 *Hotel, Extended-stay hotel and Motel:* An establishment providing four (4) or more rooms or suites for transient lodging accommodations (which may include a kitchen area). Rooms or suites in an extended-stay hotel shall not qualify as a principal residence. The lot on which a hotel, extended-stay hotel or motel is located shall contain open space of not less than twice the gross floor area of the hotel or motel in addition to any area required for parking or vehicular access.

4.3 Institutional Uses

4.3.1 *Educational:* Use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions of bodies politic or by a recognized religious sect or denomination, or by a nonprofit educational entity which may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.

4.3.2 *Child care facility:* An establishment licensed by the Commonwealth of Massachusetts for the purpose of operating either 1) a day care center, which provides daily care for children under the age of seven (7) years, or sixteen (16) years if such children have special needs; or 2) a school age child care program, which provides supervised group care for children enrolled in kindergarten or older children who are not more than fourteen (14) years of age, or sixteen (16) years of age if such children have special needs, provided that:

4.3.2.1 In the residential districts, such activities shall be permitted only on (a) a lot which, with all its structures, conforms to the requirements of the Bylaw, or (b) a lawfully nonconforming lot or structure as to which the area of the lot is not less than ten thousand (10,000) square feet;

4.3.2.2 In the residential districts or on lots which are not in a residential district but are adjacent to a residential district, no outdoor play area (an area designed or set aside for children in a child care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for a principal use in the district in which it is located;

4.3.2.3 In all districts, the open space between the defined outdoor play area or structure and the property line(s) adjacent to residential districts or residential uses shall be screened with such fence, wall, hedge, or landscaping to provide a dense year-round screen as the Planning Board shall designate.

4.3.3 *Religious:* Use of land, buildings and structures for public worship carried on by a recognized religious sect or denomination which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to furthering the beliefs of such sect or denomination.

4.3.4 *Philanthropic:* Charitable or nonprofit library, museum, art gallery or other similar use.

4.3.5 *Hospital and nursing home:* Hospital and nursing home, provided that in Limited Business Distr. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.

4.3.6 *Assisted living residence:* A structure, or structures, used to provide assistance with the activities of daily living in a residential setting for people who require such services. Assistance with activities of daily living means the provision of physical support, aid or assistance with bathing, dressing/grooming, ambulating, eating, or other similar tasks. An assisted living residence may have central dining facilities, lounges, meeting rooms, laundry rooms, greenhouses, exercise rooms and recreational areas, libraries, offices, medical facilities for diagnosis and out-patient services for residents only and such other common areas or facilities or accessory uses for the residents may be desired. An assisted living residence is a facility that is eligible for certification as an assisted living residence by the Executive Office of Elder Affairs pursuant to M.G.L. Chapter 19D and shall conform with the following:

4.3.6.1 A unit as defined by M.G.L. Chapter 19D shall be a "dwelling unit" as defined by this Bylaw.

4.3.6.2 There shall be retained in perpetuity for conservation or passive recreation use an area of common open space equal to at least thirty percent (30%) of the lot area.

4.3.6.3 A minimum of twenty percent (20%) of the total number of assisted living units shall be a mix of affordable units for persons who qualify as low, moderate or upper-moderate income and assets. In determining the number of affordable units required, a fractional unit of 0.5 or more shall be considered a whole unit. The minimum percentage of affordable assisted living units shall be maintained as affordable units for the duration of the use of the property under this Section 4.3.6.

4.3.6.4 To the extent determined to be feasible by the Board (taking into consideration legal and economic constraints, including limitations imposed by financing sources) said affordable assisted living units required in subsection 4.3.6.3 shall be made available to eligible Concord residents, and persons related to such residents by consanguinity or affinity, prior to offering such units to other eligible persons

4.3.7 *Cemetery*

4.3.8 *Lodge and club:* Private lodge or club operated for members or employees.

4.3.9 *Registered Marijuana Dispensary:* A non-profit facility or location that has been registered by the Department of Public Health where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver, provided that:

4.3.9.1 A registered marijuana dispensary shall not be located within three thousand feet (3,000') of an elementary school, middle school, high school, or public library in existence at the time of enactment of the zoning bylaw amendment establishing this use.

4.4 Government and Utility Uses

4.4.1 Town of Concord Municipal Use: use of any building, facility and/or area owned or leased by the Town of Concord for the general use and welfare of the Town, its inhabitants or businesses located within the Town.

4.4.2 Underground utility: underground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility.

4.4.3 Aboveground utility: aboveground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility, except for large-scale, ground-mounted solar photovoltaic installations.

4.4.4 Municipal Use that is not by the Town of Concord: use of any building, facility and/or area for a public purpose by any other town that is not the Town of Concord.

4.5 Business Uses

4.5.1 Retail store: Sale and display of merchandise within a building. Sale of ready-to-consume foods and beverages in disposable containers for consumption outside the building will be permitted only as an accessory use to the principal retail operation. Provided, however, in the West Concord Business District a retail store shall not occupy more than 5,000 square feet of gross floor area and in the West Concord Village District a retail store shall not occupy more than 4,000 square feet of gross floor area of which not more than 3,500 square feet shall be public retail space, unless a special permit is granted to allow a larger retail store by up to twenty percent (20%). A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger retail store serves a public purpose or has a public benefit.

4.5.2 Personal service shop: Barber or beauty shop, laundry or dry-cleaning shop, shoe repair shop or self-service dry cleaning or laundry shop or similar service shop.

4.5.3 Craft shop: Shop or studio of an artist, potter, sculptor, silversmith, wood carver or similar craftsman, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.4 Restaurant: Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building. Provided, however, in the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area; and, provided further, in the West Concord Village District a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant in the West Concord Village District by up to thirty percent (30%), in which case a maximum of 4,800 square feet may be located on the ground/first floor. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit.

4.5.5 Indoor amusement: Theater, motion picture house, bowling alley, dance hall or other indoor amusement or assembly hall operated for profit.

4.5.6 Outdoor amusement: Golf driving range, miniature golf course or similar outdoor amusement operated for profit but not including motor-driven amusements.

4.5.7 Funeral home: Undertaking or funeral establishment.

4.5.8 Repair shop and building trade: Repair shop for household appliances, radio and television sets, office equipment, bicycles, lawn mowers and similar equipment, caterer and shop of a builder, carpenter, electrician, mason, painter, plumber or roofer or similar occupation associated with the building trades, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.9 Veterinary and kennel: Veterinary, kennel and place for boarding and caring for animals.

4.5.10 Financial and business office: Bank, loan agency or business office.

4.5.11 Professional office: Office of a doctor, lawyer, accountant, architect, engineer, or similar professionals.

4.5.12 Medical center and laboratory: Center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.

4.5.13 Auto service station: Sale of motor vehicle fuel and related products and services, including a car wash.

4.5.14 Auto repair shop: Establishment for the repair, maintenance, and painting of automobiles or similar light motor vehicles (maximum ten thousand (10,000) pounds gross vehicle weight and 172-inch wheel base), provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated to confine disturbing noise to the premises.

4.5.15 Vehicular dealerships: Salesroom and related dealership facilities for automobiles, boats, motorcycles, trucks, off-road vehicles or farm implements.

4.5.16 Boat sales and rental: Rental, sale, storage, maintenance and repair of small boats, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers.

4.5.17 Parking facility: Commercial parking lot or parking garage.

4.5.18 Transportation services: The parking or storage of ground transportation vehicles, including but not limited to buses, ambulances, limousines, taxis, liveries, wagons, carriages, or other ground transportation vehicles. The primary purpose of the business must be to provide transportation services to passengers, whether the vehicle be motorized or animal drawn. All vehicles stored or parked upon the premises must be registered or licensed.

4.5.19 Grocery Store: A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products and which occupies at least 5,000 square feet but not more than 35,000 square feet of gross floor area. Provided, however, in the West Concord Village District a grocery store shall not occupy more than 10,000 square feet of gross floor area.

4.6 Industrial Uses

4.6.1 Warehouse: Warehouse or other building for the storage or wholesale marketing of materials, merchandise, products, or equipment. In the Limited Industrial Park District, warehouse shall be permitted (1) in buildings for which a building permit was issued prior to February 14, 1980, or (2) in office, R&D or light manufacturing buildings provided the gross floor area of the warehouse shall not exceed forty (40) percent of the gross floor area of the entire building.

4.6.2 Storage yard, open-air sales: Lumber yard, fuel storage plant, contractor's yard, used car lot or other open-air establishment for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment.

4.6.3 R&D and Light Manufacturing: Research and Development (R&D) or light manufacturing including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses. In all cases, light manufacturing shall be (1) limited to fabrication, assembly, processing and packaging employing only electric or other substantially noiseless and inoffensive power, and (2) free from neighborhood disturbing agents including dust, fumes, odors, emissions, smoke, vapor, light, vibration and noise. In the Business District no more than five (5) full-time workers or their equivalent shall be employed in light manufacturing on the premises.

4.6.4 Manufacturing, packaging, processing and testing: Printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use.

In the Business District, only manufacturing of products primarily for sale at retail on the premises shall be conducted, and no more than five (5) full-time workers or their equivalent shall be employed on the premises.

In the Limited Industrial Park District, manufacturing, packaging, processing and testing uses shall be permitted only within the confines of a building for which a building permit was issued prior to February 14, 1980.

4.7 Restricted and Prohibited Uses

4.7.1 Prohibited uses: Salvage yard, junk yard, and all open-air storage of junk, waste products and salvage materials (including non-operable automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

Drive-in or fast food restaurants are expressly prohibited. A drive-in or fast food restaurant is defined as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or other disposable containers; or (2) service of food and beverages directly to a customer in a motor vehicle.

4.7.2 Restrictions: Without limiting the generality of subsection 4.7.1 or any other section of this Bylaw or of any other Town Bylaw, all manufacturing, packaging, processing, testing, business and commercial activity shall be conducted such as to confine disturbing sounds, fumes, dust, odors and noise to the premises, and no such activity shall be conducted so as to constitute a hazard by reason of the potential for fire, explosion, radiation release or by any bacterial, or viral agent.

CONCORD ZONING – TABLE I - PRINCIPAL USE REGULATIONS

Principal Uses	Residential Districts				Commercial Districts					Industrial Districts					
	AA	**A**	**B**	**C**	**WCV**	**B CCB, TDB, NACB**	**WCB**	**LB**	**MP**	**WCI**	**I**	**IPA**	**IPB**	**LIP#1 LIP#2**	**Site Plan Approval**
4.1 Extensive Uses															
4.1.1 Forestry	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.2 Agriculture, horticulture, floriculture and viticulture	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.3 Greenhouse	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.4 Earth removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.1.5 Conservation use	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.6 Private recreation	SP	SP	SP	SP	yes	yes	yes	yes[1]	no	yes	yes	yes	yes	yes	R
4.2 Residential Uses															
4.2.1 Single-family dwelling	yes	yes	yes	yes	no	yes	no	no	yes	no	no	no	no	no	NR
4.2.2 Two-family or additional dwelling unit	SP	SP	SP	SP	no	SP	SP	no	SP	no	no	no	no	no	NR
4.2.3 Combined business/residence	no	no	no	no	yes***	yes	yes	yes[2,3&7]	SP	no	no	no	no	no	R
4.2.4 Combined industrial/business/residence	no	no	no	no	no	no	no	no	no	SP	SP	no	no	no[SP◆◆]	R
4.2.5 Residential Compound	SP	SP	SP	SP	no	SP	no	no	no	no	no	no	no	no	NR
4.2.6 Residential Cluster Development	SP	SP	SP	SP	no	SP	no	no	no	no	no	no	no	no	NR
4.2.7 Planned Residential Development	SP	SP	SP	SP	no	SP	no	no	no	no	no	no	no	no[SP◆◆]	NR
4.2.8 Boarding house	SP	SP	SP	SP	no	yes	no	no	no	no	no	no	no	no	NR
4.2.9 Hotel, Extended-stay hotel and Motel	no	no	no	no	no	yes	SP	yes[1]	no	no	no	yes	no	no	R
4.3 Institutional Uses															
4.3.1 Educational	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.2 Child care facility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.3 Religious	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.4 Philanthropic	SP	SP	SP	SP	yes	yes	yes	SP[8]	yes	yes	yes	yes	yes	yes	R
4.3.5 Hospital and nursing home, provided that in Limited Business Dist. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.	no	no	no	no	no	yes	no	SP[6]	yes	no	no	no	no	no	R
4.3.6 Assisted living residence	no	no	no	no	no	no	no	SP[8]	no	no	no	no	no	no	R
4.3.7 Cemetery	yes	yes	yes	yes	no	yes	no	no	no	no	no	no	no	no	NR
4.3.8 Lodge and club	SP	SP	SP	SP	SP***	yes	SP	no	no	SP	yes	yes	yes	yes	R
4.3.9 Registered Marijuana Dispensary	no	no	no	no	no	no	no	no	SP	no	no	no	no	no	R
4.4 Governmental and Utility Uses															
4.4.1 Town of Concord Municipal Use	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.4.2 Underground Utility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.4.3 Aboveground Utility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.4.4 Municipal Use not by the Town of Concord	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R

CONCORD ZONING – TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses	Residential Districts					Commercial Districts					Industrial Districts				
	AA	**A**	**B**	**C**	**WCV**	**B, CCB, TDB, NACB**	**WCB**	**LB**	**MP**	**WCI**	**I**	**IPA**	**IPB**	**LIP#1 LIP#2**	**Site Plan Approval**
4.5 Business Uses															
4.5.1 Retail store	no	no	no	no	yes	yes	yes	no	no	no**	no**	no	no	no	R
4.5.2 Personal service shop	no	no	no	no	yes	yes	yes	no	no	SP	no	no	no	no	R
4.5.3 Craft shop	no	no	no	no	yes	yes	yes	no	no	yes	yes	yes	yes	no	R
4.5.4 Restaurant	no	no	no	no	yes	yes	yes	yes[1]	no	yes	yes	yes	yes	no	R
4.5.5 Indoor amusement	no	no	no	no	yes	yes	yes	no	no	yes	yes	yes	yes	yes	R
4.5.6 Outdoor amusement	no	no	no	no	yes	yes	yes	yes[1]	no	yes	yes	no	no	no	R
4.5.7 Funeral home	no	no	no	no	no	yes	SP	yes[3]	no	SP	yes	yes	yes	no	R
4.5.8 Repair shop and building trade	no	no	no	no	no	yes	yes	no	no	yes	yes	yes	yes	no	R
4.5.9 Veterinary and kennel	no	no	no	no	no	no	no	no	no	SP	yes	yes	yes	no	R
4.5.10 Financial and business office	no	no	no	no	yes	yes	yes	yes*◆	no	yes	yes	yes	yes	yes	R
4.5.11 Professional office	no	no	no	no	yes***	yes	yes	yes◆	yes	yes	yes	yes	yes	yes	R
4.5.12 Medical center and laboratory	no	no	no	no	no	yes	no	SP[6]	yes	yes	yes	yes	yes	SP	R
4.5.13 Auto service station	no	no	no	no	no	yes	SP	yes[1]	no	SP	yes	yes	yes	no	R
4.5.14 Auto repair shop	no	no	no	no	no	yes	SP	no	no	SP	yes	yes	yes	no	R
4.5.15 Vehicular dealerships	no	no	no	no	no	yes	no	no	no	no	yes	yes	yes	no	R
4.5.16 Boat sales and rental	no	no	no	no	no	yes	no	yes[5]	no	yes	yes	yes	yes	no	R
4.5.17 Parking facility	no	no	no	no	no	yes	no	no	no	yes	yes	yes	yes	yes	R
4.5.18 Transportation services	no	no	no	no	no	SP	SP	no	no	SP	SP	yes	yes	yes	R
4.5.19 Grocery Store	no	no	no	no	yes	yes	yes	no	no	no	no	no	no	no	R
4.6 Industrial Uses															
4.6.1 Warehouse	no	no	no	no	no	yes	no	no	no	yes	yes	yes	yes	yes	R
4.6.2 Storage yard, open-air sales	no	no	no	no	no	yes	no	no	no	SP	SP	no	no	no	R
4.6.3 R&D and Light manufacturing	no	no	no	no	SP***	yes	SP	no	no	yes	yes	yes	yes	SP	R
4.6.4 Manufacturing, packaging, processing and testing	no	no	no	no	no	yes	no	no	no	yes	yes	yes	yes	SP	R
4.7 Restricted and Prohibited Uses															
4.7.1 Prohibited uses	no	no	no	no	no	no	no	no	no	no	no	no	no	no	NR

***** 1,2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

****** Except as provided by Special Permit in a Combined industrial/business/residence building.

*******Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

SECTION 5. ACCESSORY USES

5.1 General Provisions

Accessory uses shall be permitted on the same lot as the principal use or on a lot adjacent thereto, under the same ownership and in the same zoning district.

Accessory uses are permitted only in connection with lawful principal uses. An accessory use may not, in effect, convert a principal use to a use not permitted in the zoning district in which it is located, and in no case shall a necessary component of a principal use be considered as accessory to that principal use.

Where a principal use is allowed under special permit, its accessory use is also subject to the provisions and limitations of that special permit.

5.2 Provisions Applicable to Table II

The uses listed in Table II are considered accessory uses within the definition of Section I of this Bylaw. Each use listed shall be defined by reference to the subsection appearing next to the use and shall be subject to any conditions or limitations set forth in Table II or in the applicable subsection.

A use listed in Table II is permitted in the same district as the principal use if denoted by the word "yes". If denoted by the letters "SP", the use is permitted only if the Board, or the Planning Board where specifically designated in this Bylaw, grants a special permit. If denoted by the word "no", the use is not permitted.

The word "yes" followed by one or more numerals in the Limited Business column denotes that the use is permitted only in the Limited Business District corresponding to such numerals. If no numeral appears, the use is permitted in all Limited Business Districts in accordance with the provisions of this Bylaw.

CONCORD ZONING – TABLE II - ACCESSORY USE REGULATIONS

5.3 Accessory Uses	Residential Districts					Commercial Districts					Industrial Districts					
	AA	**A**	**B**	**C**	**B**	**CCB TDB NACB**	**WCB**	**WCV**	**LB**	**MP**	**WCI**	**I**	**IPA**	**IPB**	**LIP #1**	**LIP #2**
5.3.1 Home recreational facilities	yes	yes	yes	yes	yes	yes	yes	yes	no	yes	no	no	no	no	no	no
5.3.2 Noncommercial radio and TV towers and structures	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
5.3.3 Kennels	SP	SP	SP	SP	yes	yes	yes	yes	yes[1]	no	yes	yes	yes	yes	yes	yes
5.3.4 Stables	SP*	SP*	SP*	SP*	yes	yes	yes	yes	yes[1]	yes	yes	yes	yes	yes	yes	yes
5.3.5 Parking or garaging of more than one commercial vehicle	SP	SP	SP	SP	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.6 Home Occupation																
5.3.6.1 Customary home occupation	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.6.2 Special home occupation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
5.3.7 Farm product sales	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.8 Lodging for farm employees	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.9 Aviation facilities for take-off and landing	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
5.3.10 Watchman's apt.	no	no	no	no	no	no	no	no	no	no	yes	yes	yes	yes	yes	yes
5.3.11 Workshops and classes	SP	SP	SP	SP	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.12 Lunchrooms and cafeterias	no	no	no	no	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.13 Gift shops, candy counters	SP	SP	SP	SP	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes
5.3.14 Scientific research and development	no	no	no	no	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP
5.3.15 Tourist home or bed and breakfast	SP	SP	SP	SP	SP	SP	SP	SP	no	SP	no	no	no	no	no	no
5.3.16 Personal service shop	no	no	no	no	yes	yes	yes	yes	no	no	yes	yes	yes	yes	yes	yes
5.3.17 Seasonal catering	no	no	no	no	no	no	no	no	SP[5]	no	no	no	no	no	no	no
5.3.18 Common Driveways	SP	SP	SP	SP	no	no	no	no	no	no	no	no	no	no	no	no

* Except as permitted pursuant to Section 5.3.4

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur (see Section 5.2, Provisions Applicable to Table II).

ACCESSORY USES

5.3.1 Home recreational facilities: In the residential districts or for dwellings in the Business or Medical-Professional districts, a swimming pool and any related pool buildings or equipment, tennis court or similar home recreational facility shall be permitted, provided that such facility is used only by the residents of the premises and their guests and shall conform to the minimum yard setback requirements for a principal structure in whatever zoning district it is located. In Planned Residential Developments and in Residential Compounds, such recreational facilities may also be permitted upon common land and common open space, subject to the provisions or limitations of the special permit authorizing such development, particularly with respect to setbacks and to use of the facility by other than residents of the development and their guests.

5.3.2 Radio and television towers and other communication towers and structures: In all districts, the Board by special permit may authorize the erection and maintenance of a radio and television and other communication tower(s), antennas and related structures. In the case of privately owned "dish-type" satellite receiving antennas larger than twenty-four (24) inches in diameter, such antennas may be required to be located behind buildings and/or screened by solid fences or landscaping material so as not to be visible from abutting streets and houses. Such towers, antennas, and related structures in connection with the operation of an amateur radio station may not be denied unless the safety of the public will be endangered. Roof-mounted television antennas not exceeding ten (10) feet in height and dish-type satellite receiving antennas not exceeding twenty-four (24) inches in diameter are exempted from the requirements of this provision and are allowed as of right.

5.3.3 Kennels: The Board may, by special permit, authorize the establishment of a kennel in a residential district for the boarding or breeding of dogs, provided that the written consent of the owners of all lots within three hundred (300) feet of the kennel are filed with the Board.

5.3.4 Stables: The Board may, by special permit, authorize the stabling or boarding of horses in a residential district on lots of less than five (5) acres, provided that the written consent of the owners of all lots within three hundred (300) feet of the stable are filed with the Board. No special permit is required for such uses on lots of five (5) acres or more. To the extent that a stable includes breeding and raising of horses and associated activities, such activities shall constitute "commercial agriculture" within the meaning of G.L. c. 40A, §3, if such activities occur: (1) on land zoned for agriculture; (2) on land that is greater than five acres in size; and (3) on land of 2 acres or more if the sale of products from the agricultural use generates $1,000 per acre or more of gross sales.

5.3.5 Garaging or parking of commercial motor vehicles: In residential districts, garaging or parking of one commercial automobile or light commercial vehicle (maximum ten thousand (10,000) pounds gross vehicle weight or one hundred seventy-two (172) inch wheel base) shall be permitted. Garaging or parking of more than one such vehicle or of a larger commercial vehicle(s) may be authorized by the Board by special permit.

Garaging or parking of commercial vehicles in other than residential districts shall be permitted by right but shall be subject to site plan approval requirements.

5.3.6 Home Occupation

5.3.6.1 Customary Home Occupation: In all dwellings, a Customary Home Occupation shall be permitted in a dwelling or in an accessory building provided that:

(a) No employee, other than residents of the dwelling, is employed on the premises;

(b) There is no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes;

(c) Off-street parking for the dwelling and home occupation is provided and no more than one vehicle, exclusive of those associated with the residential use, is on the premises at any one time;

(d) The average traffic generated per day by the home occupation, exclusive of trips by the residents' vehicles, does not exceed four vehicle trips per day (two trips in and two trips out); and

(e) No sale of retail merchandise is conducted on the premises.

5.3.6.2 Special Home Occupation: In all dwellings, the Board may by special permit authorize a Special Home Occupation in a dwelling or in an accessory building provided that:

(a) Not more than one full-time employee, exclusive of residents of the dwelling, is employed on the premises;

(b) Except for signs, commercial motor vehicles (Section 5.3.5), and related equipment as may be approved by the Board, there is no exterior indication, including but not limited to visual or auditory, that the dwelling is used for anything other than residential purposes;

(c) Off-street parking for the dwelling and home occupation is provided and the Board finds the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the residents' vehicles and trips per day, are consistent with the residential character of the property; and

(d) The home occupation is clearly secondary and incidental to the principal use of the premises.

(e) As determined by the Board, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.

5.3.7 Farm product sales: Farm product sales are allowed as permitted under subsections 4.1.2 and 4.1.3.

5.3.8 Lodging for farm employees: Lodging for farm employees is allowed as an accessory use to uses permitted under subsections 4.1.2 or 4.1.3.

5.3.9 Aviation facilities: In all districts, the Board by special permit may authorize facilities for the take-off and landing of aircraft (but not the servicing, maintenance or repair thereof) and for the embarkation and disembarkation of passengers when such facilities are secondary to the principal use.

5.3.10 Watchman's apartment: In the Industrial and Industrial Park districts, one dwelling unit shall be permitted for accommodation of a custodian, watchman, or other employee essential to the principal nonresidential use.

5.3.11 Workshops and classes: Seminars, classes and instructional workshops may be conducted as accessory uses in all Commercial and Industrial districts, or in any other district if conducted within a hospital, motel, hotel, extended-stay hotel, nursing home, school or philanthropic or religious institution.

5.3.12 Lunchrooms and cafeterias: Lunchrooms and cafeterias operated primarily for the convenience of employees shall be permitted as accessory uses in all Commercial and Industrial districts, provided that there shall be no exterior advertising.

5.3.13 Gift shops, candy counters: Incidental retail sales of small gift items, toiletries, periodicals, and pre-packaged snacks shall be permitted if conducted solely for the convenience of employees or if conducted within a hospital, motel, hotel, extended-stay hotel, nursing home, school, or philanthropic or religious institution.

5.3.14 Scientific research and development: The Board by special permit may authorize uses, whether or not on the same parcel as activities permitted as a principal use, which activities are necessary in connection with scientific research or scientific development or related production, provided that the Board finds that the proposed accessory use does not substantially derogate from the public good.

5.3.15 Tourist home or bed and breakfast: The Board may, by special permit, authorize the use of a single-family detached dwelling unit for temporary accommodations for overnight guests for a fee, provided that no more than three (3) rooms in any dwelling unit may be used for such accommodations.

5.3.16 Personal service shops: Personal services such as laundry, dry-cleaning, barber shops and shoe repair shall be permitted as accessory to industrial uses, only if conducted solely for the benefit of the employees on the premises.

5.3.17 Seasonal catering: The Board by special permit may authorize the use of a portion of the premises for seasonal catering to customers off-premises. Such seasonal catering shall be limited to the preparation and packaging of food, with delivery and set-up to the extent that it is a customary function of the caterer. Pick-up of food by customers may be permitted if suitable parking is available.

5.3.18 Common Driveways: The Planning Board may by special permit authorize the construction or alteration of a driveway in the residential districts so that the driveway serves more than one lot, provided that each lot served by the common driveway is located in a residential district and is in residential use; and, each lot shall have frontage on a street, and such frontage shall otherwise be suitable to provide safe and adequate vehicular and pedestrian access from the street to the principal use of the lot, and further provided that the common driveway:

(a) serves no more than three lots;

(b) provides safe and convenient access for fire, police, ambulance/rescue and other vehicles to all parcels and residences;

(c) enhances the natural environment by providing one or more of the following: reduced pavement or impervious lot coverage; reduced number of curb cuts on public ways, reduced impact to slopes, ledge outcrops or wetlands;

(d) provides documented assignment of responsibility for maintenance, snow removal and drainage;

(e) is designed in accordance with the Subdivision Rules and Regulations for the Town of Concord for common driveways;

(f) is constructed no less than fourteen feet in width (or twelve feet with turn-outs) and no more than one-thousand feet in length;

(g) shall not be located within ten feet of a property line of a lot not served by the common driveway; and

(h) shall not serve a dwelling located further than one-thousand (1,000) feet from the nearest fire hydrant.

5.4 Temporary Accessory Uses

5.4.1 Trailer and mobile home

5.4.1.1 In all districts, the Building Inspector may authorize the temporary use of a trailer or mobile home as a construction site office for not more that two (2) years, provided that the authorization shall require the removal of such use within ninety (90) days after completion of the work for which the temporary use was permitted and provided further that, if construction is actively proceeding, the authorization for the trailer or mobile home may be renewed by the Building Inspector for successive one-year periods.

5.4.1.2 In all districts, the use of a trailer or mobile home as a temporary dwelling shall be permitted for not more than seven (7) days in any calendar year, except:

(a) Where the Board of Appeals has by special permit authorized such use for more than seven (7) days, subject to a reasonable time limit; or

(b) Where the owner or occupier of a residence which has been destroyed by fire or other natural holocaust resides in a mobile home on the site of such residence, for a period not to exceed twelve (12) months, while the residence is being rebuilt.

Any such trailer or mobile home use shall be subject to the provisions of the state sanitary code.

5.4.1.3 In all districts except the residential districts, the Board may, by special permit, authorize the use of a trailer, modular container transportable by trailer or other similar vehicle or mobile structure as a temporary office for not more than two (2) years provided that adequate parking is provided for the office use.

5.4.1.4 In all districts except the residential districts, the Board may, by special permit, authorize the use of a mobile medical facility for more than two (2) years but not more than ten (10) years provided that adequate parking is provided equivalent to a medical center and/or laboratory use and the site has been designed to accommodate the regular delivery and departure of the trailer.

5.4.2 *Storage trailers:* Storage trailers are expressly prohibited except that in all districts, the Building Inspector may authorize the temporary use of a storage trailer for storage following a fire or other calamity or during construction or major renovation of a structure of principal use. In no event shall the temporary use exceed twenty-four (24) consecutive months after the issuance of the permit, unless construction, reconstruction or renovation is delayed by seasonal or other considerations. In such instances, the Building Inspector may authorize an extension of the temporary use for up to an additional twenty-four (24) consecutive months. The storage trailer shall be removed from the lot at the end of such time. In no event shall the storage trailer be located closer than ten (10) feet to any property line. Storage trailers used for agricultural or educational purposes are exempt from these provisions.

5.4.3 *Temporary storage:* In all districts, no lot or parcel of land shall be used for the purpose of unenclosed storage of building equipment or supplies ancillary to building, except when a building permit has been issued for said lot or parcel. All such equipment and materials shall be removed ninety (90) days after completion of work for which the building permit was issued.

5.4.4 *Christmas tree sales:* The sale of Christmas trees shall be permitted under subsections 4.1.2 or 4.1.3 during the months of November and December.

5.4.5 *Fairs, bazaars, antique shows, suppers and dances:* In all districts, any building or premises owned or operated by a municipal, educational or religious organization or private lodge or club may be used for fairs, bazaars, antique shows, suppers, dances or similar events, provided that: no such event shall continue for more than three (3) days; such event shall take place entirely within a building; and police supervision of parking and traffic shall be provided during the event, unless the Concord Police Chief is of the opinion that such supervision is unnecessary. Events, which do not conform to the provisions of this subsection, may be authorized by the Board by special permit.

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SECTION 6. DIMENSIONAL REGULATIONS

6.1 Dimensions

Minimum lot area, frontage, lot width, yard, and corner clearance requirements and maximum lot coverage, height and floor/area ratio requirements shall be as prescribed in Section 6, Table III, Dimensional Regulations.

6.2 Interpretation

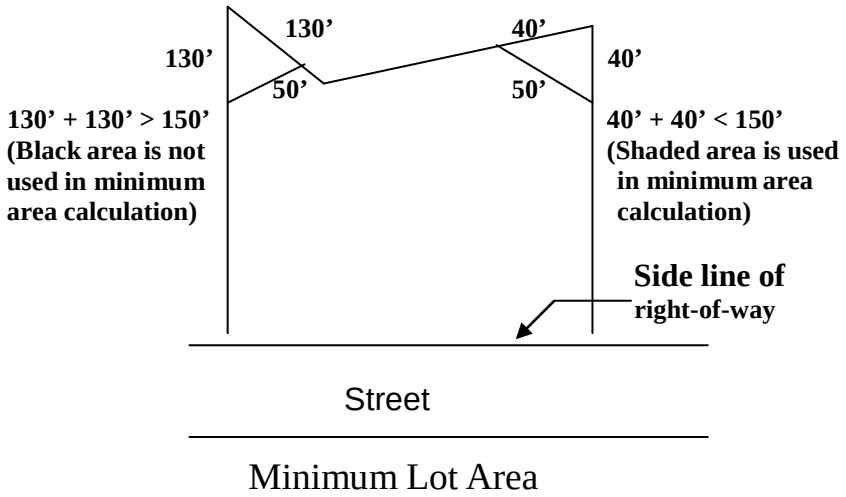
For purposes of interpretation the following shall apply:

6.2.1 *Lot area:* In determining lot area, no part thereof within the street lines or within a private way or right-of-way for travel by motor vehicles shall be included. Street lines shall determine lot boundaries.

6.2.2 *Minimum lot area:*

6.2.2.1 When computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the General Laws, after September 1, 1991, a minimum of fifty (50) percent of such lot area required in that zoning district shall be provided by land located outside of the Flood Plain Conservancy District and Wetlands Conservancy District.

6.2.2.2 When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two (2) points is less than one hundred fifty (150) feet.



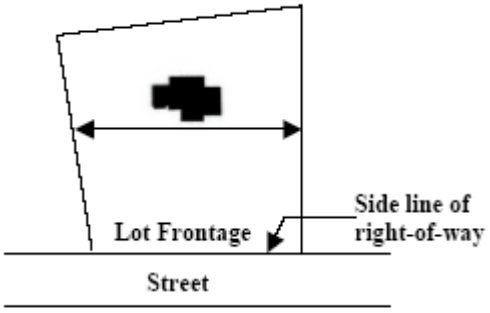
Minimum Lot Area

6.2.3 *Frontage:* Frontage, as defined in Subsection 1.3.11, shall be measured in a continuous line along the sideline of the street between the points of intersection of the side lot lines with said sideline of the street.

6.2.4 *Frontage exception:* A dwelling in Residence AA, A and B Districts may be constructed on a lot having eighty (80) percent of the minimum lot frontage, provided that the lot width at the nearest point on the front wall of the dwelling to the sideline of the right-of-way shall not be less than the minimum lot frontage and, that the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees.

Lot Width: (not less than
Required frontage)
Res. AA 200'
Res. A 150'
Res. B 125'

Frontage Exception: (not less
Than 80% of required frontage)
Res. AA 160'
Res. A 120'
Res. B 100'

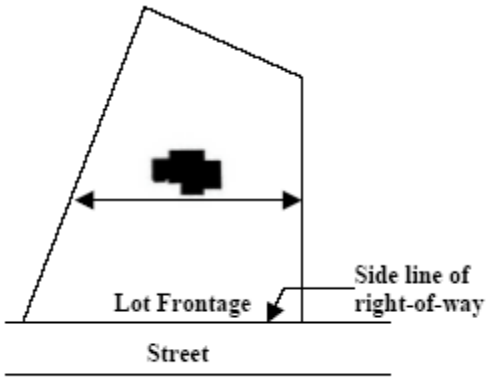


Frontage Exception

6.2.5 *Lot width:* Each lot shall have, in addition to the required frontage, a width of not less than eighty (80) percent of the required frontage at all points between the sideline of the right-of-way along which the frontage of the lot is measured and the nearest point on the front wall of the dwelling upon such lot and, that the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees. Such width shall be measured along lines, which are parallel to such sideline.

Lot Frontage:
Res. AA 200'
Res. A 150'
Res. B 125'
Res. C 80'

Lot Width:
Res. AA 160'
Res. A 120'
Res. B 100'
Res. C 64'



Lot Width

6.2.6 *Front yards:* Front yards shall be measured between the sideline of the right-of-way and the nearest point of any structure, with the exception of uncovered steps and ramps or the construction of walls and fences. In all cases, corner lots shall be considered to have two (2)

front yards and two (2) side yards. A lot having frontage on two (2) streets shall have two (2) front yards, each of which shall comply with the requirements of the front yard provisions.

In the West Concord Business and West Concord Village Districts, there shall be a maximum front yard of ten (10) feet, that is, no portion of a building shall be set back from the front lot line by more than ten feet unless a special permit is granted to allow a greater front yard depth. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger front yard serves a public purpose.

6.2.7 *Side yards:* Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, the width of one side yard may be reduced by an amount not to exceed three (3) feet if the width of the other side is correspondingly increased. Notwithstanding the foregoing, a building of accessory use may be placed not less than five (5) feet from a sideline so long as such building is not to be located nearer the sideline of the right-of-way than the rearmost point of the dwelling or any structure attached thereto.

In the Residence C and Residence B Districts, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

6.2.8 *Rear yards:* Rear yards shall be measured from the nearest point of any dwelling or structure attached thereto to the rear lot line provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, no building of accessory use shall be placed nearer to the rear lot line than five (5) feet.

6.2.9 *Landscape buffer:* Side yards, rear yards and the other lot lines noted in Table III shall be suitably landscaped. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property by the use of trees, shrubs, walls, fences, or other landscape elements. Where the developed area adjoins land developed for residential use, suitable landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five (5) feet, but not more than eight (8) feet, in height, or such other type of landscaping as may be required under site plan approval. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section 6.

6.2.10 *Corner clearance:* Between the sidelines of the intersecting streets and a straight line joining points on such sidelines ten (10) feet distant from their point of intersection or, in

the case of a rounded corner, a straight line joining the points of intersection of their tangents, no building or structure may be erected and no vegetation may be maintained three (3) feet above the plane through their curb grades.

6.2.11 Height: The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence AA, Residence A, Residence C and Residence B Districts, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, Residence C and Residence B Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C and Residence B Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet.

6.2.12 Maximum lot coverage: The total ground area covered by the principal and accessory structures (and in the I, IP, LIP, and LB#4 and #8 districts, all paved areas) shall not exceed the maximum coverage of the total lot area as noted in Section 6, Table III.

6.2.13 *Maximum floor area ratio:* The total gross floor area of all buildings on a lot shall not exceed the maximum square footage per acre of lot area as noted in Section 6, Table III, except as provided in G.L. c.40A, sec. 9C for a child care facility as an accessory use. Excluded from the gross floor area in the Residence Districts are basements, open or screened porches, decks and accessory structures with no permanent foundation or less than 100 square feet in area. The Board may grant relief from the Maximum Floor Area Ratio in the Residence Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. Non-residential principal uses in the Residence AA, A, B & C Zone Districts shall be exempt from the Maximum Floor Area Ratio in Table III.

6.3 Special Dimensional Exceptions

6.3.1 *Single lot exemption:* Any increase in area, frontage, width, yard or depth requirement of this Bylaw shall not apply to a lot for a single-family dwelling which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirements but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

6.3.2 *Hammerhead lots:* In the residential districts, the Board by special permit may authorize hammerhead lots in accordance with the following:

6.3.2.1 Each hammerhead lot shall contain:

(a) A minimum lot area of not less than five (5) times the minimum lot area of the zoning district within which it is situated (Residence C: Fifty thousand (50,000) square feet; Residence B: One hundred thousand (100,000) square feet; Residence A: Two hundred thousand (200,000) square feet; Residence AA: Four hundred thousand (400,000) square feet);

(b) A minimum frontage and a minimum lot width of fifty (50) feet;

(c) A minimum front, side, and rear yards of fifty (50) feet; and

(d) An area of land which permits the placement of a circle with a diameter of not less than 200 feet in the Residence C and Residence B Districts and with a diameter of not less than 300 feet in the Residence A and Residence AA Districts without the circumference of said circle intersecting any lot lines and within which circle the planned single-family dwelling shall be located.

6.3.2.2 A special permit shall be granted under this section only if the Board shall find:

(a) The hammerhead lot results in a pattern of development sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable;

(b) The plan submitted clearly shows the hammerhead lot conforms with all the dimensional regulations provided above and the applicant has demonstrated that access from the lot frontage to the planned single-family dwelling is sufficient for the needs of vehicular traffic;

(c) No more than two hammerhead lots have contiguous frontage; and

(d) A deed restriction has been shown on the plan of land to be recorded providing that the hammerhead lot is subject to a special permit recorded therewith and shall not be further subdivided.

6.3.3 *Reduced frontage, lot width, lot area and/or side and rear yard setback lots:* For the purpose of preserving existing historically significant structures or dwellings on a lot wholly or partially in the residential district, the Board by special permit may authorize the division of land into two or more building lots so that one or more building lot(s) contains reduced frontage, lot width, lot area and/or side and rear yard setback provided that the existing historically significant structure or dwelling remains on one of the lots created and a standard Approval Not Required Plan or Preliminary Definitive Subdivision plan is submitted showing that the lots could otherwise be created without exceptions from the Subdivision Rules and Regulations.

6.3.3.1 The Planning Board shall submit to the Board written recommendations including at least:

(a) An evaluation of the standard Approval Not Required Plan or the Preliminary Definitive Subdivision Plan,

(b) An evaluation and opinion of the appropriateness of the design for any additional structure in relation to the existing historically significant structure,

(c) An evaluation of the proposed development as to whether the lot layout and design constitute a suitable development for the neighborhood within which it is located, and

(d) A recommendation for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as conditions for granting the special permit.

6.3.3.2. The Historical Commission shall submit to the Board a written evaluation of the historical significance of the existing structure or dwelling, an opinion of the appropriateness of the proposed lot layout and setbacks requested, and an evaluation or recommendation of the significant structural features that should be included in a preservation plan.

6.3.3.3. A special permit shall be granted under this section only if the Board shall find:

(a) The reduced frontage, lot width, lot area and/or side and rear yard setback lot(s) results in a pattern of development sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable;

(b) A restriction has been shown on the plan of land to be recorded providing that the reduced frontage, lot area and/or side and rear yard setback lot(s) and any other lots created are subject to a special permit recorded therewith and shall not be further subdivided.

(c) The existing historically significant structure or dwelling shall be preserved consistent with a preservation plan approved as part of or as a condition to the special permit.

6.3.4 Dedication of Land to the Town of Concord for Municipal or Other Public Uses:

6.3.4.1 In the Limited Industrial Park District, in order to encourage the dedication to the Town of Concord of the fee interest in land for municipal or other public uses, the Board by special permit may authorize:

(a) A reduction in the minimum lot area, frontage, lot width or yard requirements otherwise applicable where a parcel of land is subdivided, a portion is dedicated to the Town for municipal or other public uses, and the remaining land and building(s) do not comply with the requirements in Section 6 Table III - Dimensional Regulations.

(b) An increase in the maximum lot coverage or floor area ratio requirements otherwise applicable where a parcel of land is subdivided and a portion is dedicated to the Town for municipal or other public uses, or where the owner of two or more parcels of land in the Limited Industrial Park District dedicates one or more parcels of such land to the Town for municipal or other public uses, provided in either case that the increased maximum lot coverage and floor area ratio applicable to the land not dedicated to the Town does not exceed either (1) the maximum lot coverage and floor area ratio otherwise applicable to the aggregate of the land dedicated to the Town and the land held by the owner but not dedicated or (2) twice the maximum lot coverage and floor area ratio otherwise applicable to the land not dedicated to the Town.

6.3.4.2 The Planning Board and Natural Resources Commission shall submit to the Board written recommendations including at least an evaluation of the proposed reduction or increase in the dimensional regulations, an evaluation of the land proposed to be dedicated to the Town for municipal or other public uses, and a recommendation as to whether the special permit should be granted.

6.3.4.3 A special permit shall be granted under this section only if the Board shall find:

(a) The proposed reduction in minimum lot area, frontage, lot width or yard requirements and the proposed increase in maximum lot coverage and floor area ratio are consistent with the purposes of this Bylaw generally;

(b) Any proposed increase in the maximum lot coverage or floor area ratio will not result in more development in the Conservancy Districts than would have been permitted but for the operation of Subsection 6.3.4; and

(c) The dedication to the Town of Concord of the fee interest in land for municipal or other public uses results in a pattern of land use sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable.

6.3.4.4 If a special permit is granted, the Board shall impose a condition that neither the special permit nor the conveyance of land to the Town shall be recorded until the Board of Selectmen vote to accept the proposed dedication of land to the Town for municipal or other public uses. A special permit granted hereunder shall be deemed to have been substantially used upon (1) the vote of the Board of Selectmen to accept the proposed dedication of land

to the Town for municipal or other public uses and (2) upon the recording of both the special permit and the deed to the Town of Concord of the fee interest in the land for municipal or other public uses.

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Residence AA	80,000	200	160	160	40	15	Lesser of: 30' or 25% of lot depth	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence A	40,000	150	120	120	40	15	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence B	20,000	125	100	100	20	15[1]	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence C	10,000	80	80	64	20	15[1]	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Business	---------	---------	---------	---------	10	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------
Concord Center Business	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------
Thoreau Depot Business	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------
Nine Acre Corner Business	---------	---------	---------	---------	10	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------

[1] Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

[2] Refer to Zoning Bylaw Subsection 6.2.11 for Residence AA, A, B and C Districts

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
West Concord Business	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	Maximum height 35 Minimum height side and rear 15; minimum height front façade 18	---------	---------
West Concord Village	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	Maximum height 35; Minimum height side and rear 15; minimum height front façade 18	---------	---------
Limited Business 1	---------	150	---------	---------	100	100' from residential district boundary lines.		---------	25	2 0	---------
2	---------	---------	---------	---------	10	---------	---------	---------	27.5	---------	---------
3	---------	---------	---------	---------	10	---------	---------	10	35	---------	---------
4	---------	---------	---------	---------	100	100' from all lot lines of which 20' shall be a landscaped buffer.		---------	35	35, the same to include the gross ground of all buildings and all paved areas.	---------
5	---------	---------	---------	---------	10	---------	---------	---------	25	5 0	---------
6	---------	---------	---------	---------	100	100' from all lot lines of which 20' shall be landscaped buffer.		---------	35	50, the same to include all paved areas and 25% maximum lot coverage by all structures.	---------
7	40,000	80	---------	---------	10	10' from all lot lines of which 5' shall be landscaped buffer.		---------	35	1	---------
8	5 acres	---------	---------	---------	20	20	20	---------	40 ft., but not more than three stories	50, the same to include all paved areas and 25% maximum lot coverage by all structures.	---------

[3] In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Medical/Prof.	North of Route 2 10,000	80	---------	---------	20	15	Lesser of: 30' or 25% of lot depth	10	North of Route 2: 35	---------	---------
	South of Route 2 80,000	125	---------	---------	40	15	Lesser of: 30' or 25% of lot depth	10	South of Route 2: 35 to 110 in accordance with subs. 6.2.11	---------	---------
Industrial	20,000	100	---------	---------	10	10' in all cases of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.		10	35	75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever is greater.	---------
Industrial Park A and Industrial Park B	4 acres	50' on a private interior street constructed as part of the development of a site or 200' on an existing public way.	---------	---------	20' from the side lines of private streets constructed as part of a development of a site and 100' from existing public ways. No parking areas may be placed closer than 30' from the side lines of any public way or 20' from the side lines of private streets within the boundaries of the Industrial Park development.	20' except 100' from property lines of parcels zoned residential and in residential use, 50' of which must be a landscaped buffer. No parking areas may be placed within the minimum side or rear yard except where joint parking areas are permitted by the Planning Board through site plan approval.		10	40, but not more than 3 stories, excluding basements.	50%, the same to include all paved areas and 20% maximum lot coverage by all structures.	---------

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Limited Industrial Park #1 and Limited Industrial Park #2	5 acres	50' on a private interior street within the LIP development or 200' on a public way.	---------	---------	100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within the minimum front yard.	20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto, 50' for all other buildings and for any additions thereto, and 200' from property lines of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking area may be placed within 20' of the side and rear lot lines except where joint parking areas are permitted by the Planning Board through site plan approval.		10	40, but not more than 3 stories, excluding basements.	35%, the same to include the gross ground floor area of all buildings and all paved areas.	6,000 sq.ft. gross floor area per acre for Educational in LIP #2, R&D and light manufacturing uses, or 3,000 sq.ft. gross floor area per acre for other uses.
West Concord Industrial	20,000	100	----------	---------	10	10' in all cases, of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.		10	35	75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever measure of lot coverage is greater.	---------
By-Pass	---------	200	---------	---------	---------	---------	---------	---------	---------	---------	---------

SECTION 7. SPECIAL PROVISIONS

7.1 Nonconforming Uses

7.1.1 Applicability. This zoning bylaw 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 bylaw, or any relevant part thereof or amendment thereto, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no change or substantial extension of such use or any reconstruction, extension or structural change of such structure or any alteration of a structure for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent is undertaken, unless authorized hereunder.

7.1.2 Nonconforming uses. The Board may grant a special permit to change or substantially extend a nonconforming use in accordance with this section only if it determines that such change or substantial extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

7.1.3 Nonconforming structures. The Board may grant 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:

(a) Reconstructed, extended or structurally changed;

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

7.1.4 Variance required. Except as provided in subsection 7.1.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance. The extension of an exterior wall at or along the same nonconforming distance within a required yard shall require a special permit from the Board.

7.1.5 Nonconforming single and two family residential structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or structural change does not increase the nonconforming nature of said structure. Where the proposed extension does not increase the gross floor area contained within the existing structure by more than fifty percent (50%), the following circumstances shall not be deemed to increase the nonconforming nature of said structure:

(a) alteration to structure located on a lot with insufficient area which alteration complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.

(b) alteration to a structure located on a lot with insufficient frontage which alteration complies with all current setback, yard, building coverage, maximum floor area ratio, and building height requirements.

(c) 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, maximum floor area ratio, and building height requirements.

In all other cases, the Board 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.

7.1.6 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 bylaw.

7.1.7 Reconstruction after catastrophe or involuntary demolition. A nonconforming structure may be reconstructed within two years after a catastrophe or after involuntary demolition. Such reconstruction shall only proceed if authorized by the Board by special permit after finding that the reconstruction of the structure would not:

(a) Substantially impinge upon any public right-of-way that adjoins the lot on which the structure is to be reconstructed.

(b) Create a danger to public safety by reason of traffic access, flow and circulation; and,

(c) Be out of character with the traditional settlement and construction patterns of the area in which it is to be reconstructed.

7.1.8 Reversion to nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

7.2 Flood Plain Conservancy District

7.2.1 Definitions.

7.2.1.1 Flood plain: All flood storage areas along the Concord, Sudbury and Assabet Rivers and their tributaries as designated on the “Flood Plain Conservancy District” Map and all special flood hazard areas designated on the Middlesex County Flood Insurance Rate Maps as Zone A, AE, AH.

7.2.1.2 Floodway: The channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the base flood.

7.2.1.3 Floodway data: In Zone A, AE, AH, and along watercourses that have not had a regulatory floodway designated the best available Federal, State, local and 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.

7.2.1.4 Base flood: A flood known to have occurred in the Town with a frequency of once in one hundred (100) years and reasonably characteristic of what can be expected to occur on a particular stream.

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

7.2.1.6 Lowest floor: The lowest floor of the lowest enclosed area of a building.

7.2.1.7 Water surface elevation: The height in relation to the North American Vertical Datum (NAVD) of 1988 of floods of various magnitudes and frequencies in the flood plains of riverine areas.

7.2.2 Purpose.

7.2.2.1 To protect persons and property against the hazards of flood water inundation by assuring the continuation of the natural flow pattern of the rivers and those portions of their tributaries located within the Flood Plain Conservancy District within the Town and by preserving natural floodwater storage areas;

7.2.2.2 To maintain the quality and level of the groundwater table and water recharge areas for existing or potential water supplies; and

7.2.2.3 To protect the Town against unsuitable use or development of areas subject to flooding.

7.2.3 Standards.

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

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

7.2.3.3 All site plan proposals shall be designed to assure that: a) such proposals minimize flood damage; b) all public utilities and facilities are located and constructed to minimize or eliminate flood damage; and, c) adequate drainage is provided to reduce exposure to flood hazards.

7.2.4 Uses permitted without review by the Board. The following uses are permitted within the Flood Plain Conservancy District:

7.2.4.1 Wildlife management, boating, fishing and hunting where otherwise legally permitted;

7.2.4.2 Construction and maintenance of at-grade sidewalks, duckwalks, bicycle, equestrian and foot paths or bridges, and unpaved recreation areas which do not alter the existing topography;

7.2.4.3 Flower and vegetable gardens, lawns, pastures, soil conservation, forestry, grazing and farming, including nurseries, truck gardening and harvesting of crops;

7.2.4.4 Construction and maintenance of public and private water supplies, and maintenance or improvement of ponds, ditches, and other water bodies;

7.2.4.5 Construction and maintenance of at-grade roads, driveways, utilities and other associated roadway facilities when access to land which is not situated in the Flood Plain Conservancy District is not possible because of ownership patterns or the provisions of the Subdivision Rules and Regulations of the Planning Board;

7.2.4.6 Construction and improvements of public sewers, including accessory facilities used for their operation and maintenance, and improvements to existing roads and systems used in the service of the public, including drainage, electric power (including conversion to underground facilities), gas, telephone, telegraph and other telecommunication devices; and

7.2.4.7 Repairs to septic disposal systems (SDS), including leaching facilities, but excluding any expansion of SDS capacity beyond the minimum design flow for the existing use of the property as required by applicable Board of Health regulations.

7.2.4.8 Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Flood Plain Conservancy District is found to be not, in fact, subject to flooding through a Letter of Map Amendment, Letter of Map Revision or physical map revision submitted to and approved by the Federal Emergency Management Agency.

7.2.5 Uses permitted subject to review by the Board. The following uses may be permitted by the Board after notice and a public hearing:

7.2.5.1 Any use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, whether by right or by special permit, provided that all development, including structural and non-structural activities, are in compliance with other State regulations.

7.2.6 Procedure for review by the Board.

7.2.6.1 Any person who desires to use land within the Flood Plain Conservancy District for a use permitted subject to review by the Board shall submit a written application for a special permit to the Board, with copies to the Planning Board and Natural Resources Commission. Each such application shall be accompanied by the following submissions:

(a) A written statement detailing the proposed work, the history of flooding at the subject premises and the calculations of the volume of water which will be displaced prepared by a registered professional engineer or a registered land surveyor;

(b) Development plans, including specific topographic details within the flood plain area, meeting, to the extent applicable, the requirements set forth for a definitive plan in the Subdivision Rules and Regulations of the Planning Board; and

(c) In the case of any proposed alteration or relocation of a watercourse, the following agencies shall also be notified:

- Town of Sudbury; Town Manager, 278 Old Sudbury Road, Sudbury, MA 01776
- Town of Acton; Town Manager, 472 Main Street, Acton, MA 01720
- Town of Maynard; Town Administrator, 195 Main Street, Maynard, MA 01754
- Town of Bedford; Town Manager, 10 Mudge Way, Bedford, MA 01730
- Town of Lincoln; Town Administrator, 16 Lincoln Road, Lincoln, MA 01773
- Town of Wayland; Town Administrator, 41 Cochituate Road, Wayland, MA 01778
- NFIP State Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104
- NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6th Floor, Boston, MA 02110; and,

(d) Such additional information as the Board may require.

7.2.6.2 The Planning Board and Natural Resources Commission shall submit to the Board written recommendations including at least:

(a) An evaluation of the proposed use, including its probable effect or impact upon the Town's water supply, the quality of water in the area, the natural flow pattern of watercourses, nearby or pertinent floodwater storage areas or other areas subject to seasonal or periodic flooding and the general health, safety and welfare of the inhabitants of the Town; and

(b) A recommendation as to whether the special permit should be granted and whether any restrictions should be imposed upon the proposed use as a condition of such permit.

7.2.6.3 If a special permit is granted, the Board shall impose such conditions and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and, where the decision of the Board differs from the recommendations of either, the reasons therefor shall be stated in writing.

7.3 Wetlands Conservancy District

7.3.1 Definition: Wetlands are wet meadows, marshes, swamps, bogs, and areas of flowing or standing water. Wetlands are characterized by the presence of wetland soils, hydrology, and the presence of wetland plant communities, which can tolerate the presence of water at or near the ground surface for a significant portion of the year. The Wetlands Conservancy District consists of areas within the Town, which have been mapped as wetlands.

7.3.2 Purpose: The purpose of the Wetlands Conservancy District is to provide preliminary wetlands information in a zoning context for planning purposes without the requirement of delineating actual wetlands in accordance with the Town's Wetlands Bylaw and the Commonwealth of Massachusetts Wetlands Protection Act. Development of a site or property that has wetlands located thereon shall be required to comply with any Order of Conditions issued under the Wetlands Protection Act and/or the Town's Wetlands Bylaw.

7.4 By-Pass District

7.4.1 Standards.

7.4.1.1 Prohibited Uses: No building, above ground structure or parking shall be permitted within the By-Pass District.

7.4.1.2 Permitted Uses: The establishment of one vehicular entrance and one exit per lot through the By-Pass District may be authorized by the Board by special permit, provided that the Board shall find that access to a way from a lot located within the By-Pass District cannot be accomplished except through the By-Pass District and that the lot was not created from a larger lot after January 1, 1989. Underground structures may be constructed without review by the Board.

7.4.1.3 By-Pass Dimensional Regulations:

(a) Frontage: In all districts, any lot which gains its minimum lot frontage along Route 2 shall have at least two hundred (200) feet of frontage.

(b) Front, side and rear yards: In all districts where the By-Pass District divides a lot, the yard requirements for such lot shall be measured from the boundary line of the By-Pass District nearest the proposed use.

(c) Landscape buffer: Existing trees, to the extent practicable, shall be retained.

7.5 Earth Removal

7.5.1 [*Generally*] The removal from any property not in public use of soil, loam, peat, sand, gravel or stone (herein, "earth") is prohibited in all districts, except when incidental to and in connection with the construction of a building or street or other activity authorized by this Bylaw. No earth removal permit shall be required for moving earth within the limits of a lot or contiguous lots in the same ownership, provided that no such moving shall take place across or within a street.

7.5.2 *Removal of earth permitted without review by the Board.* Under the following conditions the removal of not more than one thousand (1,000) cubic yards of earth shall be permitted, provided that the Chief of Police has approved the days of operation, the trucking route and type of vehicle to be used on any street for removal of earth and provided further that, at least forty-eight (48) hours prior to any removal, the Building Inspector has been given written notification of the volume of earth to be removed, the approval of the Chief of Police and a notice of approval by one or more of the following procedures as applicable:

7.5.2.1 Building Permit: Removal by building permit when such removal is at the site of, incidental to and in connection with the excavation and grading necessary for the construction of a principal or accessory use permitted by this Bylaw;

7.5.2.2 Subdivision: Removal by approval of a definitive plan under the Subdivision Control Law when such removal is necessary to construct an approved street or definitive subdivision; and

7.5.2.3 Wetlands Protection Act and the Town's Wetlands Bylaw: Removal pursuant to an order of conditions issued under the Wetlands Protection Act (G.L. c. 131 sec.40) and the Town's Wetlands Bylaw when such removal is incidental to a use permitted without review by the Board in the Flood Plain Conservancy District.

7.5.3 *Removal of earth subject to board approval.* The removal of earth in excess of one thousand (1,000) cubic yards may be permitted by the Board after notice and a public hearing if the Board finds that:

7.5.3.1 The volume proposed for removal does not exceed the minimum practical removal required to accomplish the construction, development, or improvement in accordance with the plans therefor;

7.5.3.2 The plans submitted in connection with the removal are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and

7.5.3.3 Effecting the removal will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.

7.5.4 Procedure for review by the Board.

7.5.4.1 Any person who desires to remove in excess of one thousand (1,000) cubic yards of earth shall submit a written application for a special permit to the Board. Each such application shall be accompanied by plans and specifications prepared by a registered professional engineer or registered land surveyor as follows:

(a) A plan of the area from which removal is proposed and a strip one hundred (100) feet wide surrounding said area, showing all manmade features, lot lines, zoning boundaries, vegetative cover, soil characteristics and existing topography;

(b) A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation;

(c) The estimated quantity of materials to be removed and topsoil to be stripped and replaced, together with a detailed statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond; and

(d) Such additional information as the Board may determine.

7.5.4.2 If a special permit is granted, the Board shall impose limitations on the time and the extent of the permitted removal and such other appropriate conditions, limitations and safeguards as the Board deems necessary for the protection of the neighborhood and of the public health, safety, convenience and welfare of the Town and may condition the continuance of the permit upon compliance with regulations of the Board then in force or thereafter adopted. The Board shall require sufficient security, including necessary covenants, to insure compliance with the terms, conditions, and limitations of the earth removal permit.

7.6 Groundwater Conservancy District

7.6.1 Definition: The Groundwater Conservancy District is an overlay district superimposed on existing zoning districts, consisting of those areas within the Town which are delineated on the Groundwater Conservancy District map referred to in subsection 2.2.

7.6.1.1 Commercial fertilizers: Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed by its manufacturer to have value in promoting plant growth. Commercial fertilizers do not include unmanipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum.

7.6.1.2 Discharge: The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of toxic or hazardous material or waste upon or into any land or water so that such hazardous waste or any constituent thereof may enter the land or waters of the Commonwealth. Discharge includes, without limitation, leakage of such materials from failed or discarded containers or storage systems and disposal of such materials into any on-site leaching structure or sewage disposal system.

7.6.1.3 Hazardous material: A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive, or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous' under Massachusetts General Laws (M.G.L.) Chapter 21C and 21E.

7.6.1.4 Historical high groundwater table elevation: A groundwater elevation that is determined from local historical data and/or USGS monitoring wells and historical water table fluctuation data.

7.6.1.5 Impervious surface: Material or structure on or above the ground that does not allow precipitation or surface water to penetrate directly into the soil.

7.6.1.6 Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land.

7.6.1.7 Non-sanitary wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage.

7.6.1.8 Open dump: A facility established without a valid site assignment for the purposes of disposing solid waste into or on the land.

7.6.1.9 Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles.

7.6.1.10 Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment. Sludge does not include grit, screening, or grease and oil which are removed at the headworks of a facility.

7.6.1.11 Solid waste: Useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, agricultural, municipal or household activities that is abandoned by being disposed or incinerated, but does not include hazardous waste, septage, sludge, waste-water treatment facility residuals or compostable or recyclable materials.

7.6.1.12 Treatment works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

7.6.1.13 Use of toxic or hazardous materials: The handling, generation, treatment, storage, or management of toxic or hazardous materials.

7.6.1.14 Very small quantity generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste.

7.6.1.15 Waste oil retention facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products.

7.6.2 Purpose

7.6.2.1 To promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Concord;

7.6.2.2 To preserve and protect the Town's existing and potential sources of public drinking water supplies;

7.6.2.3 To conserve the natural resources of the Town; and

7.6.2.4 To prevent temporary and permanent contamination of the environment.

7.6.2.5 To preserve and protect the existing and potential sources of public drinking water supplies for the towns adjacent to the Town of Concord.

7.6.3 Applicability: Within the boundaries of the Groundwater Conservancy District, land use shall be subject to the provisions of this section in addition to the requirements of the underlying district. Where the line of the Groundwater Conservancy District divides a lot, only that portion of the lot within the district shall be subject to the provisions of this section.

7.6.4 Uses permitted without review by the Board: The following uses are permitted within the Groundwater Conservancy District:

7.6.4.1 Any extensive use and residential use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, whether by right or by special permit, provided that all development, including structural and non-structural activities, are in compliance with Section 7.6 and do not require a special permit as herein after provided in Section 7.6.5;

7.6.4.2 Any institutional use, governmental and utility use, business use and industrial use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, whether by right or by special permit, provided,

(a) all development, including structural and non-structural activities are in compliance with Section 7.6 and do not require a special permit as hereinafter provided in Section 7.6.5; and,

(b) the maximum lot coverage by the total ground area covered by the principal and accessory structures and all paved areas does not exceed 15 percent or 2,500 square feet per lot, whichever is greater.

7.6.5 Uses permitted subject to review by the Board: The following uses may be permitted by special permit by the Board after notice and a public hearing:

7.6.5.1 Any institutional use, governmental and utility use, business use and industrial use permitted under Section 7.6.4.2 which exceeds the maximum lot coverage permitted under Section 7.6.4.2(b) provided, in part, that the proposed lot coverage does not exceed the maximum permitted in the underlying district.

7.6.5.2 Storage of sludge and septage;

7.6.5.3 Storage of roadway de-icing chemicals, such as calcium chloride, chemically treated abrasives, or other chemicals and the storage of chemical fertilizers or pesticides in quantities greater than those associated with normal household use.;

7.6.5.4 Open air or unenclosed storage of animal manure;

7.6.5.5 Storage of liquid hazardous materials and/or liquid petroleum products when such materials or products are not stored above-ground, on an impervious surface and in a container within a building, or outdoors in covered containers designed and operated to provide secondary containment of such materials or products.

7.6.5.6 The replacement of underground storage tanks or systems for the keeping, dispensing or storing of petroleum products;

7.6.5.7 Floor drains in an industrial or commercial facility and/or a petroleum, toxic, or hazardous materials and/or waste storage area;

7.6.5.8 On-site subsurface disposal which requires a minimum design flow under Title V in excess of four hundred and forty (440) gallons per day per acre.

7.6.5.9 Any alteration of a structure served by a failed septic system when such alteration is part of the work required to address the failed septic system.

7.6.5.10 Any use permitted in the underlying district in which the land is situated, subject to the same use and development restrictions as may otherwise apply thereto, provided that the land designated as being within the Groundwater Conservancy District is found by the Board not, in fact, to be within an area contributing to drinking water resources**;**

7.6.6 Prohibited uses: The following uses and activities are prohibited within the Groundwater Conservancy District:

7.6.6.1 Uses prohibited under Section 4.7.1;

7.6.6.2 Auto service station with underground storage tanks;

7.6.6.3 Private sanitary landfills and open dumps;

7.6.6.4 Commercial car washes not connected to the municipal sewer system;

7.6.6.5 Commercial and coin-operated laundries and dry-cleaning establishments (where dry-cleaning is done on-site) not connected to the municipal sewer system;

7.6.6.6 Sludge and septage landfills;

7.6.6.7 Storage and/or disposal of chemically treated snow and ice that have been removed from highways and roadways outside the Groundwater Conservancy District;

7.6.6.8 Petroleum, fuel oil and heating oil bulk stations and terminals, other than propane tanks;

7.6.6.9 Facilities for the treatment or disposal of non-sanitary wastewater are prohibited within the Groundwater Conservancy District, with the following exceptions:

(a) Replacement or repair of an existing system is exempt if the existing design capacity is not exceeded;

(b) Treatment works approved by the Department of Environmental Protection (DEP) and designed for the treatment of contaminated ground or surface waters and operated in compliance with DEP regulations; and

(c) Publicly owned treatment works.

7.6.6.10 Facilities that generate, treat, store, or dispose of hazardous waste are prohibited within the Groundwater Conservancy District, with the following exceptions:

(a) Very small quantity generators;

(b) Household hazardous waste collection centers or collection events;

(c) Waste oil retention facilities; and

(d) Treatment works for the restoration of contaminated ground or surface waters.

(e) Hospitals and other medical facilities in existence and licensed as such by the Department of Public Health, and identified by the Department of Environmental Protection as a “small quantity generator of hazardous waste.”

7.6.6.11 Removal of soil, loam, sand, gravel, or any other mineral substances within four feet of the historical high groundwater table elevation is prohibited within the Groundwater Conservancy District, with the following exceptions:

(a) Substances which are removed and redeposited (or suitable alternative material deposited) within 45 days of removal on site to achieve a final grade equal to preexisting ground contours or greater than four feet above the historical high water mark; and

(b) Excavations for the construction of residential building foundations and other structures accessory to the principal residential use and the installation of utilities.

7.6.6.12 Any expansion of a structure served by a failed septic system, unless such expansion is required to address the failed septic system.

7.6.7 Procedure for review by the Board

7.6.7.1 Any person who desires to use land within the Groundwater Conservancy District for a use permitted subject to review by the Board shall submit a written application for a special permit to the Board, with copies to the Planning Board, Public Works Commission, the Natural Resources Commission and the Board of Health. Each such application shall be accompanied by the following submissions:

(a) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

(b) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Fire Department, and Board of Health. The plan shall include:

i. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;

ii. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; and

iii. Evidence of compliance with any local, state and/or federal regulations.

(c) Proposed down-gradient location(s) for groundwater monitoring well(s), should the Board deem the activity a potential groundwater threat.

7.6.7.2 The Planning Board, Public Works Commission, the Natural Resources Commission and Board of Health shall submit to the Board written recommendations including an evaluation that the project:

(a) Minimizes any adverse effects to the existing or potential quality or quantity of water that is available in the Groundwater Conservancy District;

(b) Is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed;

(c) Provides a system of artificial recharge of precipitation that will not result in the degradation of groundwater quality; and

(d) Where a portion of the lot is located partially outside the Groundwater Conservancy District, site design shall, to the extent feasible, locate potential pollution sources, such as on-site disposal systems, outside the district boundaries.

7.6.7.3 If a special permit is granted, the Board shall impose such conditions and safeguards as public safety, welfare and convenience may require. The Board shall give due consideration to the reports of the Planning Board, Natural Resources Commission, Public Works Commission and the Board of Health, and where the decision of the Board differs from the recommendations of the Planning Board, the Public Works Commission,

the Natural Resources Commission, or the Board of Health, the reasons therefor shall be stated in writing.

7.7 Off-street Parking, Loading, and Design Standards

7.7.1 Purpose: The purpose of this section is to ensure that all uses be provided with sufficient off-street parking and loading facilities to meet the needs of persons employed at or having commerce at such uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes, and headlight glare ordinarily associated with parking lots; to reduce environmental deterioration to surrounding neighborhoods resulting from the glare, heat, dust, light spillover, light pollution, accelerated storm water run-off, and unattractive views associated with large expanses of pavement and vehicles.

7.7.2 Parking and Loading Regulations

7.7.2.1 Required spaces: Table IV, Minimum Parking, indicates the minimum number of parking spaces required for each principal use.

TABLE IV
MINIMUM PARKING

Principal Use	*Required Spaces*
Extensive Uses:	
Greenhouse	One (1) space per two hundred fifty (250) square feet of gross floor area of inside sales or display room.
Private recreation:	
camps	One (1) space per employee, plus one (1) space per camp vehicle kept on the premises.
handball, racquetball, tennis courts	Three (3) spaces per court plus one (1) space per employee on the largest shift.
golf courses	Five (5) spaces per hole plus one (1) space per employee on the largest shift plus fifty (50) percent of the spaces otherwise required for accessory uses (bars, restaurants, etc.)
swimming pool	One (1) space per seventy-five (75) square feet of gross water area.
fitness clubs	One (1) space per two-hundred-fifty (250) square feet of gross floor area.

Principal Use	*Required Spaces*
Extensive Uses Cont.:	
other outdoor recreational facilities including country clubs	One (1) space per four (4) persons generally expected on the premises at any one time.
Residential Uses:	
Single- and two-family dwelling and planned residential development	Two (2) spaces per dwelling unit or one and one-half (1-1/2) spaces per dwelling unit for subsidized low and moderate income housing or elderly housing developments.
Boarding house and tourist home	Two (2) spaces plus one (1) space per rentable room or suite.
Hotel, Extended-stay hotel and Motel	One (1) space per rentable room or suite, plus one (1) space per two (2) employees on the largest shift, plus one (1) space per four (4) persons to maximum rated capacity of each meeting or banquet room, plus fifty (50) percent of the spaces otherwise required for accessory uses (bars, restaurants, shops, etc.)
Institutional Uses:	
Educational:	
elementary and middle schools	One (1) space per staff member plus one (1) space per classroom.
senior high school	One (1) space per staff member plus one (1) space per five (5) students.
other nonprofit educational use	To be determined by the Building Inspector based upon the most comparable other use in Table IV

Principal Use	*Required Spaces*
Institutional Uses Cont.:	
Child care facility	One (1) space for every teacher and employee, one (1) space for visitors plus one (1) space for every six children based on the largest enrollment on site at any given time; the Board or the Planning Board, whichever is responsible for site plan approval, may allow a reduction in the number of required parking spaces for the purposes of improving site utilization but not to increase permitted enrollment if the number of spaces provided is adequate to provide one space for every teacher and employee and to support, without detriment to the neighborhood, drop-off and pick-up areas for the maximum number of children arriving and departing the facility at any one time in accordance with a parking and traffic management plan approved by the Planning Board. In the case of a parking and traffic management plan, the Planning Board shall have the authority to monitor compliance and to amend the plan as necessary to achieve compliance with the standards set forth in the plan.
Religious	One (1) space per four (4) seats or one (1) space per four (4) persons to maximum rated capacity of the hall or meeting room.
Philanthropic (community and recreation centers, libraries and museums)	One (1) space per two hundred fifty (250) square feet of gross floor area.
Assisted living residence	0.35 parking spaces per dwelling unit, plus one (1) parking space per two employees during the largest shift, plus one (1) space per company vehicle kept on the premises.
Hospital	One (1) space per two (2) beds plus three (3) spaces per staff doctor plus one (1) space per other employee on the largest shift.
Nursing home	One (1) space per two (2) beds.
Lodge or club	One (1) space per four (4) persons to maximum rated capacity of the facility.

SPECIAL PROVISIONS

Business Uses:

Retail store	One (1) space per two hundred fifty (250) square feet gross floor area.
Personal service shop and craft shop	Three (3) spaces per operator in a barber or beauty shop; otherwise one (1) space per two hundred fifty (250) square feet of gross floor area.
Restaurant	One (1) space per three (3) seats rated capacity, plus one (1) space per employee on the largest shift.
Indoor amusement	One (1) space per four (4) persons to maximum rated capacity of the facility.
Outdoor amusement:	
driving range	One (1) space per tee.
miniature golf	One (1) space per hole.
skating rink or other outdoor amusements	One (1) space per three hundred (300) square feet of gross area of facility plus one (1) space per employee on the largest shift.
Funeral home	One (1) space per four (4) patron seats.
Repair shop and building trade	One (1) space per employee on the largest shift and one (1) space for each company vehicle kept on the premises.
Medical center and laboratory	Three (3) spaces per staff doctor, dentist or other professional [e.g. nurse practitioner, dental hygienist, phlebotomist] plus one (1) space per other employee on the largest shift.
Auto service station and auto body shop	Three (3) spaces per lubrication or repair bay excluding such bays, plus one (1) space per employee on the largest shift plus one (1) space per company vehicle kept on the premises.
Vehicular dealerships and boat sales and rentals	One (1) space per fifteen hundred (1500) square feet of gross floor area of indoor and outdoor display area.
Veterinary and kennel	Three (3) spaces per doctor plus one (1) space per other employee on the largest shift.

Principal Use	*Required Spaces*
Business Uses Cont.:	
Financial and business office: bank, loan agency, travel & real estate agency or other consumer services offices	One (1) space per two hundred fifty square feet of gross floor area, plus two spaces per Automated Teller Machine (ATM).
general offices, administrative offices and executive offices	One (1) space per three hundred (300) square feet of gross floor area.
Professional office	One (1) space per two hundred fifty (250) square feet of gross floor area.
Industrial Uses:	
Warehouse and storage yard/open air sales	One (1) space per one thousand (1,000) square feet of gross floor area plus one (1) space per company vehicle kept on the premises.
R&D and Light manufacturing	One (1) space per three hundred (300) square feet of gross floor area used for office and one (1) space per four hundred (400) square feet of gross floor area used for research, testing, training or light manufacturing.
Manufacturing, packaging, processing and testing	One (1) space per four hundred (400) square feet of gross floor area.
Repair garage	One (1) space per employee on the largest shift plus one (1) space per company vehicle kept on the premises.

7.7.2.2 Increased parking demand: When a building or use undergoes a change which involves any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement used as a means of determining off-street parking, and when such change would result in a requirement for a greater number of parking spaces than exists on the site, the off-street parking shall be increased to meet the requirements of subsection 7.7.2.1, Table IV, for the entire building or use as changed.

7.7.2.3 Use of required parking as commercial or public lot: No parking area designated as required parking in connection with a building or use shall be operated as a commercial or public parking lot providing spaces for the general public or for the tenants, customers, clients or residents of any other use or activity for a fee or other compensation except in accordance with subsection 7.7.2.4. In no event shall tenants of a building be charged an optional fee for use of required parking.

7.7.2.4 Joint parking facilities: Off-street parking facilities for different buildings or uses may be provided and used collectively or jointly in any zoning district in which the separate uses would be permitted, subject to the following provisions:

(a) Up to fifty (50) percent of the parking spaces required for educational, religious, lodge and club, indoor amusement, and restaurant uses may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and other uses not normally open, used, or operated during similar hours if specifically approved by the Planning Board. The approval may be rescinded and additional parking shall be provided by the owners in the event that the Planning Board, after notice and public hearing thereon, determines joint use is resulting in a public nuisance or other adverse effects on the public health, safety, and welfare.

(b) A written agreement, assuring the continued joint use of the common parking area, executed by all parties concerned and approved as to form and length of time by the Planning Board, shall be filed with and made part of the application for a building or occupancy permit.

7.7.2.5 Fractional numbers: Where the computation of required parking spaces results in a fractional number only the fraction of one-half or more shall be counted as one (1).

7.7.2.6 Mixed use facilities: Buildings or lots which contain more than one principal use are considered mixed use facilities. For the purpose of determining parking requirements for such a facility, each use component shall be treated as a separate principal use.

7.7.2.7 Location: All required parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where, in the opinion of the Planning Board, there are practical difficulties in satisfying the requirement for parking spaces and/or if the public safety and convenience would be served better by another location, the Planning Board may authorize an alternative location for nonresidential parking subject to the following provisions:

(*a)* The property to be occupied as parking shall be in the same possession as the facility served either by deed, by easement, or by long-term lease. If the property is leased, the terms of the lease shall be subject to Planning Board approval as to form and length of time and a copy of the lease shall be filed with and made part of the application for a building or occupancy permit.

(b) The distance between the use or building and its parking area shall not be more than six hundred (600) feet.

(c) The separated parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic.

(d) The parking area shall be located on property zoned for the same or less restrictive use as the principal use being served by the parking.

7.7.2.8 Reserved parking spaces: The Planning Board may, based upon documentation of the special nature of the use, or building, authorize a phased development of required off-street parking with the following provisions:

(a) The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards set forth in subsection 7.7.2.1, Table IV.

(b) The spaces that are not intended for construction immediately shall be labeled "Reserve Parking" on the site plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer, setback, or open space under other provisions of this Bylaw.

(c) No more than fifty (50) percent of the total number of required spaces may be reserved for later construction.

(d) If, at any time after the certificate of occupancy is issued for the building or use, the Building Inspector determines that additional spaces may be needed, he shall notify the Planning Board concerning his finding and that Board may require that all or any portion of the spaces shown on the approved site plan as "Reserved Parking" shall be constructed.

7.7.2.9 Use of parking area: No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

7.7.2.10 Off-street loading: For every building or part thereof which is to be used by retail, industrial, hospital, hotel, extended-stay hotel or similar uses requiring the regular receipt or distribution by vehicles of materials or merchandise, off-street loading space(s) shall be provided according to the following schedule:

Sq. Ft. of Gross Floor Area in Use	*No. of Loading Spaces*
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1

However, an assisted living residence, as defined in Section 4.3.6, shall not be required to install more than one of-street loading space provided that the facility has no more than 100,000 square feet of gross floor area.

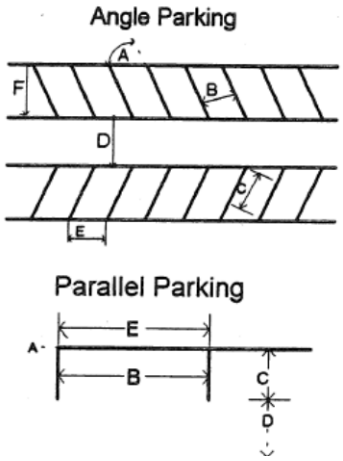
7.7.2.11 Exceptions: The parking and loading requirements set forth in subsection 7.7.2.1, Table IV, shall not apply to any building or use in existence on January 31, 1985, provided that existing off-street parking or loading areas are not reduced and provided further that the building is not substantially altered nor its use changed.

7.7.2.12 Relief from parking requirements: The Board may, upon advice of the Planning Board, grant relief from the parking and loading requirements in Section 7.7.2 provided the Board finds that a literal application of such requirements would be unreasonable and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. The Board may require the applicant to submit a written report, prepared by a qualified parking consultant, defining and evaluating the nature and impact of the requested relief.

7.7.3 Design Standards.

7.7.3.1 Parking dimensions: The minimum dimensions of parking spaces and maneuvering aisles shall be as follows:

A. Parking Angle
B. Stall Width
C. Distance of Stall to Curb
D. Aisle Width
E. Curb Length Per Car
F. Stall Depth



9' x 18'
FULL SIZE SPACES

	A	B*	C**	D		E	F
				1-way	*2-way*		
(parallel)	0	22'	9'	12'	24'	22'	NA
	45	9'	17'	14'	24'	12.7'	18'
	60	9'	18.5'	18'	24'	10.4'	18'
	75	9'	19'	22'	24'	9.3'	18'
	90	9'	18'	24'	24'	9'	18'

8' x 16'
SMALL CAR SIZE SPACES

	A	B*	C**	D		E	F
				1-way	*2-way*		
(parallel)	0	20'	8'	12'	24'	20'	NA
	45	8'	15.5'	14'	24'	11.3'	16'
	60	8'	16.8'	18'	24'	9.2'	16'
	75	8'	17'	22'	24'	8.3'	16'
	90	8'	16'	24'	24'	8'	16'

* Non-parallel end spaces, restricted on one of the long sides by curbs, walls, fences or other similar obstructions, shall have a minimum width of ten (10) feet, and maneuvering space at the aisle end of at least five (5) feet in depth and nine (9) feet in width.

** Non-parallel spaces may include no more than two (2) feet of landscaped island or setback area at the front of the space, provided there are no obstructions to the vehicle's bumper overhang and provided, further, that the bumper overhang does not interfere with availability of the island or setback area for snow storage.

7.7.3.2 Loading space dimensions: Each loading space shall be at least ten (10) feet in width, thirty (30) feet in length, and shall be provided with a fourteen-foot-high clearance.

7.7.3.3 Circulation: Driveways and parking areas shall be designed with due regard to topography, integration with surrounding streets, general interior circulation, and separation of pedestrian and vehicular traffic so as to reduce hazards to pedestrians and motorists.

7.7.3.4 Layout: Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The Planning Board may waive this requirement for parking facilities under full-time attendant supervision.

In no case shall parking or loading spaces be so located as to require the backing or maneuvering of a vehicle onto the sidewalk or onto a public way in order to enter or leave the space.

7.7.3.5 Driveways: All driveways shall be located and designed so as to minimize conflict with traffic on public streets and to provide good visibility and sight distances for observation of approaching vehicular and pedestrian traffic.

7.7.3.6 Small car spaces: In parking lots with more than thirty (30) spaces, up to a maximum of thirty (30) percent of the total number of required spaces may be designed for small cars. In parking lots of thirty (30) or less spaces, up to a maximum of twenty (20) percent of the total number of required spaces may be designed for small cars.

Small car spaces shall be located such that they are grouped in one or more areas which are neither more nor less convenient to the use or building served than the full size spaces. Small car spaces shall be suitably and conspicuously identified through appropriate signing or pavement markings.

7.7.3.7 Handicapped parking: Parking facilities shall provide specially designated parking spaces for the physically handicapped in accordance with the rules and regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts Department of Public Safety.

Signs for the handicapped shall be clearly identified by a sign indicating that the spaces are reserved for physically handicapped persons. Such spaces shall be located nearest to the entrance to the use or building served.

7.7.3.8 Bicycle parking: Bicycle parking or storage shall be provided for use by residents, employees and other users of the site. Long-term bicycle parking for residents and employees shall be located in secure, weather-protected, restricted access facilities. Short-term bicycle parking for visitors and users of a site shall be located in convenient and accessible locations.

7.7.3.9 Surfacing, drainage and curbing: All parking facilities shall be graded, surfaced with asphalt, concrete or similar nonerosive material, and drained in a manner deemed adequate by the Planning Board to prevent nuisance of erosion or excessive water flow across public ways or abutting properties.

Entrance and exit driveways shall be defined clearly with curbing, signs, and pavement markings. Parking and loading spaces shall be marked clearly in accordance with the dimensions specified in subsections 7.7.3.1 and 7.7.3.2, above.

7.7.3.10 Landscaping: In order to separate parking areas from abutting streets, to provide areas for disposal of snow, and to provide visual relief from expanse of pavement andvehicles, landscaping shall be provided in all parking areas containing five (5) or more parking spaces according to the Planning Board site plan rules and regulations in effect at the time.

7.7.3.11 Lighting: Exterior lighting shall be designed for safety and for personal security. Glare and light spillover, as defined below, shall be controlled to protect inhabitants from the consequences of stray light shining into inhabitant's eyes or onto adjoining properties. Light pollution, as defined below, control shall be required to minimize the negative effect of misdirected upward light. All exterior lighting shall be aimed, located, designed, fitted and maintained so that it illuminates the task intended and does not shine directly onto neighboring properties, roadways or distribute excessive light skyward.

(a) *Glare* shall mean the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted so as to cause annoyance, discomfort or loss in visual performance and visibility. The magnitude of the sensation of glare depends upon factors such as the size, position, and luminance of the source, the number of sources, and the luminance to which the eyes are adapted.

(b) *Light spillover* shall mean illumination produced by a light fixture, which extends beyond the boundaries of the lot or parcel upon which the light fixture is located.

(c) *Light pollution* shall mean illumination which extends beyond an object, structure or area, which the light fixture is designed to serve, so as to produce glare, or otherwise interfere with viewing of natural vistas such as the night sky.

7.7.3.12 Maintenance: Parking and loading facilities and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, curbing, markings and plantings shall be repaired or replaced with new materials, and drainage structures shall be cleaned or replaced in order to insure continued compliance with the provisions of Section 7.7. Failure to maintain parking facilities properly shall be considered a violation of the Zoning Bylaw.

7.7.3.13 Relief from design standards: The Board may, upon advice of the Planning Board, grant relief from the design standards contained in section 7.7.3 where the variation in the standards can be supported by a study prepared by a qualified consultant and where the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

7.8 Personal Wireless Communications Facility

7.8.1 Purpose and Intent: The purpose of this Section is to establish a district within the Town in which personal wireless communication facilities may be provided, to regulate their impacts and to accommodate their location and use in a manner which:

(a) protects the visual, aesthetic, scenic, historic, environmental and natural or man-made resources of the Town;

(b) encourages the use of existing structures and towers;

(c) protects property values;

(d) minimizes the total number and height of towers located within the community by requiring tower sharing and clustering of personal wireless communication facilities where possible;

(e) minimizes any adverse impacts on the residents of the Town (such as, but not limited to, visual blight on viewsheds, attractive nuisance, noise and falling objects) with regard to the general safety, welfare and quality of life in the community;

(f) provides standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of personal wireless communication facilities; and

(g) provides a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify personal wireless communication facilities;

The intent of this Section is to be in compliance with the federal Telecommunications Act of 1996.

7.8.2 Definitions: As used in this Section, the following terms shall have the meanings indicated:

7.8.2.1 Act: The federal Telecommunications Act of 1996.

7.8.2.2 Adequate coverage: Coverage is considered to be "adequate" within that area surrounding a base station where the predicted or measured median field strength of the transmitted signal is greater than minus 95 (-95)dbm. It is acceptable for there to be holes within the area of adequate coverage where the signal is less than –95dbm, as long as the signal regains its strength to greater than –95dbm further away from the base station. For the limited purpose of determining whether the use of a repeater is necessary or desirable, there shall be deemed not to be adequate coverage within said holes. The outer boundary of the area of adequate coverage, however, is that location past which the signal does not regain its strength to greater than –95dbm. In applications to the Board, predictions of field strength in proposed coverage areas shall be supported by submission of actual measurements or drive test data, using at least two methodologies, along the most heavily traveled roads in the proposed coverage area for review and analysis by the independent consultant referred to in subsection 7.8.4.3.

7.8.2.3 Adequate capacity: In an area where coverage exists, capacity is considered "adequate" if, during the busiest hour of the day on at least fifty percent (50%) of the days in any month preceding the date of application, 95% or more of the attempted calls are able to connect on their first attempt, as measured using direct measurement of the coverage area in question.

7.8.2.4 Antenna: A device that is attached to a tower, or other structure for transmitting and receiving electromagnetic waves.

7.8.2.5 Array: A set of antennas for one carrier or personal wireless communication service provider that are placed on a mount at a given height above ground level and spaced so as to avoid internal interference.

7.8.2.6 Available space: The space on a tower or other structure to which antennas of a personal wireless communication service provider are both structurally able and electromagnetically able to be attached.

7.8.2.7 Base station: A fixed-location sending and receiving site serving a coverage area within a wireless communication network. More than one base station and/or facilities as used or operated by more than one variety of personal wireless communication service provider can be located on a single tower or structure.

7.8.2.8 Channel: A segment of the radiation spectrum radiating from an antenna. An antenna may radiate on many channels simultaneously.

7.8.2.9 Communication equipment shelter: A structure located at the base of a tower or other structure designed principally to enclose equipment used in connection with personal wireless communication transmissions.

7.8.2.10 Coverage or propagation studies: Computer generated estimates of the radiation emanating from antennas or repeaters sited on a specific tower or structure. The height above ground, power input and output, frequency output, type of antenna, antenna gain, topography of the site and its surroundings are all taken into account to create these simulations. They are a preliminary tool for determining whether a site will provide adequate coverage for a personal wireless communication service facility proposed for that site.

7.8.2.11 Facility site: A property, or any part thereof, which is owned or leased by one or more personal wireless communication service providers and upon which one or more personal wireless communication facility(s) and required landscaping are located.

7.8.2.12 Filler site: a small, lower-powered site that uses a repeater or other similar technology to fill a gap in coverage that is otherwise not filled by a base station array.

7.8.2.13 Modification of an existing facility: Any material change or proposed change to a personal wireless communication facility including but not limited to power input or output, number of antennas, or change in number of channels per antenna above the maximum number approved under an existing special permit.

7.8.2.14 Monitoring: The measurement, by the use of instruments in the field, of the radiation from a facility site as a whole, or from individual personal wireless communication facilities, towers, antennas or repeaters.

7.8.2.15 Monitoring protocol: the testing protocol adopted by the Board, which is to be used to monitor the emissions from existing and new personal wireless communication facilities. A copy of the monitoring protocol shall be on file with the Building Inspector.

7.8.2.16 Monopole: A single self-supporting vertical pole with no guy wire anchors, usually consisting of a galvanized or other painted metal, or a wooden pole with below grade foundations.

7.8.2.17 Personal wireless communication services: Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange services. These services include (but are not limited to): cellular services, personal communication services (PCS), specialized mobile radio services and paging services.

7.8.2.18 Personal wireless communication facility: All equipment (including any repeaters, micro-cells or other similar technology) with which a personal wireless communication service provider broadcasts and receives the radio-frequency waves that carry their services and all locations of said equipment or any part thereof.

7.8.2.19 Personal wireless communication service provider: An entity licensed by the Federal Communication Commission (FCC) to provide personal wireless communication services to individuals or institutions.

7.8.2.20 Repeater: A small receiver/relay transmitter designed to provide service to areas which are not able to receive adequate coverage from a base station in a wireless communications network and has no significant visual impact on the surrounding area.

7.8.2.21 Structurally able: The determination that a tower or structure is capable of carrying the load imposed by the new antennas under all reasonably predictable conditions as determined by professional structural engineering analysis.

7.8.2.22 Tower: A freestanding lattice structure or framework, or monopole, that is self-supporting, fixed to the ground and is designed to support personal wireless communication transmissions, receiving and/or relaying antennas and/or equipment. An existing lattice tower may be replaced in an existing location but no new lattice structures shall be permitted.

7.8.3 Exemptions: The following wireless communication facilities are exempt: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio; any existing commercial radio tower; and radio dispatch for local businesses. No personal wireless communication facility shall be considered exempt from this Section for any reason whether or not said facility is proposed to share a tower or other structure with such exempt uses.

7.8.4 Procedure for review by the Board: Any person who desires to construct or install a personal wireless communication facility, including co-location on an existing facility, shall submit a written application for a special permit and site plan approval to the Board, with copies to the Planning Board. Applications shall be submitted in accordance with the requirements outlined in the Rules and Regulations for Personal Wireless Communication Facility(s) adopted by the Board. A special permit is required for: a) new tower construction (or modification of an existing tower); and b) personal wireless communication service facilities (or modification of an existing facility) to be mounted in or on an existing or newly permitted tower or structure, except where modification of an existing tower or facility does not substantially change the physical dimensions or appearance of such tower or facility or transmission equipment, or involves the removal of transmission equipment. The following additional information shall also be submitted:

7.8.4.1 Adequate coverage, adequate capacity and justification of need:

(a) The applicant shall provide written documentation of any facility sites in the Town and in abutting towns in which it has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate the following: that these facility site(s) are not already providing, or do not have the

potential, by adjusting the personal wireless communication facility on the site(s), to provide adequate coverage and/or adequate capacity; that there is a significant gap in coverage; and, that the proposal reduces or eliminates the significant gap in coverage in a manner that is least intrusive upon the interests of the Town as expressed in the purpose and intent of this Section. A "gap" in coverage exists when a remote user of personal wireless communication services is unable to either connect, directly or indirectly, with a base station or to maintain a connection capable of supporting a reasonably uninterrupted communication. A "significant gap" depends upon the physical size of the gap and upon the number of customers affected by that gap**.** Documentation shall include, for each facility site listed, the exact location, ground elevation, height of tower or structure, type of antennas, antenna gain, height of antennas on tower or structure, output frequency, number of channels, power input and maximum output per channel. Potential adjustments to these existing facility sites, including changes in antenna type, orientation, gain, height or power output shall be specified. Radial plots from each of these facility sites, as they exist and with adjustments as above, shall be provided as part of the application.

(b) The applicant shall provide written documentation that they have examined all personal wireless communication facility sites located in the town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage and/or adequate capacity. Documentation shall include all information outlined above. Radial plots from each of these facility sites as proposed shall also be provided.

(c) The applicant shall provide written documentation (including radial plots) that they have analyzed the provision of adequate coverage and adequate capacity through the use of filler sites in conjunction with all personal wireless communication facility sites listed above.

(d) The applicant shall provide a map of all proposed facilities to be applied for over the next twenty (20) months (or a complete build-out analysis) by the personal wireless communication service provider. Such map shall also include any and all existing personal wireless communication facility(s) of the provider and known proposed facilities of other personal wireless communication service providers.

(e) The applicant shall provide written documentation that the applicant has examined potentially viable personal wireless facility sites in the overlay districts in the town and relevant sites in abutting towns that could provide adequate coverage and capacity in the town, including the existing structures and open areas that comply with the relevant zoning bylaws of those towns and are consistent with Section 7.8.1 *Purpose and Intent (a)* through *(e).* The applicant shall list all such sites examined and state fully and completely the rationale for rejecting any such sites that are less intrusive upon the interests of the Town than the site(s) for which application is being made.

7.8.4.2 General requirements:

(a) New towers shall be set back a distance at least equal to the height of the tower from all lot lines of the site on which the tower is located, unless the tower has been

designed to break away at a certain point above the ground, in which case the new tower may be set at least the breakaway distance from all lot lines.

(b) If the facility site is in a wooded area, a vegetated buffer strip of undisturbed trees shall be retained around the entire perimeter of the personal wireless communication facility site for at least the lesser of (i) the distance to the lot line or (ii) fifty (50) feet. The landowner shall enter into a recordable easement, restriction, or similar instrument enforceable by the Town to ensure that the buffer strip is retained while the facility site is in place.

(c) Fencing and signs: the area around the tower and communication equipment shelters shall be completely fenced for security to a height of six feet and gated (unless the communication equipment shelter is otherwise secured). Use of razor wire is not permitted. A sign shall be posted adjacent to the entry gate indicating the facility owner(s) and a 24-hour emergency telephone number and any legally required radio-frequency warning sign shall be posted in an appropriate location. Commercial advertising on any antenna, tower, fencing, accessory building or communication equipment shelter is prohibited.

(d) Communication equipment shelters and accessory buildings shall be designed to be architecturally similar and compatible with each other and the surrounding area. The building shall be used only for the housing of equipment related to the site. Whenever practical, the buildings shall be located underground. Additional supplemental landscape screening may be required by the Board to lessen adverse visual impacts.

(e) New towers shall not exceed the minimum height necessary to provide adequate coverage for the personal wireless service facilities proposed for use on the tower, unless the Board determines that co-location with another service provider is desirable, suitable and consistent with this Section. In areas where there is no significant tree canopy, the maximum height of a tower shall not exceed one-hundred-twenty (120) feet above finished grade of the ground elevation. Such finished grade shall not be distorted above the pre-existent natural grade as a way to achieve additional height.

In areas where there is significant tree canopy, the maximum height of a tower shall not exceed twenty (20) feet above the average height of the natural pre-existent tree canopy within a one-hundred fifty (150) foot radius of the tower.

The Board may permit an increase in the height of a tower, or attachment thereto, to facilitate co-location, provided the Board determines that no material increase in visual impacts will result from the increased height, but in no case shall the height exceed one-hundred fifty (150) feet.

The design of the tower and supporting base structure shall accommodate an ultimate height of whatever is approved by the Board.

(f) If primary coverage from the proposed personal wireless communication facility (greater than 50%) is outside the Town of Concord, the permit may be denied unless the Applicant can show that they are unable to locate within the Town which is primarily receiving service from the proposed facility.

(g) A personal wireless communication facility proposed to be located on an existing, suitable, non-residential structure or tower for which an occupancy permit was issued as of January 1, 2001 and located within this district, shall not exceed the height of such structure by more than twenty (20) feet.

(h) Unless required by the Federal Aviation Administration or Emerson Hospital medi-flight program, no exterior night lighting of towers or the personal wireless communication facility is permitted except for manually operated emergency lights for use when operating personnel are on site.

(i) A personal wireless communication facility subject to jurisdiction by the Federal Aviation Administration (FAA) shall be designed to minimize, to the extent feasible, adverse visual effects upon existing single-family detached dwellings and historic or scenic viewsheds. No new tower that requires striping or lighting per FAA requirements shall be located within one-thousand (1000) feet of an existing school, day care center, single-family detached dwelling or historic resource.

(j) No new tower for a personal wireless communication facility, shall be located within:

i. One-thousand (1000) feet, on a horizontal plane, to any existing structure which is, or is able to be, occupied or habitable on the property of any existing child care facility or school;

ii. One thousand (1000) feet, on a horizontal plane, to the structure of an existing single-family detached dwelling;

iii. One thousand (1000) feet, on a horizontal plane, to any structure in an Historic District, or listed, or eligible to be listed, on the state or federal Register of Historic Places;

iv. Town, Massachusetts, or federally regulated bordering vegetated wetland;

v. a Massachusetts certified vernal pool;

vi. the habitat of any Massachusetts listed rare or endangered wildlife or rare plant species;

(k) New personal wireless communication facilities in or on an existing, suitable, non-residential structure or tower for which an occupancy permit was issued as of January 1, 2000 shall be located at least:

i. five hundred (500) feet, on a horizontal plane, from any existing structure which is, or is able to be, occupied or habitable on the property of a child care facility or school;

ii. three hundred (300) feet, on a horizontal plane, from the structure of an existing single-family detached dwelling; or

iii. three hundred (300) feet, on a horizontal plane, from any structure in a Historic District or listed (or eligible to be listed) on the State or Federal Register of Historic Places.

(l) The following locations are ranked in order of preference and are encouraged:

i. personal wireless communication facility sites that are most distant from single-family detached dwellings and schools.

ii. municipal lands which comply with other requirements of this section.

iii. where the visual impact of towers can be minimized by the use of camouflage, stealth design or other innovative measures to reduce, eliminate or disguise the negative visual impact.

iv. filler sites to provide adequate coverage without requiring new towers.

v. existing personal wireless communication facility(s).

(m) Personal wireless communication facilities shall be located so as to provide adequate coverage and adequate capacity with the fewest number of base stations, towers and antenna arrays that are technically feasible. The Board may limit the number of base stations, towers and antenna arrays upon any single parcel. The Board may limit the number of base stations, towers and antenna arrays in any given overlay district.

(n) Subsequent applicants are required to co-locate and shall submit an application to add to existing towers, installed under the provisions of this Bylaw.

(o) The Board shall request input from the Fire, Police and other town emergency services regarding the adequacy for emergency access to the site.

(p) Balloon test: Within 35 days of submitting an application, the applicant shall arrange to fly, or raise upon a temporary mast, a three foot diameter brightly colored balloon at the maximum height and at the location of the proposed tower. The date(s) (including a second date, in case of poor visibility on the initial date), times and location of the balloon test shall be advertised, by the applicant at seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the Town. The applicant shall inform the Board and the Planning Board in writing of the dates and times of the test at least fourteen days in advance. The balloon shall be flown for at least five consecutive hours between 7:00 a.m. and 5:00 p.m. on the date(s) chosen. The applicant shall bear any and all expenses associated with such balloon test.

7.8.4.3 Evaluation by independent consultants: Upon submission of a complete application for a special permit under this Section, the Board shall engage the services of a qualified independent consultant and shall provide the independent consultant with the completed application and existing documentation for analysis and review. The independent consultant shall gather additional documentation and conduct additional research as necessary to support the analysis and review. Access to the site to conduct any necessary site visits shall be provided to the qualified independent consultant. The qualified independent consultant shall submit to the Board a written recommendation and an opinion as to the conformance of the application with the requirements of this Section.

7.8.4.4 Fees and insurance: Personal wireless service facilities shall be continuously insured by the owner(s) against damage to persons or property. The owner(s) shall provide a Certificate of Insurance to the Building Inspector on an annual basis in which the Town shall be specifically listed as an additional insured. A schedule of fees for

personal wireless service facilities permitting and renewal, any monitoring of emissions and inspection of structures, and any other fees shall be established by the Board as part of the Rules and Regulations for Personal Wireless Communication Facility(s).

7.8.4.5 Relief from general requirements: The Board may, upon advice of the Planning Board and a qualified independent consultant, grant relief from the general requirements contained in subsection 7.8.4.2 (rather than require an applicant to seek a variance from this Bylaw) where the Board finds that the relief is supported by the submittal of a study prepared by a qualified technical consultant showing a significant gap in coverage, where the Board finds that the extent of the granted relief is mitigated by a showing that the project provides a minimally intrusive viable means of reducing or eliminating such significant gap in coverage, and where the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. However, the Board shall not grant relief from the maximum height limitation in subsection 7.8.4.2(e). The Board shall be empowered to grant relief from any setback requirement in subsection 7.8.4.2(i), (j) or (k) provided that the site proposed is demonstrated to be necessary to achieve adequate coverage or capacity and to be minimally intrusive upon the interests of the Town, consistent with Section 7.8.1 *Purpose and Intent (a)* through *(e)*. The applicant shall provide the Board with a written statement describing why the requested relief is in the best interest of the Town with references to Section 7.8.1 *Purpose and Intent (a)* through *(e)*."

7.8.4.6 Approval criteria: A special permit shall be issued under this section only if the Board shall find that the project is in harmony with the general purpose and intent of this Section. In addition, the Board, in consultation with the independent consultant referred to in subsection 7.8.4.3 shall make all the applicable findings before granting the special permit, as follows:

(a) that the applicant is not already providing adequate coverage and/or adequate capacity and that a significant gap in coverage exists;

(b) that the applicant is not able to use existing personal wireless communication facility site(s) either with or without the use of filler sites to provide adequate coverage and adequate capacity;

(c) that the proposed personal wireless communication facility site selected by the applicant minimizes adverse impacts on historic resources, scenic views (viewsheds) and residential property values by being located most distant from historic resources, scenic views (viewsheds) and single-family detached dwellings.

(d) that the proposed personal wireless communication facility site minimizes adverse impacts on historic resources, scenic views, residential property values and natural or man-made resources through the use of camouflage, stealth or other innovative technology;

(e) that the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities;

(f) that the proposal shall comply with the appropriate FCC Regulations regarding emissions of electromagnetic radiation and that the required monitoring program is in place and shall be paid for by the applicant; and

(g) that the applicant has agreed to rent or lease available space on the tower, under the terms of a fair-market lease, without discrimination to other Personal wireless service providers;

If a special permit is granted the Board shall impose any such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the independent consultant, the Planning Board or upon its own initiative.

Any decision by the Board to deny a special permit under this Section shall be in conformance with the Act, in that it shall be in writing and supported by substantial evidence contained in a written record.

7.8.5 Monitoring and evaluation of compliance: Pre-testing and post-testing (including monitoring) shall be required and in accordance with the Office of Engineering Technology Bulletin 65 "Evaluating Compliance the FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields" and as defined in "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance".

(a) Structural Inspection: The tower owner(s) shall pay for an independent licensed professional structural engineer to conduct inspection of the tower's structural integrity and safety. Pre-existing guyed towers shall be inspected every three years. Monopoles and non-guyed lattice towers shall be inspected every five years. A report of the inspection results shall be prepared by the structural engineer and submitted to the Building Inspector, the Town Clerk and the Planning Board. Any modification of an existing facility that increases tower dimensions or antenna numbers or type shall require a new structural inspection.

(b) Unsafe Structure: Should the inspection of any tower reveal any structural defect(s) that, in the opinion of the independent structural engineer, render(s) the tower unsafe, the following actions shall be taken. Within ten business days of written notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s). This plan shall be initiated within ten business days of the submission of the remediation plan and completed as soon as reasonably possible.

7.8.6. Removal requirements: Any personal wireless communication facility that ceases to operate for a period of one year shall be removed. Cease to operate is defined as not performing the normal functions associated with the personal wireless communication facility and its equipment on a continuous and ongoing basis for a period of one year. At the time of removal, the facility site shall be remediated such that all personal wireless communication facility improvements that have ceased to operate are removed. If all facilities on a tower have ceased to operate, the tower (including the foundation to depth of three feet below grade) shall also be removed and the site shall be revegetated by the owner of the tower. Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a financial surety

or other form of financial guarantee acceptable to the Board, to cover the cost of removal of the facility and the remediation of the landscape, should the facility cease to operate.

7.9 Large-Scale Ground-Mounted Solar Photovoltaic Installation

7.9.1 Purpose and Intent: The purpose of this bylaw is to promote the creation of new large-scale ground-mounted solar photovoltaic installations by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such installations that address public safety, and minimize impacts on scenic, natural and historic community resources.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted solar photovoltaic installations in any zoning district.

This section applies to large-scale ground-mounted solar photovoltaic installations proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

Solar installations with a rated nameplate capacity of less than two hundred-fifty kilowatts (250 kW) direct current (DC) are not subject to this Bylaw and shall instead be considered either an above-ground utility under Section 4.4.3 or an accessory use.

7.9.2 Definitions: As used in this Section, the following terms shall have the meanings indicated:

7.9.2.1 Large-Scale Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a rated nameplate capacity of at least two hundred-fifty kilowatts (250 kW) direct current (DC).

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

7.9.2.3 Solar Photovoltaic Array: an arrangement of solar photovoltaic panels.

7.9.3 General Requirements for all Large-Scale Ground-Mounted Solar Photovoltaic Installations: The following requirements apply to all large-scale ground mounted solar photovoltaic installations.

7.9.3.1 Site Plan Review: Large-scale ground-mounted solar photovoltaic installations are subject to site plan review by the Planning Board. Proponents shall submit site plans showing:

(a) existing conditions, including property lines, physical features and roads,

(b) proposed changes to the landscaping of the site, including grading, vegetation to be cleared, new plantings, exterior lighting, and screening vegetation,

(c) the proposed layout of the large-scale ground-mounted solar photovoltaic installation, including all appurtenant structures,

(d) driveways and other means of access to the site of the large-scale ground-mounted solar photovoltaic installation, and

(e) other reasonable documentation requested by the Planning Board.

7.9.3.2 Site Control: The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed large-scale ground-mounted solar photovoltaic installations.

7.9.3.3 Security: Adequate security measures and fencing shall be provided to control access to the large-scale ground-mounted solar photovoltaic installation in order to prevent unauthorized access. The use of barbed wire or razor wire fencing is prohibited.

7.9.3.4 Operation & Maintenance Plan: The project proponent shall submit a plan for the operation and maintenance of the large-scale ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, stormwater controls and general procedures for operations and maintenance of the installation.

7.9.3.5 Utility Notification: No large-scale ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the Concord Municipal Light Plant (CMLP) has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid solar photovoltaic arrays shall be exempt from this requirement. The Building Commissioner may issue a permit only if the large-scale ground-mounted solar photovoltaic device complies with this section.

7.9.3.6 Waivers: If the installation does not comply with one or more of the Dimensional Requirements or Design Requirements, the applicant shall be required to apply for a special permit from the Planning Board seeking waivers from any such requirement(s). The Planning Board may grant requested waivers upon a finding that such waiver(s) will not derogate from the intent of this bylaw or be detrimental or injurious to the public.

7.9.4 Dimensional Requirements:

7.9.4.1 Lot Area: For large-scale ground-mounted solar photovoltaic installations, the minimum lot area shall be 5 acres.

7.9.4.2 Setbacks: For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be as follows:

(a) Front yard: The front yard setback shall be at least 50 feet.

(b) Side yard: Each side yard shall have a setback of at least 50 feet.

(c) Rear yard: The rear yard setback shall be at least 50 feet.

Where a proposed large-scale ground-mounted solar photovoltaic installation does not abut a residential zoning district or use, the Planning Board may waive the above dimensional requirements for front, side and rear yard setbacks by special permit as provided in subsection *7.9.3.6*. In no case, however, shall the front, side or rear yard setback be less than 10 feet.

7.9.4.3 Appurtenant Structures: All appurtenant structures to large-scale ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be screened from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

7.9.5 Design Requirements

7.9.5.1 Lighting: Lighting of the large-scale ground-mounted solar photovoltaic installations and appurtenant structures shall be limited to that required for safety, security, and operational purposes, and shall be reasonably shielded from abutting properties. Lighting of the solar photovoltaic array and appurtenant structures shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

7.9.5.2 Signage: Signs appurtenant to the large-scale ground-mounted solar photovoltaic installation shall comply with the Town's Sign Bylaw. A sign consistent with the Town's Sign Bylaw shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Large-scale ground-mounted solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer, owner or operator of the large-scale ground-mounted solar photovoltaic installation.

7.9.5.3 Screening / Landscape Buffer: At a minimum, half of the provided side and rear yard setback areas shall be designed to reduce the visual impact of the solar photovoltaic array upon adjacent property by use of trees, shrubs, walls, fences, or other landscape elements. Where the area to be developed abuts land developed for residential use, suitable landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five (5) feet, but not more than eight (8) feet, in height, or such other type of landscaping as may be required under site plan review.

7.9.5.4 Utility Connections: Reasonable efforts shall be made to place all utility connections from the large-scale ground-mounted solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site, any requirements of the CMLP and other site permitting requirements. Where an aboveground connection solution already exists, it may be used if it meets the

requirements of the CMLP, and electrical transformers for utility interconnections may be located aboveground if required by the CMLP.

7.9.5.5 Stormwater Management: Best management practices shall be used for controlling and managing stormwater run-off and drainage for the large-scale ground-mounted solar photovoltaic installation in compliance with all applicable federal, state and local regulations.

7.9.6 Safety and Environmental Standards:

7.9.6.1 Emergency Services: The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief and CMLP. Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries for as long as the installation is in active use.

7.9.6.2 Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted solar photovoltaic installation or otherwise prescribed by applicable laws, regulations, and bylaws. Clearing to minimize shading is acceptable.

7.9.7 Maintenance and Modifications:

7.9.7.1 Physical Conditions: The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the installation in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief, CMLP and emergency medical services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access driveway.

7.9.7.2 Modifications: All substantial material modifications or changes to a large-scale ground-mounted solar photovoltaic installation require site plan review by the Planning Board and acceptance by the CMLP.

7.9.8 Abandonment or Decommissioning:

7.9.8.1 Removal Requirements: Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life, is no longer operational or has been abandoned consistent with Section 7.9.8.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board, Building Commissioner and CMLP by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

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

(b) Disposal of all solid and hazardous waste brought to the site or generated by the owner or operator or otherwise related to the large-scale ground-mounted solar photovoltaic installation in accordance with local, state, and federal waste disposal law and regulations.

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

7.9.8.2 Abandonment: The large-scale ground-mounted solar photovoltaic installation shall be considered abandoned when it does not operate for more than one year. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of discontinued operations, the Town may enter the property and physically remove the installation.

7.9.8.3 Financial Assurance: Proponents of large-scale ground-mounted solar photovoltaic installations shall be required to enter a covenant with the Planning Board to ensure adequate funds are available to provide for decommissioning and removal of the installation.

7.10 Public Service Corporation Overlay District (PSCOD)

7.10.1 Purpose. The purpose of the Public Service Corporation Overlay District (PSCOD) is to provide a mechanism for the approval of uses by public service corporations including but not limited to wastewater treatment, municipal public works operations, large-scale ground mounted solar photovoltaic installations, and peaking power plants.

7.10.2 Definitions. Within this Section, the following terms shall have the following meanings:

(a) *Public Service Corporation* (*PSC*): Facilities, equipment, and structures necessary for conducting a service by a public or private utility facility. Such facilities shall include public or private wastewater treatment facilities, large-scale ground mounted solar photovoltaic installations, and peaking power plants.

(b) *Public Service Project* (*PSP*): A project sponsored by a PSC, including facilities, equipment, and structures necessary for conducting a service by a public, private or quasi-private utility facility.

(c) *Peaking Power Plant:* A power plant that generally runs only when there is a high demand for energy.

7.10.3 Applicability. The PSCOD shall be construed as an overlay district. Within the PSCOD, the requirements of the underlying zoning district(s) shall remain in full force and effect until site plan approval pursuant to Section 11.8 has been granted by the Planning Board, and the decision is filed with the Town Clerk, and the appeal period set forth herein has expired, 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.

7.10.4 Use Regulations. A PSP may be constructed, subject to the requirements set forth herein, upon the issuance of site plan approval pursuant to Section 11.8 by the Planning Board. In the case of a large-scale ground mounted solar photovoltaic installation, the provisions of Section 7.9 of this By-Law shall apply unless superseded by Section 7.10.8 herein. No other use or structures shall be permitted, except as specifically provided herein.

7.10.5 Administration. The Planning Board shall serve as the site plan approval authority pursuant to this Section. The Planning Board may waive the submittal of technical information or documents otherwise required hereunder where the Applicant demonstrates that, due to the simplicity of the proposal, such information is not necessary for or applicable to the Planning Board's decision pursuant to this Section. An application for site plan approval shall be governed by the requirements set forth in Sections 7.10.6 through 7.10.9.

7.10.6 Application. An application for site plan approval shall be submitted to the Planning Board on forms furnished by the Planning Board. Each such application shall be accompanied by a filing fee as set forth in the Planning Board's Rules and Regulations and a technical review fee pursuant to G.L. c. 44, s. 53G and applicable regulations of the Planning Board. The application shall be accompanied by all of the applicable information required for the Board's considerations of site plan review, as set forth in subsection 11.8.5 of the Zoning By-Law.

7.10.7 Dimensional and Design Requirements. A proposed PSP shall meet all of the following requirements:

(a) Parcel Size and Frontage. Minimum parcel size for a PSP shall be one acre of upland, excluding any resource area protected by G.L. c. 131, s. 40. There shall be no minimum frontage requirement for a PSP and access shall not be required to the PSP via the frontage, if any, serving the parcel.

(b) More than One Principal Use or Building. More than one principal use or building may be located on the same parcel or lot. In such cases, the Planning Board shall ensure that adequate access exists to all such principal uses for fire, police and emergency vehicles, and for expected vehicular and pedestrian traffic. Ownership and maintenance responsibilities shall be clearly outlined for each facility and its associated infrastructure, including but not limited to utilities, stormwater management, and access drives.

(c) Buffer. A buffer area of 50 feet shall be provided at the perimeter of the PSCOD where it abuts residentially occupied properties existing at the time this overlay district was adopted, except for driveways necessary for access and egress to and from the site, or

for storm water retention facilities. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance or for required stormwater management systems. The Planning Board 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 for conservation or recreation purposes; or (iii) the Planning Board determines that a smaller buffer will suffice to buffer adjacent residentially occupied properties.

(d) *Site Access Drives.* The principal driveway(s) serving the PSP shall be adequate for the intended use and vehicular traffic and shall be maintained by the operator of the PSP.

(e) *Parking.* Parking shall be adequate to serve all anticipated uses on the property, with information provided detailing the method used to calculate the number of parking spaces.

(f) *Loading.* 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.

(g) *Stormwater Management.* The stormwater management system shall be designed in accordance with Massachusetts Department of Environmental Protection Stormwater Management Regulations and the Concord Public Works Storm Water Regulations and Design and Construction Standards and Details.

(h) *Utilities*. Reasonable efforts shall be made to place all electric, gas, telephone, and cable lines underground.

(i) *Emergency Systems*. The PSP shall have an integrated emergency call, telephone and other communications system to provide monitoring by operators. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Fire Department for emergency conditions.

(j) *Lighting.* All exterior lighting shall not produce lighting so as to unreasonably interfere with the use and enjoyment of property within the Town. Lighting practices and systems shall reduce light pollution, light trespass and glare in order to preserve and enhance the natural, scenic, and aesthetic qualities of the Town; conserve energy and decrease lighting cost without decreasing night time safety, security, and productivity; and preserve the night sky as a natural resource to enhance nighttime enjoyment of property within the Town.

7.10.8 Large-scale Ground Mounted Solar Photovoltaic Installations: A large-scale ground mounted solar photovoltaic installation shall be permitted as a PSP, subject to the provisions of Section 7.9 of this Bylaw, with the following exceptions.

(a) There shall be no minimum lot or parcel area requirement.

(b) A large-scale ground mounted solar photovoltaic installation may be located on the same lot or parcel as another PSP.

(c) The setback requirements of Section 7.9.4.2 shall not apply.

7.10.9 Action by the Planning Board. The Planning Board may grant site plan approval for a PSP where it makes the findings required by Section 11.8 of this Bylaw. The proposed PSP shall comply with the requirements of this Section; provided, however, the Planning Board may waive a substantive requirement when the Board determines that the waiver will not result in substantial detriment to the District or the Town.

SECTION 8. RESIDENTIAL COMPOUND

8.1 Purpose

To provide limited residential development within large tracts of land in a manner, which minimizes Town maintenance responsibility and cost, while simultaneously preserving the rural character of the Town.

8.2 Standards

A group of not more than five (5) single-family dwellings sharing common frontage and a private access road may be permitted by the Planning Board in all residential districts subject to the following provisions:

8.2.1 *Tract frontage.* A Residential Compound may be permitted on a single tract of land in one ownership, having a minimum frontage of two hundred (200) feet on a public way.

8.2.2 *Minimum tract size.* The Residential Compound tract shall contain at least five (5) acres per dwelling unit. Land which, at the time of submission of an application under this section, is subject to a perpetual restriction of the type described in G.L.c. 184 sec. 31 or any restriction similar thereto, shall not be included in the minimum tract size.

8.2.3 *Dimensional requirements.* There shall be no minimum lot width or frontage requirements in a Residential Compound. However, no structure other than a fence may be erected within forty (40) feet of any lot line in the Residence AA and A districts, or within twenty-five (25) feet of any lot line in the Residence B and C districts. No building lot within the Residential Compound shall be reduced in size below the minimum lot area required for the district in which it is located.

8.2.4 *Access.* Each building lot in the Residential Compound shall have adequate and legally enforceable rights of access to a public street via a private street or driveway.

8.2.5 *Open space.* Any land within the Residential Compound not designated as a building lot shall be designated as permanent open space. Such land may be used only for conservation, outdoor recreational facilities of a noncommercial nature, agriculture, preservation of scenic or historic structures, and structures accessory to any of the above uses (including swimming pools, tennis courts, stables, greenhouses). In all cases, a perpetual restriction of the type described in G.L.c. 184 sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town or a land trust satisfactory to the Planning Board shall be recorded in respect of such land. Such restrictions shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use, as the Planning Board may deem appropriate.

8.3 Limitation on Subdivision

No Residential Compound for which a permit has been issued under this section may be further subdivided and a notation to this effect shall be shown on the plan.

8.4 Other Restrictions

The approved subdivision plan of the Residential Compound shall contain statements indicating the following: that the land lies within an approved Residential Compound; that development of the land is permitted only in accordance with the land uses indicated thereon; that the Town will not be requested to accept or maintain the private access, drainage, open space or any other improvements within the compound. Further, all deed restrictions with respect to ownership, use, and maintenance of permanent open space shall be referenced on, and recorded with, the plan.

8.5 Dedication of Land to the Town

The fee interest of the open space (or a defined portion of the open space) within the Residential Compound may be given to the Town for conservation purposes, acting through its Natural Resources Commission.

8.6 Procedure for Approval

Any person who desires a special permit for a Residential Compound shall submit an application in writing in such form as the Planning Board may require which shall include the following:

8.5.1 Plans meeting to the extent applicable the requirements set forth for a definitive plan in the Subdivision Rules and Regulations and including proposed locations of all structures;

8.5.2 Site perspective;

8.5.3 Detailed plans of all entrances from the public street;

8.5.4 Proposed deed restrictions; and

8.5.5 Such additional information as the Planning Board may require.

8.7 Special Permit

A special permit shall be issued under this section only if the Planning Board shall find that the Residential Compound is in harmony with the general purpose and intent of this section and that it is designed in such a manner to make it sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable to the residential district(s) in which the Residential Compound is located. If a special permit is granted, the Planning Board shall impose as a condition of approval that copies of all recorded instruments be filed with the Planning Board prior to the issuance of any building permit.

SECTION 9. RESIDENTIAL CLUSTER DEVELOPMENT

9.1 Purpose

In order to encourage the conservation of significant open space and the efficient use of land in harmony with its natural features, Residential Cluster Development allows, by special permit from the Planning Board, a pattern of land development alternate to the standard subdivision permitted in the residential districts. In order to encourage the grant of land for affordable housing purposes, the Residential Cluster Development includes Optional Special Provisions for Affordable Housing by special permit from the Board.

9.2 Standards

9.2.1 *Minimum Tract Size.* Residential Cluster Development shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than five (5) times the minimum lot area of the zoning district within which it is situated (Residence C: Fifty thousand (50,000) square feet; Residence B: One hundred thousand (100,000) square feet; Residence A: Two hundred thousand (200,000) square feet; Residence AA: Four hundred thousand (400,000) square feet). Existing public and private ways need not constitute boundaries of the tract but the area within such ways shall not be counted in determining tract size.

9.2.2 *Number of Lots.* The number of lots permitted within any Residential Cluster Development shall be determined by the Planning Board to assure compliance with the purposes of this Section, and shall not exceed the basic density. The basic density of a Residential Cluster Development shall be the number of lots upon which a single family dwelling could be constructed in the residential district in which the Residential Cluster Development is located without regard to the Residential Cluster Development, and without waivers of the design standards set forth in the Subdivision Rules and Regulations of the Planning Board.

9.2.3 *Dimensional Regulations.* Except as provided in this Subsection, all dimensions shall comply with the provisions of Section 6, Table III, Dimensional Regulations. However, to protect the surrounding neighborhood, the Planning Board may require that buildings within the development be set back from some or all of the boundaries of the original development tract. The required setback from such boundaries shall be no more than fifty (50) feet.

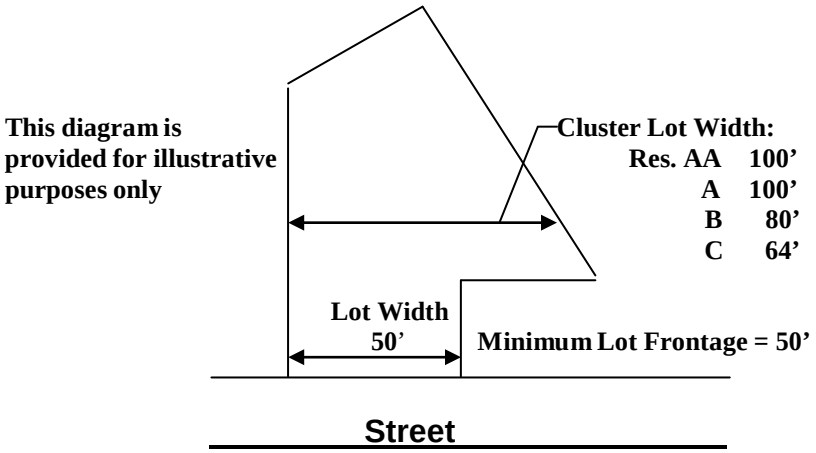
9.2.3.1 Minimum lot area:

Residence AA	30,000 Sq. Ft.
Residence A	15,000 Sq. Ft.
Residence B	10,000 Sq. Ft.
Residence C	7,500 Sq. Ft.

9.2.3.2 *Minimum lot frontage:* Each lot shall have a minimum frontage of fifty (50) feet.

9.2.3.3 *Minimum lot width:* Each lot shall have a lot width of not less than fifty (50) feet and the nearest point on the front wall of the dwelling shall be set back on its lot at least to a point where the lot width is a minimum of one hundred (100) feet in the Residence AA and A districts, eighty (80) feet in the Residence B district, and sixty-four (64) feet in the Residence C district.

9.2.3.4



Cluster Subdivision

9.2.4 *Open Space.* The area of the open space shall equal at least fifty (50) percent of the total area of the Residential Cluster Development tract. At least 50% of the area of required open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Town's Wetlands Bylaw and the Wetlands Protection Act).

9.2.4.1 The open space shall have a shape, dimension, character, and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Residential Cluster Development. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

(a) Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water-related recreational opportunities;

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

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

(d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;

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

(f) Land which preserves existing trail networks or land on which new trails will be developed as part of the cluster for integration into an existing trail network;

(g) Land which enhances scenic roadside views;

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

9.2.4.2 Provision shall be made so that the open space shall be readily accessible to the owners and occupants of the lots in the Residential Cluster Development, and owned by:

(a) a membership corporation, trust or association whose members are all the owners and occupants of the lots;

(b) by the Town; or

(c) otherwise as the Planning Board may direct.

9.2.4.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the open space, as the Planning Board may deem appropriate.

9.2.5 *Limitation of Subdivision.* No lot shown on a plan for which a permit is granted under this Section may be further subdivided, and a notation to this effect shall be shown on the plan.

9.3 Procedure for Approval

9.3.1 *Application.* Any person who desires a special permit for a Residential Cluster Development shall submit an application in writing in such form as the Planning Board may require which shall include the following:

9.3.1.1 Plans meeting to the extent applicable the requirements set forth for a definitive plan in the Subdivision Rules and Regulations.

9.3.1.2 Proposed deed restrictions; and

9.3.1.3 Such additional information as the Planning Board may require.

9.3.2 *Natural Resources Commission Report and Recommendations.* The Natural Resources Commission shall review the proposed Residential Cluster Development plans and shall submit in writing to the Planning Board its report and recommendations upon the degree to

which the Residential Cluster Development and proposed open space enhances the protection of environmental qualities including at least:

9.3.2.1 An evaluation and opinion upon the degree to which the development itself impinges upon critical environmental areas.

9.3.2.2 An evaluation and opinion upon the degree to which the common open space protects critical environmental areas and provides a valuable outdoor recreation resource.

9.3.2.3 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) Enhances the protection of critical environmental areas, unique natural features, scenic vistas or potential or existing farmland; or

(b) Provides a valuable addition to the open space resources of the Town.

9.3.3 *Special Permit.* A special permit shall be granted under this Section only if the Planning Board finds:

9.3.3.1 The plan submitted is in harmony with the general purpose and intent of this Section;

9.3.3.2 The proposed Residential Cluster Development is designed in such a manner to ensure a suitable development for the neighborhood, adequate buffers for adjoining tracts, and suitable open space;

9.3.3.3 The plan submitted conforms with the standards for minimum tract size, number of lots, lot dimensions, frontage, and open space area and characteristics as set forth herein; and

9.3.3.4 The Residential Cluster Development is designed in such a manner to make it sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable to the residential district(s) in which it is located.

9.3.4 *Conditions.* If a special permit is granted, the Planning Board shall impose as a condition that the open space shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of the type described above, prior to the Planning Board's release of any lots from the subdivision restrictive covenant or, if there is no covenant, prior to the Building Inspector's issuance of a building permit for any lot. The petitioner shall provide satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp, or otherwise as the Planning Board may direct.

9.4 Optional Special Provisions for Affordable Housing by the Board

9.4.1 *Approval by the Board.* Where the proposed Residential Cluster Development provides for the granting of land for affordable housing purposes, the Residential Cluster

Development special permit shall be granted by the Board and the Board may authorize limited exceptions to the number of lots permitted and the open space requirements.

9.4.2 Exceptions for Granting of Land for Affordable Housing Purposes. The Board may increase the basic density permitted within a Residential Cluster Development and may reduce the required open space area provided that a lot or lots within the development be donated to the Town for affordable housing purposes. For each lot so donated, the Board may increase the basic density by two (2) lots and may reduce the required open space area. In no case shall the total number of lots be increased by more than forty (40) percent, and in no case shall the open space area be reduced to less than forty (40) percent of the area of the development tract.

9.4.3 Procedure for Approval of Optional Special Provisions by the Board.

9.4.3.1 Application. Any person who desires a special permit for a Residential Cluster Development with Optional Special Provisions for Affordable Housing shall submit an application in writing in such form as the Board may require.

9.4.3.2 Planning Board Report and Recommendations. The Planning Board shall review the proposed Residential Cluster Development plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development, and at least the following:

(a) General descriptions of the natural terrain of the cluster tract and surrounding areas, and of the neighborhood in which the tract is situated.

(b) A review of the proposed development, including the design and use of the open space and of pedestrian and vehicular circulation.

(c) An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted as open space for the benefit of the Town: provides or will in the future provide an addition to areas of open space between developed sections of the Town; makes available land desirable for other public use; and conforms to the Town's long-range land use plan.

(d) An evaluation and opinion upon the degree to which any land intended to be conveyed to the Town for affordable housing conforms to the Town's housing objectives and policy.

(e) Its opinion as to whether the proposed tract size, site design, development layout, number and location of lots constitute a suitable development for the neighborhood within which it is located.

(f) A statement that the developer's plans comply with the design standards of the Subdivision Rules and Regulations of the Planning Board, or wherever such plans do not comply, a statement of the respects in which they do not so comply.

(g) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions, or requirements to be imposed as a condition of granting the special permit.

9.4.3.3 Natural Resources Commission Report and Recommendations. The Natural Resources Commission shall review the Residential Cluster Development plans and shall submit in writing to the Board its report and recommendations as provided in Section 9.3.2 above.

9.4.3.4 Special Permit by Board for Optional Provisions for Affordable Housing. A special permit shall be issued under this Section for a Residential Cluster Development with Optional Provisions for Affordable Housing only if the Board shall find the development conforms with Section 9.3.3 and also finds the proposed Residential Cluster Development provides significant public benefits through the granting of land for affordable housing purposes.

9.4.3.5 Conditions. If a special permit is granted, the Board shall impose as conditions thereof the following:

(a) The open space shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of the type described above, prior to the Planning Board's release of any lots from the subdivision restrictive covenant or, if there is no covenant, prior to the Building Inspector's issuance of the building permit for any lot. A petitioner shall provide satisfactory assurance of said conveyance and recording in the forms of copies of the recorded instruments bearing the recording stamp, or otherwise as the Board may direct;

(b) All lots to be conveyed to the Town for affordable housing purposes shall be conveyed, free of any mortgage interest or security interest prior to the Planning Board's release of any lots from the subdivision restrictive covenant, or if there is no covenant, prior to the Building Inspector's issuance of a building permit for any lot. The petitioner shall provide satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp, or otherwise as the Board may direct.

9.5 Amendments Without Public Hearing

Following the granting of a special permit under this Section, by either the Planning Board or the Board, the Planning Board may, upon application and for good cause shown, without public hearing, amend the plan solely to make changes in lot lines shown on the plan provided, however, that no such amendment shall:

9.5.1 Grant any reduction in the size or change in location of the open space as provided in the permit;

9.5.2 Grant any change in the layout of the ways as provided in the permit;

9.5.3 Increase the number of lots as provided in the permit; or

9.5.4 Decrease the dimensional requirements of any lot below the minima permitted by this Bylaw.

SECTION 10. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

10.1 Purpose

Planned Residential Development allows by special permit from the Board an alternative pattern of residential land development. It is intended to encourage the conservation of open space, while at the same time providing for a mixture and diversity of housing types in the Town at somewhat greater dwelling unit densities than is otherwise permitted without a significant increase in Town-wide population density. In a PRD, dwelling units should be constructed in appropriate clusters that are harmonious with neighborhood development and will not detract from the ecological and visual qualities of the area. The overall site design and amenities should enhance the quality of living for the residents of the development, the immediate neighborhood and the Town generally. Attention, however, shall be given by the Board as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is to be located.

10.2 Standards

10.2.1 Minimum Tract Size: Planned Residential Developments shall be permitted upon a single tract, in one ownership with definite boundaries ascertainable from a recorded deed or recorded plan, which has an area of not less than four (4) times the minimum lot area of the zoning district within which it is situated (Residence C: Forty thousand (40,000) square feet; Residence B: Eighty thousand (80,000) square feet; Residence A: One hundred sixty thousand (160,000) square feet; Residence AA: Three hundred twenty thousand (320,000) square feet; Business: Forty thousand (40,000 square feet), or which has an area of not less than the minimum lot area in a Limited Industrial Park #1 zoning district: 5 acres. Existing public or private ways need not constitute boundaries of the tract but the area within any such ways shall not be counted in determining minimum tract size.

10.2.2 Maximum Permissible Density: Maximum permissible density within a PRD tract shall not exceed two times the total number of dwelling units obtained through application of subsection 10.2.2.1 (basic density) in all residential districts and in the Business district. In the Limited Industrial Park #1 district the maximum permissible density shall not exceed three times the total amount allowed by application of Section 10.2.2.1. In no case shall that portion of a PRD which lies outside the Flood Plain and Wetlands Conservancy districts contain less than five thousand (5,000) square feet of upland area for each dwelling unit.

10.2.2.1 Basic density: The basic density of the PRD shall not exceed the number of units obtained by applying the following calculation:

The number of dwelling units obtained by dividing the sum of (1) the area of the tract exclusive of land situated within the Flood Plain or Wetlands Conservancy districts, and (2) twenty-five percent (25%) of the area of land situated within the Flood Plain or Wetlands Conservancy districts by the minimum lot size permitted in the zoning district(s) within

which the tract is located. In the Limited Industrial Park #1 district the maximum permissible density shall be obtained by dividing the aforesaid sum by 40,000 square feet.

10.2.2.2 Fractional Numbers: Where the computation of the basic density results in a fractional number, only a fraction of one-half or more shall be counted as one (1).

10.2.3 Diversity of Dwelling Units: A mix of diverse housing opportunities shall be provided in all Planned Residential Developments. Such diversity shall consist of the following mix:

(a) the number of bedrooms available;
(b) the price or rental rates of the units; and
(c) two of the three styles of units: single-family, two-family or multi-family.

If all the units proposed in the Planned Residential Development are market-rate units, then only the basic density shall be permitted. Increases beyond the basic density within the Planned Residential Development may be authorized by the Board only if at least ten percent (10%) of the units are made available as described in subsection 10.2.3.1 and 10.2.3.2. If only one unit is required, it shall be made available as described in subsection 10.2.3.1, and if two or more units are required, then at least 50% of the affordable units shall be made available as described in subsection 10.2.3.1. Any increases in density permitted by the Board shall not exceed the limits contained in subsection 10.2.2 and shall be based upon the degree to which the proposed PRD provides a range of low income and affordable dwelling units, in addition to the mix of diverse housing opportunities.

10.2.3.1 Low income dwelling units are those units made available to the Concord Housing Authority, or other entity as the Board may direct, either for purchase within the cost limits allowed by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD), or for lease under federal or state rental-assistance programs, or through a long-term contractual agreement; which can be counted toward the DHCD's Subsidized Housing Inventory.

10.2.3.2 Affordable dwelling units are those units made available for sale, lease or rent at below market rates based on the following:

(a) Starter-priced housing: Dwelling units set aside for sale, lease or rental to households with incomes of less than one-hundred ten (110) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

(b) Moderate-priced housing: Dwelling units set aside for sale, lease or rental to households with incomes of less than one hundred and fifty (150) percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

10.2.3.3 Unit size: A variety of units shall be provided within the PRD, which may include dwelling units of one, two, three or more bedrooms; with a minimum gross floor area of not less than four-hundred (400) square feet.

10.2.3.4 Exterior design: The exterior of low income and affordable dwelling units shall be designed to be indistinguishable from the market-rate units; however it is recognized that these units may be smaller and have fewer features than market-rate units. Any low income units and affordable units proposed shall be integrated into the PRD development.

10.2.3.5 Long-term availability: The Board, as a condition of a special permit, shall impose appropriate limitations and safeguards to insure the continued availability of the below market-rate units for a minimum of forty (40) years. Such limitations and safeguards may be in the form of deed restrictions, resale monitoring, requirements for income verification of purchasers and/or tenants, rent level controls or other method as the Board may direct.

10.2.4 Permitted uses: There shall be permitted in any PRD:

10.2.4.1 Single family detached and semi-detached dwellings, two-family dwellings, and multi-unit dwellings of all types without regard to dwelling unit configuration or form of ownership; however, no multi-unit dwelling shall contain more than eight (8) dwelling units. No more than eighty percent (80%) of the dwelling units within the PRD shall be in buildings of the same type.

10.2.4.2 Accessory uses incidental to the principal uses indicated above.

10.2.5 Lot Area, Frontage and Yard Requirements: There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within twenty (20) feet of a public way or boundary line of the PRD in the Residence C and B districts, and within thirty (30) feet in the Residence A and AA districts. In the Limited Industrial Park #1 district, the minimum distances of a building from a public way or street and from property lines shall conform to those specified for Limited Industrial Park in Table III, Dimensional Regulations, of Section 6.

10.2.6 Access to the Tract: Access to the tract shall be provided from an existing public or private way and shall be through the existing frontage on such public or private way.

10.2.7 Height: The maximum permitted height of any structure within a PRD shall be thirty-five (35) feet.

10.2.8 Area of Residential Development: The area developed for residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed fifty (50) percent of the total area of the PRD tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in calculating the fifty-percent limitation.

10.2.9 Common Open Space: All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as yards, patios, gardens, or similar areas for exclusive or shared use by the residents, shall be common open space. The area of the common open space shall equal at least twenty-five (25) percent of the total area of the PRD tract. At least 50% of the area of common open space shall be upland (land that is not within the Flood Plain Conservancy District or freshwater wetlands as defined under the Wetlands Protection Act and the Town's Wetlands Bylaw).

10.2.9.1 The common open space shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation, or agricultural purposes by at least all the residents of the Planned Residential Development. In determining whether the intent of this section has been satisfied, the Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:

(a) Land abutting the Concord, Assabet or Sudbury Rivers, their tributaries, Elm Brook, or ponds of significant public interest, which enhance or protect wetlands or flood plain, or which provide public access to the water body, or which enhance or provide significant scenic vistas or views, or which provide water-related recreational opportunities;

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

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

(d) Land which provides recharge to Concord's current or future municipal wells and highly favored aquifer areas;

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

(f) Land which preserves existing trail networks or land on which new trails will be developed as part of the PRD for integration into an existing trail network;

(g) Land which enhances scenic views;

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

10.2.9.2 Provision shall be made so that the common open space shall be readily accessible to at least all of the owners and occupants of the units in the Planned Residential Development, and owned by:

(a) a membership corporation, trust or association whose members are all the owners and occupants of the units**;**

(b) by the Town; or

(c) otherwise as the Board may direct.

10.2.9.3 In all cases, a perpetual restriction of the type described in G.L. c. 184, sec. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the common open space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation, or park. Such restriction shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the common open space as the Board may deem appropriate.

10.2.10 Limitation of Subdivision: No lot shown on a plan for which a permit is granted under this section may be further subdivided, and a notation to this effect shall be shown on the plan.

10.3 Special Provisions

10.3.1 Special Provisions for the Concord Housing Authority and Town of Concord Projects: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by the Concord Housing Authority or to a PRD application submitted by the Concord Board of Selectmen in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw and with Town of Concord Housing Partnership Guidelines and Procedures as in effect from time to time.

10.3.2 Special Provisions for Non-profit entity: Except as provided for in subsection 10.2.6 and 10.2.7 above, the limitations contained in subsection 10.2 shall not apply to a PRD application submitted by a Non-profit entity in which seventy-five percent (75%) of the units will be of the type described in subsection 10.2.3.1 and 10.2.3.2 provided that the Board shall find that the proposed design is generally in keeping with the purposes of this Bylaw.

10.3.3 Special Provisions for Converted School Building and Municipal Building: The limitations contained in subsection 10.2 above shall not apply to applications for conversion of private or public school buildings and municipal buildings to residential use, provided that any such PRD conversion which varies from the aforesaid limitations shall be issued a special permit only in accordance with the following procedures:

10.3.3.1 An application for the proposed PRD conversion, in such form and containing such information as the Planning Board may require in order to evaluate the overall suitability of the proposed use in light of the purposes of Section 10 of this Bylaw, shall be submitted to the Planning Board. The Planning Board shall consider such Application and, if its evaluation thereof is favorable, shall submit to the Town Meeting such evaluation and its recommendations regarding the Application.

10.3.3.2 At such Town Meeting, approval of the Application for the PRD Conversion shall be by a two-thirds vote.

10.3.3.3 Not later than twenty-four (24) months from the date of Town Meeting approval, an application for a special permit shall be submitted to the Board for the PRD Conversion in accordance with the procedures for approval set forth in Subsection 10.4 below. A special permit shall be issued only if the Board shall find that the plans submitted to it for the PRD Conversion conform substantially to the terms of the approval granted by the Town Meeting and provided further that such permit shall be issued in conformance with the provisions of Subsection 10.4.4. The Board may, in its discretion, permit minor deviations

from the Application as approved by the Town Meeting, so long as it finds that such deviations are not substantially inconsistent with the Town Meeting approval.

10.3.4 Special Provisions for an Alternative PRD to be submitted to and approved by a two-thirds (2/3) vote of Town Meeting – In the Limited Industrial Park (LIP) District, the limitations contained in Subsection 10.2 above shall not apply to any PRD submitted to and approved by a two-thirds (2/3) vote of Town Meeting prior to application for a special permit from the Board all in accordance with the following procedures (herein an "Alternative PRD"):

10.3.4.1 Purpose: The provisions applicable to an Alternative PRD are intended to:

(a) Permit an applicant to propose and for the Town to vote on a Preliminary Site Development and Use Proposal unique to a particular location;

(b) Permit flexibility in the development of specific site by requiring few predetermined standards;

(c) Encourage proposals responsive to the Town's housing goals including housing types which increase diversity and affordability; and

(d) Enable the Board to require adherence to the Primary Site Development and Use Proposal approved by Town Meeting in the granting of a special permit.

10.3.4.2 Preliminary Site Development and Use Proposal: Any person who desires to submit an Alternative PRD proposal to Town Meeting shall prepare a development statement and plans consisting of the following:

(a) A development statement consisting of a preliminary written proposal meeting the requirements of Section 10.4.1.1;

(b) Preliminary Site Development and Use Plans consisting of:

i. Overview Plan showing all of the land proposed to be used as part of the Alternative PRD and showing other land and buildings located within 300 feet of the boundary of the Alternative PRD;

ii. Site plan(s);

iii. Typical Floor Plan(s); and

iv. Architectural Rendering(s) or Elevation(s) of the principal building(s).

(c) A summary statement consisting of an overview of the proposed Alternative PRD with specific details of the provisions which will be made to enhance housing diversity and affordability.

10.3.4.3 Alternative PRD Submission, Public Hearing, Evaluation, Changes and Town Meeting Vote.

(a) Before filing a Preliminary Site Development and Use Proposal, the applicant is encouraged to meet informally with the Planning Board to discuss the proposed

Alternative PRD and the level of detail to be included in the Preliminary Site Development and Use Proposal.

(b) On or before the close of the Town Meeting warrant the applicant shall submit a proposed warrant article and file one (1) full copy of the Preliminary Site Development and Use Proposal with the Town Clerk and five (5) copies of the Preliminary Site Development and Use Proposal with the Planning Board.

(c) The Planning Board shall hold a public hearing on the proposed Alternative PRD. The Planning Board shall give notice of such hearing in accordance with Section 5 of Chapter 40A of the General Laws and shall also send copies of such notice to all Parties of Interest as determined by Section 11 of Chapter 40A.

(d) The Preliminary Site Development and Use Proposal may be amended after the Public Hearing if (i) the Planning Board approves such amendment and finds that there is good cause for such amendment and (ii) a copy of the amendment is filed with the Town Clerk and the Planning Board at least five (5) days before the day on which the Town Meeting votes on the proposed Alternative PRD. The Preliminary Site Development and Use Proposal may also be amended on the floor of Town Meeting.

(e) The Planning Board shall evaluate the Preliminary Site Development and Use Proposal and present its recommendation to the Town Meeting.

(f) Approval of the Preliminary Site Development and Use proposal shall require a two-thirds (2/3) vote of Town Meeting

10.3.4.4 Alternative PRD Application for Special Permit; Reports and Recommendations; and Issuance of a Special Permit by the Board: Generally, the application of a special permit, the Planning Board's and Natural Resources Commission's report and recommendations and issuance of a special permit by the Board shall follow the requirements of Section 10.3 provided however that in addition to the provisions contained in Section 10.3.4 the Board shall find:

(a) The proposed Alternative PRD is substantially consistent with the Preliminary Site Development and Use Proposal approved by Town Meeting;

(b) The minimum frontage, front yard, side yard and rear yard shall not be less than the minimum permitted in the Zoning District in which the Alternative PRD is located;

(c) The maximum permitted height of any structure shall not exceed the height permitted in the Zoning District in which the Alternative PRD is located.

(d) The maximum gross floor area permitted shall not exceed the gross floor area permitted in the Zoning District in which the Alternative PRD is located provided however that the gross floor area of any (i) low income or affordable dwelling units (ii) enclosed parking (iii) enclosed trash/recycling area and (iv) any basement area and unfinished attic area shall not be included in determining the maximum gross floor area as defined and permitted in accordance with this Bylaw

(e) The minimum Common Open Space shall be equal to at least fifty (50) percent of the total area of the PRD Tract; the Common Open Space shall be subject to a

perpetual restriction of the type described in G.L.C. 184 Section 31 and the Common Open Space shall be owned by a membership corporation, trust or association whose members are all the owners of the units or owned by the Town or otherwise owned as the Board may direct;

(f) The special permit shall be granted within two (2) years of the date of the Town Meeting vote which approved the Preliminary Site Development Use Proposal. Said two (2) years shall not include any time required to pursue or await determination of any appeal applicable to the Alternative PRD.

10.4 Application for Special Permit; Reports and Recommendations; Issuance of Special Permit

10.4.1 Application: Any person who desires a special permit for a PRD shall submit an application in writing in such form as the Board may require which shall include the following:

10.4.1.1 A development statement consisting of a petition, a list of the parties in interest with respect to the PRD tract, a list of the development team and a written statement meeting the requirements of a site evaluation statement under the Subdivision Rules and Regulations of the Planning Board, and setting forth the development concept including in tabular form the number of units, type, size (number of bedrooms, floor area), ground coverage, and summary showing the area of residential development and common open space as percentages of the total area of the PRD tract.

10.4.1.2 Development plans consisting of:

(a) Site plans meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;

(b) Building elevations;

(c) Floor plans;

(d) Detailed plans for disposal of sanitary sewage; and

(e) Landscape plan and details;

10.4.1.3 Low income and affordable dwelling unit marketing program including anticipated:

(a) Income range (using ranges established by the appropriate state or federal agencies as acceptable to the Board) of family households or single individual residing in each low income or affordable dwelling unit;

(b) Methods for attracting residents of diverse income and ethnic backgrounds.

(c) Pre- and post-construction management methods concerning the maintenance of the low income and affordable dwelling units including supporting documents and contracts; and

(d) Proposed methods of ensuring long-term availability for the low-income and affordable dwelling units, including supporting documents and restrictions.

10.4.1.4 Such additional information as the Board may determine.

10.4.2 Planning Board Report and Recommendations: The Planning Board shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development, and at least the following:

10.4.2.1 General descriptions of the natural terrain of the PRD tract and surrounding areas, and of the neighborhood in which the tract is situated.

10.4.2.2 A review of the proposed development, including the design and use of buildings and of the open spaces between and around them, of pedestrian and vehicular circulation, of the location and capacity of parking, and of the provisions for grading, landscaping and screening.

10.4.2.3 An evaluation and opinion upon the degree to which the proposed PRD provides a range of diversity and the size of the units as it relates to increased density that may be permitted by the Board.

10.4.2.4 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) Provides or will in the future provide an addition to areas of open space between developed sections of the Town;

(b) Makes available land desirable for future public use; or

(c) Conforms to the Town's long-range land use plan.

10.4.2.5 Its opinion as to whether the proposed site design, development layout, number, type and design of housing constitute a suitable development for the neighborhood within which it is located.

10.4.2.6 Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

10.4.3 Natural Resources Commission's Report and Recommendations: The Natural Resources Commission shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:

10.4.3.1 An evaluation and opinion upon the degree to which the development itself impinges upon environmental areas.

10.4.3.2 An evaluation and opinion upon the degree to which the common open space protects environmental areas and provides a valuable outdoor recreation resource.

10.4.3.3 An evaluation and opinion upon the degree to which any land intended to be conveyed to, or restricted for the benefit of, the Town:

(a) enhances the protection of environmental areas, unique natural features, scenic vistas or potential or existing farmland; or

(b) provides a valuable addition to the open space resources of the Town.

10.4.4 *Board Issuance of Special Permit:* A special permit shall be issued under this section only if the Board shall find that the PRD is in harmony with the general purpose and intent of this section and that the PRD contains a mix of residential, open space, or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of this Bylaw otherwise applicable to the district(s) in which the PRD tract is located. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of interior drives within the PRD shall comply with the Subdivision Rules and Regulations of the Planning Board to the extent applicable, shall require sufficient security to insure such compliance and the completion of planned recreational facilities and site amenities, and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board and Natural Resources Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the recommendations of the Planning Board or Natural Resources Commission, the reasons therefor shall be stated in writing.

SECTION 11. ADMINISTRATION AND ENFORCEMENT

11.1 Enforcement

The Building Inspector of the Town of Concord is hereby designated as the officer charged with the enforcement of this Bylaw.

11.1.1 The Building Inspector, upon a written complaint of any citizen of, or owner of property within, the Town or upon such officer's own initiative, shall institute any appropriate action or proceedings in the name of the Town of Concord to prevent, restrain or abate violation of this Bylaw.

11.1.2 Violation of this Bylaw shall be punishable by a fine of one hundred dollars ($100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

11.2 Building Permit

No structure or part thereof shall be constructed, altered, or moved without a permit from the Building Inspector. The Building Inspector shall not grant such permit if such construction, alteration or movement would be in violation of any of the provisions of this Bylaw, nor shall any officer of the Town of Concord grant any permit or license for the use of any land or structure if such use would be in violation of this Bylaw.

11.3 Certificate of Occupancy

No use or occupation of land for any purpose for which a certificate of occupancy is required shall be made, in whole or in part, until such a certificate has been issued by the Building Inspector stating that the use of the land and structure, if any, complies with this Bylaw and other applicable codes in effect at the time of issuance.

11.4 Board of Appeals

The Town of Concord Board of Appeals, heretofore established by the Town of Concord pursuant to the provisions of Section 30 of Chapter 40, Section 14 of Chapter 40A (as in effect prior to January 1977) and Section 81Z of Chapter 41 of the General Laws, is hereby designated as the Zoning Board of Appeals required by Section 12 of Chapter 40A of the General Laws as in effect on the date of adoption of this Bylaw.

11.4.1 The Board shall act on all matters over which it has jurisdiction and in the manner prescribed by the following provisions, as the same may from time to time be amended:

11.4.1.1 The provisions of this Bylaw;

11.4.1.2 Chapter 40A of the General Laws;

11.4.1.3 Section 81Y through 81BB of Chapter 41 of the General Laws; and

11.4.1.4 Any other applicable provisions of the General Laws or this Bylaw.

11.4.2 Without limiting the generality of subsection 11.4.1, an appeal may be taken to the Board by any person including an officer or board of the Town of Concord aggrieved by reason of inability to obtain a permit or enforcement action from any administrative officer of the Town of Concord under Chapter 40A of the General Laws or this Bylaw, or by reason of an order or decision of the Building Inspector or other administrative officer of the Town of Concord in violation of any provision of Chapter 40A or any bylaw of the Town of Concord adopted thereunder.

11.5 Rules and Regulations

The Board and the Planning Board shall adopt rules, not inconsistent with the provisions of this Bylaw and Chapter 40A of the General Laws or other applicable provision of the General Laws, and shall file a copy of said rules with the Town Clerk.

11.6 Special Permit

Certain uses are designated in this Bylaw as requiring a special permit. The Board and the Planning Board may, in accordance with Chapter 40A of the General Laws, grant such special permits for such designated uses without any finding of hardship. A special permit is a permit to use property for the purpose specified and shall not reverse, alter or vary any provision of this Bylaw applicable thereto. Application for a special permit must be made by the owner of the property noted in the permit or with the owner's written permission. Special permits may be issued only following public hearings held within sixty-five (65) days after filing an application.

Special permits shall be granted by the Board or the Planning Board, unless other criteria are otherwise specified herein, only upon the written determination of either board, as applicable, that the adverse effects of the proposed use will not outweigh its beneficial impacts to the public interest, the town and the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any other specific factors that may be set forth in this Bylaw, the determination shall include consideration of each of the following:

11.6.1 Impacts on economic or community needs;
11.6.2 Traffic flow and safety concerns, including parking and loading;
11.6.3 Adequacy of utilities and other public services;
11.6.4 Impacts on neighborhood character;
11.6.5 Impacts on the natural environment; and

11.6.6 Fiscal impacts, including impacts on town services, the tax base and employment.

Either such Board shall also make such further findings as may be otherwise required by this Bylaw and may impose such additional conditions, safeguards and limitations as it deems appropriate to protect the surrounding neighborhood including, but not limited to, imposition of requirements greater than the minimum set forth in this Bylaw. A special permit shall lapse if a substantial use thereof has not commenced, or, in the case of a permit for construction, if construction has not commenced (except for good cause) within two (2) years from the date of grant thereof.

11.7 Variance

A variance from the specific requirements of this Bylaw, including a variance authorizing a use or activity not otherwise permitted in a particular zoning district, may be authorized by the Board only where, after notice and a public hearing, the Board specifically finds that, owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. The Board may impose such conditions, safeguards and limitations, both of time and of use, as it deems appropriate upon the grant of any variance. Any rights authorized by a variance which are not exercised within one (1) year from the date of grant of such variance shall lapse and may be reestablished only after notice and a new hearing pursuant to this subsection.

11.8 Site Plan Review

11.8.1 *Applicability:* In all instances specified in Section 4, Table I, Use Regulations, indicating site plan approval, no building permit to establish a new building or to alter substantially an existing building shall be issued by the Building Inspector; no change in use of an existing building or lot shall be permitted; no area for parking, loading, or vehicular access shall be established or substantially altered; and, no exterior light fixtures shall be installed or substantially altered unless a site plan has been submitted and approved in accordance with the requirements set forth in this section.

11.8.2 *Site plan compliance:* No certificate of occupancy shall be issued by the Building Inspector until the site has been developed in compliance with the approved site plan, unless completion is delayed by seasonal considerations. In such instances, the Building Inspector may issue a temporary occupancy permit and shall require sufficient security to insure full compliance within six (6) months.

11.8.3 *Interpretation:* Substantial alteration to a building means an alteration of a single building or a group of buildings under one ownership on the same lot or contiguous lots which results in an increase in gross floor area of either five hundred (500) square feet or

ten (10) percent of the existing gross floor area, whichever is less. The calculation of substantial alteration shall be determined based upon the aggregate of all expansions undertaken within a consecutive five-year period.

Change in use means a change in part or all of an existing building or lot from one use category to another. However, in a mixed or multi-use building, change or rearrangement of uses that does not result in an increase of required parking or loading spaces shall not be construed as a change in use.

Substantial alteration to areas for parking, loading or vehicular access shall mean a change in the layout or location of parking spaces, an increase in pavement area of more than three hundred (300) square feet, or any relocation, addition or change in driveways. Resurfacing shall not be construed as a substantial alteration unless it involves a change of surface material.

Substantial alteration to exterior lighting shall mean an increase in more than ten (10) percent of the number of exterior light fixtures, an increase in height of any free standing light fixture, or a change in the coloration or an increase in the brightness/luminance produced by a fixture. Change in coloration from non-white light to white light; installation of full cut-off fixtures, positioned to prevent glare and light spillover, and with a height equal to or less than existing free standing light fixtures; and the use of temporary holiday lighting shall not be construed as a substantial alteration. Furthermore, when Site Plan Review is required based solely on the installation or alteration of exterior light fixtures, review by the Board or the Planning Board shall be limited to the proposed exterior lighting and to issues directly related to the proposed exterior lighting.

11.8.4 *Procedure:* Anyone seeking Site Plan Review shall obtain an application and checklist from the office of the Town Planner. A completed application form, the plan and supporting materials shall be submitted to the Planning Board in accordance with the rules and regulations of the Planning Board in effect at the time.

11.8.5 *Site Plan Review:* In reviewing the site plan submittal, the following matters shall be considered:

(a) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of views, light and air;

(b) Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;

(c) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

(d) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

(e) Adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw; and,

(g) Impact on the Town's resources including the effect of the Town's water supply and distribution system, sewage collection and treatment, fire protection, and streets.

11.8.6 Decision: Where a special permit from the Board is required or a variance from the Bylaw is requested in connection with any action subject to Site Plan Review, a site plan decision shall be made by the Board. In such case the Planning Board shall submit a report to the Board concerning the matters described in subsection 11.8.5 prior to any public hearing. In considering a site plan, the Board shall insure a reasonable use of the site consistent with the uses permitted in the district in which the site is located. The Board shall give due consideration to the report of the Planning Board and where the decision of the Board differs from the recommendations of the Planning Board the reasons therefore shall be stated in writing.

Where a special permit or a variance is not required or requested, the Planning Board shall render a site plan decision and shall file its decision with the Town Clerk within ninety (90) days of receipt of an application, unless such time is extended in writing by agreement with the applicant and notice of such extension is filed with the Town Clerk. The Planning Board may impose such appropriate conditions, limitations, and safeguards as will insure compliance with the terms of approval.

11.8.7 Site Plan Review for religious uses, educational uses and child care facilities: The purpose of this section is to ensure that all religious and education uses, and all child care facilities are reasonably regulated in regards to bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements. The Board and the Planning Board have the authority to place reasonable conditions on the aforementioned issues, but are not permitted to withhold approval of Site Plan Review.

11.8.7.1 In reviewing the site plan submittal for religious uses, educational uses and child care facilities, the following issues shall be considered:

(a) Relationship of the bulk and height of structures and adequacy of open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw, which includes, but is not limited to, building coverage requirements, yard sizes, lot areas and setbacks;

(b) Physical layout of the plan as it relates to convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and the elderly;

(c) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;

(d) Physical lighting of the site, especially the adequacy of the method of exterior lighting for convenience, safety and security within the site and for protection of neighboring properties, roadways and the night sky;

(e) Protection of adjoining premises against seriously detrimental uses by provision for surface water drainage, sound and sight buffers, and preservation of light and air;

(f) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site; and

(g) Adequacy of fire protection measures.

11.8.7.2 Where a special permit from the Board is required or a variance from the Bylaw is requested in connection with any action subject to site plan review for religious uses, educational uses and child care facilities, site plan approval shall be by the Board. In such case the Planning Board shall submit a report to the Board concerning the matters described in subsection 11.8.7 prior to any public hearing. In considering a site plan for religious uses, educational uses and child care facilities, the Board shall insure a reasonable use of the site consistent with the uses permitted in the district in which the site is located. The Board shall give due consideration to the report of the Planning Board and where the decision of the Board differs from the recommendations of the Planning Board the reasons therefore shall be stated in writing.

11.8.7.3 Where a special permit or a variance is not required or requested, site plan approval for religious uses, educational uses and child care facilities shall be by the Planning Board. The Planning Board shall file its decision with the Town Clerk within ninety (90) days of receipt of an application, unless such time is extended in writing by agreement with the applicant and notice of such extension is filed with the Town Clerk. The Planning Board may impose such appropriate conditions, limitations, and safeguards as will insure compliance with the terms of approval.

11.8.8 *Term of approval*: Site plan approval shall lapse if construction has not commenced within two (2) years from the date of approval. For site plan approval by the Planning Board, an extension of time may be granted for up to six (6) months.

11.8.9 *Appeal:* Decisions of the Planning Board regarding site plan approval shall be appealed as set forth in G.L. Chapter 40A, Section 17 to a court of competent jurisdiction.

11.9 Bylaw Construction

This Bylaw shall not interfere with or annul any other Town Bylaw, rule or regulation, which is more restrictive, except where this Bylaw is more restrictive, it shall control.

11.10 Validity and Separability

The invalidity of one or more sections, subsections, sentences, clauses or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part hereof.

APPENDIX A

GENERAL COMMENTS ON THE ZONING ACT

Chapter 40A of the General Laws as amended by Chapter 808 of the Acts of 1975 sets forth certain requirements relating to zoning matters. For the convenience of those using the Concord Zoning Bylaw, a few of these requirements of interest are set forth below. However, nothing herein is intended to alter or vary the requirements of Chapter 40A, the provisions of which shall control in all instances.

1. A zoning change may be initiated by or submitted to the Board of Selectmen by a selectman, the Board of Appeals, individuals owning land to be affected, ten (10) registered voters, the Planning Board or a regional planning agency.

2. All zoning changes require approval of Town Meeting by a two-thirds vote.

3. No proposed zoning bylaw or change unfavorably voted upon shall be considered by the Town Meeting within two (2) years unless there is a favorable Planning Board recommendation.

4. No appeal, application or petition which has been unfavorably acted upon by the Board of Appeals can be reconsidered within two (2) years without consent of the Planning Board.

5. A special permit shall lapse within two (2) years (or such shorter period as is deemed appropriate by the Board of Appeals or the special permit granting authority) if substantial use thereof has not commenced within such period except for good cause or if construction has not begun except for good cause.

6. Rights acquired under a variance shall lapse if they are not exercised within one (1) year.

7. Decision on a special permit must be made within ninety (90) days of the public hearing thereon. Failure to make a decision within ninety (90) days shall be deemed to be a grant of the special permit.

8. Decision on an appeal or variance must be made within one hundred (100) days of the date of filing. Failure to make a decision within one hundred (100) days shall be deemed to be a grant of the appeal or variance.

9. The Board of Appeals consists of three (3) members. By reason of Chapter 40A, all decisions must be unanimous.

10. The Planning Board consists of seven (7) members. By reason of Chapter 40A, all decisions as special permit granting authority shall require a two-thirds vote.

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TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
		SUMMARY OF ZONING HISTORY IN CONCORD
1927 March	17	Authorize a Committee of Nine to present a Zoning Bylaw to the Town.
1928 March	12	Adopt a ZBL establishing the following districts: Industrial, Business, General Residence, and Single Residence.
1930 March	25	Establish Planning Board.
Special March	5	Amend Section 6B by deleting "provided the aggregate".
	6	Extend Milldam Business District.
1935 Special June	5	Establish By-Pass District
1937 March	25	Amend Section 4 and 5, sideyard, setback, accessory buildings.
1938 March	28	Amend Section 4, Sideyard.
	29	Establish Limited Business District #1 for restaurant.
1939 March	24	Amend Section 6F(11) Tourist Home.
	27	Add to Section 6I Board of Appeals conditions on permits.
	28	Add to Section 6M Profession in Residential District.
1940 Special September	1	Establish Limited Business District #2 for bank, theatre, or parking (64 Main St.)
1941 March	32	Establish Res. Dist. A (40,000 s.f., 150' frontage) and Res. Dist. B (20,000 s.f., 100' frontage) by adding to existing requirements.
	35	Rezone corner of Thoreau/ Main Streets for 100' to General Res.
1944 March	16	Add Section 6A(1) Gravel removal; 6H Permit from Board of Appeals for professional use in Res. Dist. and/or use not permitted in Business District.
1946 April	29	Establish Limited Business District #3 for bowling.
Special July	2	Change from Single to General Residence #5 Sudbury Road.
1947 March	37, 38	Allow garden apartments by Board of Appeals permit.
	39	Amend Section 3 Bus. Dist.-Corner clearance, height, front yards.
	40	Extend Milldam Business District.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1948 March	48	Revise Section 2 Industrial District use; delete Section 3A, substitute 3A Business District use.
	49	Add to Sections 4 and 5, Frontage minimum 80'.
	50	Amend Sections 2 and 3, Yards, corner clearance, height, yards, combined buildings.
	51	Amend Sections 7E and 7F "on public and private ways". Add 7G Lot areas; 7H Lot definition.
	52	Include in Single Residence B all land along Lexington Rd. now in General Residence or Business District.
1949 March	26	Amend Section 7G Division of land into lots of less than required area and frontage by Board of Appeals variance.
1950 March	23	Establish new boundary descriptions of zoning districts; establish Residence C, frontage requirement 80'.
	26	Rezone Rt. 2/Baker Ave. area to Ind. Dist. 600' from Rt. 2.
Special April	1	Extend depth of Business District Monument Square.
Special October	1	Amend Limited Business District #2 (59 Walden Street)
1951 March	31	Amend Section 5A(8) "in Residence District C".
	32	Amend Section 8C by substituting new 8C re: Board of Appeals.
	33	Amend Section 6F re: fairs, carnival.
	34	Revise and renumber Section 3 Business District.
	35	Amend Section 1E(1) Limited Business District #1 to include recreational facilities.
	36	Amend to include Limited Business District in Business District, Milldam area.
	37	Amend Section 1E, redefine Residence District in Wood/Nashoba/Main Streets area.
1952 March	36	Amend Section 1E, redefine Industrial District, Conant St. area.
1953 Special May	1-9	Redefine zoning, delete General Residence District; add 10,000 s.f. area requirement to Residence District C.
	11	Delete Section 2B, substitute new section on yards, corner, clearance, height, and area.
1954 March	37	Amend frontage requirement in Res. Dist. B from 100' to 125'.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1955 March	21	Amend Section 4A from “recreational” to “municipal use”.
	46	Redefine boundaries of Res. Dist. B in Rt. 2/ORNAC area.
1956 Special June	8	Amend Section 1E re: Business District boundaries.
	9	Add Section 9A re: use of trailers.
	10	Delete 4A(3); add 5F(13) Club.
1957 Special May	5	Establish 5:1 ratio parking in Business District; exempt part of Milldam area.
	7	Redefine boundaries of Res. Dist. A in Main St./ORNAC area.
1958 March	33	Exempt further Bus. Dist. (Milldam) areas from parking ratio.
Special October	12	Exempt further Bus. Dist. (Thoreau) area from parking ratio.
	13	Exempt further Bus. Dist. (Commonwealth) area from parking ratio.
	14	Establish parking requirements in Industrial District.
	15	Amend to require approval of Planning Board for garden apartments site plans.
	16	Establish Shopping Center District.
1959 March	31	Amend Limited Bus. Dist. #3, Bedford St./Court Lane.
	34	Amend Limited Bus. Dist. #1, Elm Street.
	35	Amend Section 6M Parking.
	36	Amend Section 4.1 Floodplain Districts.
	37	Establish buildability of substandard lots.
	38	Shopping Center District, Sudbury Rd. and Grant Street.
	39	Amend setback requirements in Shopping Center and Ind. Dist.
	40, 41, 43, 44	Establish Industrial Park District, revise Industrial District.
	45, 46, 47, 49	Establish Residence District AA: 80,000 s.f. area, 200’ frontage, 40’ front yard.
Special June	5	Amend Industrial Park District near Virginia Road.
1960 March	44	Redefine Res. Dist. A boundaries, Second Division Brook area.
	45	Amend Section 6H defining lot area and bounds.
	46	Exempt further areas from parking ratio.
	48	Amend Industrial Park District, Elm St. to Rt. 2.
1961 March	53	Amend Section 1E(1) Residence District AA boundaries.
	54	Amend Section 1E(2) Residence District AA boundaries.
	55	Amend Section 1E by adding south of Rt. 2 to Res. Dist. AA.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1962 March	20	Add Section 10, Disaster shelters.
	52	Amend Section 2D(4) stating min. lot size of 4 acres in Ind. Dist.
	53	Amend Section 6I, Method of determining frontage.
	56	Add Section 11, Cluster development/
	57, 58, 59	Add Section 4.2, Flood Plain Conservancy District and amend Section 1E, Flood Plain Districts.
1963 March	21	Amend Section 5F(7) to include a nonprofit community center.
	48	Amend to enlarge Industrial Park (Virginia Road).
	52	Amend to redefine Res. Dist. A near Hayward Pond and Main Street.
	53	Substitute new Section 7C Board of Appeals.
	54, 55, 56	Establish traffic safety controls and signs.
1964 March	34	Establish Medical-Professional District.
	38	Amend Business District/Residence area off Monument St.
1965 March	33	Add Flood Plain Conservancy District.
	34	Redefine Industrial District off Commonwealth Ave.
	35	Amend Section 3A Frontage and area for dwellings in Bus. Dist.
	37	Establish Limited Business District #4 Motor lodge and restaurant
1966 March	38, 39	Amend to require Res. C frontage and area for dwellings in Bus. Dist.
1967 March	18	Amend maximum height in Residence District to 35’
	19	Amend maximum height in Medical-Profession District.
	20	Amend Section 6B, Area, height measurement regulations.
	21	Amend Section 6H, Lot ownership, area, boundaries.
1968 March	22	Establish garden apartment frontage.
	49	Amend Limited Business District #1 to include office and professional use and limiting vehicular access.
	59	Amend Section 4.2 to protect community against unsuitable development in floodplain.
1969 March	45	Delete Section 1E(6) from Business District (Damon St.)
	46	Amend Maximum Height Med.-Prof. Dist. south of Rt. 2.
	48	Establish Limited Business District #5 Boathouse.
	49	Amend Industrial District use, yards and prohibiting dwellings.
1970 March	37	Redefine boundaries of Damon Mill/Pond Lane/Main St. Bus. Dist.
	43	Amend Section 4A to allow nonprofit dormitory use in Residence B and C for public school students.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1971 March	29	Amend Section 4A(7) Accessory uses and storage.
1972 March	36	Amend Section 1E Limited Business District.
	37	Amend Section 1E Medical-Professional District.
	38	Amend Section 3I Limited Business Dist. paragraph (6) added.
	44	Amend Section 6M(6) Min. dimensions for off-street parking spaces.
	45	Amend Section 6M(5) parking space requirements.
	47	Amend Section 4A(8) 5,000 s.f. of lot area per dwelling unit.
	48	Amend Section 1E Residence District C.
	49	Amend Section 1E Flood Plain Districts, Section 4.1 Flood Plain Districts and Section 1E Flood Plain Conservancy Dist.
	50	Amend Section 1E Business Districts.
	51	Amend Section 7A Filing of plans.
	52	Amend Section 11B(7) by adding (d) conservation restriction.
	53	Amend Section 11 by adding F, Planning Board can amend.
	54	Amend Section 11 by adding G, no further subdivision.
	57	Delete Section 4A(9) Apartment/dormitory.
	62	Amend Section 12 Sign Bylaw
Special October	20	Amend Section 3A(2) Dwelling, apartment, hotel.
	21	Amend Section 3G combination business and dwelling uses in a Bus. Dist.
	22	Amend Section 1E(2) Res. Dist. B line 10 “Industrial Park”.
	23	Amend Section 1E(5) Res. Dist. B to correct numbering error.
	24	Amend Section 1E(3) Industrial District “a” to “the”.
	25	Amend Section 6D, E, F changing word order to “Residence AA (or A, B, C) District”.
	26	Amend Section 6F(1) Add word “square”.
1973 March	58,59	Delete Section 6M(3)(a), (b) and (c) and substitute Section 6M(3) Parking.
	60	Amend Section 6M(1) Plan for off-street parking.
	61	Amend Section 6M(4) Computing parking space requirements.
	62	Delete Section 6M(5) Substitute new 6M(5) Parking.
	64	Amend Section 6G Lot area and frontage.
	67	Amend Section 4A(8) Apartment moratorium.
Special June	5	Add Section 13 Earth removal.
	6	Delete from Section 5D “for a quarry or gravel or sandpit or”.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1974 May	54	Amend Limited Business District boundaries near Monument St./Monument Square/Bedford Street.
	55	Extend Residence C District Lowell Rd./Monument Square.
	60	Amend 3F Height.
	62	Revise Section 1E Business District and Industrial District boundaries near Baker Ave./Derby St./Main St.
	64	Amend Section 2I(a) to eliminate retail sales in Industrial Dist.
	65	Amend Section 4A by Adding (9) Additional dwelling unit in single
	66	family residence.
1975 May	44	Amend Section 1E Flood Plain Cons. Dist. by adding tributaries.
	45	Amend Section 4D by adding (1) lot width.
	46	Delete Section 6C, D, E, F and substitute 6C Table of area, frontage and width regulations.
	47	Amend Section 5J by adding (1) interrupted nonconforming use.
	48	Add Section 6N Site plan approval.
	49	Extend apartment moratorium one year.
1976 May	39	Add Section 4.1 Wetland Conservancy District.
	40	Add Section 11.1 Planned Residential Development.
	41	Delete Sections 1E and 3J Shopping Center Dist.; amend Section 1E Business Dist. and Section 1E Residence B Dist. boundaries.
Special October	5	Amend Section 4.2.6 to include nonprofit boarding house for elderly.
1977 Special April	1	Accept Chapter 808 “The Zoning Act”.
	2	Adopt recodification and revision of ZBL.
	3,4	Delete duplicative provisions, renumber and reletter remaining provisions of Wetlands Cons. Dist. and Planned Res. Dev. (PRD)
	5	Amend Industrial Park, Res. A and B Dist. boundaries in area of Border, Hillcrest and Hayward Mill Rd.
	6	Amend Res. AA, A and B Dist. boundaries in area of Boarder, Hillcrest and Hayward Mill Rd.
	7	Amend Res. AA, A and B Dist. boundaries in the area of Ministerial Dr. and Old Marlboro Rd.
	8	Amend Bus., Res. B and C Dist. boundaries south of Main St. at the Assabet River.
	9	Amend Ind., Res. B and C Dist. boundaries off Pond Ln. and Old Stow Rd.
	10	Amend Ind., Res. B and C Dist. boundaries off Conant St., Wedgewood Common and Laws Brook Rd.
	11	Amend Bus. And Res. C Dist. boundaries north of Laws Brook Rd. and west of Commonwealth Ave.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1977 Special April cont.	13	Amend Bus. And Res. C Dist. boundaries in the area of Bradford, Maple, Main, Highland and Church Streets.
	14	Amend from Res. A, B Ind. Park and Bus. Dist. to By-Pass District land along Rt. 2.
	15	Amend Bus., Res. A and B Dist. boundaries in area of Concord Reformatory.
	16	Amend Res. B and C boundaries in area along Commonwealth Ave.
	17	Amend Res. B and Ind. Park Dist. boundaries south of Rt. 2 at the Assabet River.
	18	Amend Limited Bus. #1, Res. A and B Dist. boundaries in the area between Elm St. and Barrett's Mill Rd.
	19	Amend from Res. C to Res. B Dist. land north of Main St. and east of Rt. 2.
	20	Amend form Res. AA, B and C Dist. to Med.-Prof. Dist., and from Res. C to Res. B Dist. boundaries in area of ORNAC, Main St. and Rt. 2.
	21	Amend Res. C and B Dist. boundaries in area of Southfield, Riverdale and Sudbury Roads.
	22	Amend Bus., Res. B and C Dist. boundaries in area of Thoreau and Belknap Streets and Love Ln. and Sudbury Rd.
	23	Amend Bus. and Res. C Dist. boundaries in area from Lowell Rd. to Hubbard St.
	24	Amend from Res. C to Bus. Dist. in area of Monument St. and Lowell Rd.
	25	Amend Res. B and C Dist. boundaries in areas of Monument/Bedford Streets, and Walden/Heywood Streets.
	26	Amend Res. A, B and C Dist. boundaries in area north of Fairhaven Rd. and south of Walden St.
	27	Amend Res. AA, A and Bus. Dist. boundaries at Nine Acre Corner.
	28	Amend from Bus. To Res. A Dist. land near entrance to landfill north of Walden St.
	29	Amend from Bus. To Res. A Dist. land north of former RR ROW near Peter Spring R. containing Town filter beds.
	30	Amend Res. B and A Dist. boundaries in area between Lexington Rd. and Dalton/Virginia Roads.
	32	Amend Ind. Park, Ind. And Res. C Dist. boundaries in the area north of Baker Ave./Main St.
1978 April	25	Amend from Ind. to Bus. Dist. land on Main St. west of Baker Ave.
Special November	1	Amend Section 9 to include PRD Conversion of school and municipal buildings.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1979 April	25	Establish Limited Bus. Dist. #7 Professional office.
	26, 27	Amend Zoning Map to incorporate changes created by PRD conversion of Rose Hawthorne School.
	38	Amend Zoning Map to incorporate FIA flood boundaries into the Flood Plain Conservancy District Map.
	39	Revise subsection 2.3.5 to incorporate FIA standards into FPCD.
	40	Amend subsection 2.3.4 to permit 30 ft. extension into either district where zoning boundary divides a lot.
1980 April	31	Amend Section 4.7 by adding subsection 4.7.2 Temporary restrictions in Industrial Park District.
	33	Amend subsection 7.6.3.2 to increase small car parking to 30% in all parking lots.
	36	Amend Tables I and II and subsections 5.1.8 to change use in Limited Business District #4.
1981 April	32	Amend Table II Dimensional Requirements under the subheading Industrial Park.
	34	Establish a new category Limited Industrial Park (LIP); add LIP to Section 4, Table I Use Regulations and to Section 6, Table II Dimensional Regulations.
	37	Amend subsection 4.7.2 to define further the extent of prohibited activities.
	40	Amend subsection 7.7 Site plan approval.
	44	Amend subsection 4.5.1, 4.5.4 and 4.7.1 in order to prohibit fast-food restaurants.
1982 April	20	Clarify special permit requirements with respect to certain industrial uses.
	21	Clarify interpretation of “maximum lot coverage” and “maximum floor area ration”.
	23	Amend date for adding certain additional dwelling units under subsection 4.2.2.2.
	24	Establish Groundwater Conservancy District.
	26	Incorporate cluster development into PRD and add certain definitions.
	27	Establish Residential Compound.
Special April	3	Amend subsection 4.7.2 to provide certain temporary restrictions in West Concord area.
1983 April	30	Amend subsection 1.3.13 and add Section 5.2 to clarify definitions and limitations of accessory uses.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1984 April	34	Amend Section 2.2 Zoning Map to change date of Groundwater Conservancy District Map from 1982 to 1984.
	35	Add subsection 7.2.3.7 and 7.2.3.8 to allow repair of septic systems within Flood Plain Cons. Dist. and Wetlands Cons. Dist.
	36	Amend subsections 4.2.2.1 and 7.1.2 to clarify permit requirements for two-family uses and alterations to nonconforming uses.
	37	Amend subsection 4.1.2 to specify horticulture, floriculture and viticulutre as permitted uses in all districts.
	39	Add subsection 5.1.17 to allow erection of private, noncommercial radio and television towers by special permit.
1985 April	24	Add subsection 1.3.8, definition of gross floor area; renumber subsections 1.3.8-1.3.20 as 1.3.9-1.3.21; amend Section 5.2 regarding site plan approval; delete Section 7.6 Parking regulations and Section 7.7 Site plan approval and add in lieu thereof Section 7.6 Off-street parking, loading and site plan requirements; and renumber Section 7.8 as Section 7.7.
1987 April	24	Accept application of Crosswhite Properties, Inc. for an eleven unit PRD conversion of former school building.
	27	Amend Section 9 to require subsidized and affordable housing units in PRDs
	34	Amend the Zoning Map to change certain parcel of land from Limited Industrial Park to Res. B.
	38	Amend the following sections for editorial changes for clarity and consistency: 1.3.1, 1.3.2, 1.3.3, 1.3.10, 1.3.11, 1.3.12, 1.3.15, 2.2, 2.3.1, 2.3.3, 2.3.3, 2.3.4, 3.1, 3.2, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 4.1 Table I, 4.2.1, 4.2.3, 4.5.11, 4.5.13, 4.5.14, 4.6.1, 4.6.2, 4.6.3, 5.1.7, Table II, 6.1, 6.2.3.2, 6.2.6, 6.2.11, 7.1.1, 7.1.3; renumber Section 7.7 Groundwater Cons. Dist. as 7.6; renumber new Section 7.6, adopted under Article 24, 1985 Town Meeting as Section 7.7.
	39	Amend Section 4, Principal uses, to prohibit gasoline service stations in residential districts.
	40	Delete subsection 5.1.3, Kennels and stables, and add in lieu thereof new subsections 5.1.3, 5.1.4; renumber subsections 5.1.4-5.1.17 as 5.1.5-5.1.18.
	41	Amend subsections 4.2.5, 4.2.6 and add subsection 5.1.19 to clarify definitions of tourist home, boarding house, hotel and motel.
	42	Add subsection 4.5.18 to allow provision of “for profit” child care facilities.
	43	Amend subsection 4.7.1, prohibition of drive-in or fast-food restaurants.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1987 April cont.	44	Add subsection 7.2.1.4, 7.2.1.5, defining Lowest floor and Water surface elevation; amending subsection 7.2.4.1, permitted uses in the Flood Plain Conservancy District.
Special July	4	Delete subsection 9.2.2.3 re: density bonus program for PRD's; replaced by PRD bylaw adopted as Article 27, 1987 Town Meeting.
1988 April	30	Amend subsection 7.6.4.11 Groundwater Cons. Dist. to clarify.
	31	Amend subsection 8.2.2 defining minimum tract size and amend subsection 8.2.3 to allow fences within minimum setback areas.
	32	Delete Section5, Accessory Uses, and substitute a new Section 5 with Table of Accessory Uses (renumber exiting Tables II, III as III, IV.)
	33	Adopt new Flood Plain Cons. Dist. Map and amend Section 2.2 and subsection 2.3.5 to correspond to new federal flood insurance study.
	34	Add subsection 4.5.19, Transportation services.
1989 April	39	Amend date for adding certain additional dwelling units under subsection 4.2.2.2.
	40	Amend Section 7.4, By-Pass Dist. to limit vehicular access to lots in existence prior to January 1, 1989.
	41	Amend Section 6, Table III Dimensional Regulations to revise maximum lot coverage percent in Limited Bus. Dist. #6.
1990 March	22	Amend subsection 9.2.3, Mandatory Inclusionary Dwelling Units, to clarify the intent.
Special October	11	Delete subsection 9.2.10 in its entirety and substitue with new subsection 9.2.10, Special Provisions for Concord Housing Authority and Town of Concord Projects.
	12	Amend subsection 9.2.3.2, Affordable Housing.
1991 April	44	Amend subsection 6.2.2, Minimum lot area, to require fifty (50) percent upland for lots created after September 1, 1991.
	45	Amend the Zoning Map to change certain parcels south of White Pond from Res. A to Res. AA.
	46	Amend Section 6.3, Special Dimensional Exceptions to add a provision for hammerhead lots.
	47	Establish Section 9, Residential Cluster Development (RCD); renumber Section 9 and 10 as 10 and 11; add RCD to Section 4, Table I, Use Regulations as 4.2.5; renumber other residential uses.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1992 April	50	Amend subsection 5.3.1, Home recreational facilities, to require that setbacks conform to the minimum yard requirements.
	51	Amend subsection 1.3.7, Frontage, to clarify the definition of frontage.
	52	Amend subsection 6.2.3, Frontage, by deleting the second means for measuring frontage in the case of a lot fronting all or partly on a cul-de-sac.
	53	Amend subsection 7.7.2.1, Table IV, Minimum Parking to add parking requirements for child care centers.
	54	Amend subsection 4.1.6, Private recreation by adding fitness clubs; delete health clubs from subsection 5.3.16, Personal service shops; add to subsection 7.7.2.1, Table IV Minimum Parking, parking requirements for fitness clubs.
	55	Add subsection 7.3.2.4 to protect wildlife and its habitat, as a purpose of the Wetlands Cons. Dist.
	56	Add subsection 1.3.7 Dwelling units, as a new definition; renumber subsections 1.3.7-1.3.21 as 1.3.8-1.3.22.
	57	Amend Section 5.3 Table II Accessory Use Regulations, and subsection 5.3.6 Home Occupation, to provide for customary and special home occupations.
	58	Amend subsection 3.2.3, 4.6.1, Section 4, Table I and Section 6, Table III to redefine and clarify uses and dimensional requirements in the Limited Ind. Park; add new subsection 4.6.3, R&D and Light Manufacturing to Section 7, Table IV.
	59	Add subsection 6.3.3, Dedication of Land to the Town.
	60	Amend Section 4, Table I and subsections 4.3.4 and 4.5.12 to allow by special permit nursing home use and medical center and laboratory use in Limited Bus. Dist. #6.
1994 April	42	Amend subsection 6.2.11 Height to revise the method for measuring the height of a building.
	43	Amend Section 4.3 Institutional Uses, by adding 4.3.2 Child care facility; delete 4.5.18 Child care center; add to 7.7.2.1 Table IV Minimum Parking requirements for child care facility.
	44	Amend Section 4 Classification of Principal Uses to delete subsection 4.6.5 Repair garage; revise subsection 4.6.2 Storage yard; add subsection 4.2.4 Combined industrial/business/residence use; amend Table III Dimensional Regulations under maximum lot coverage in the Industrial Dist.

CONCORD ZONING

Date of Town Meeting	Article	Subject
1995 April	53	Delete subsection 4.2.3.2 in its entirety and replacing it with a new subsection 4.2.3.2; Delete text in its entirety from Table III Dimensional Regulations under Maximum Lot Coverage in Bus. Dist. B Combined Bus./Res. and replace with new text.
	54	Amend the Zoning Map to change certain parcels located on Virginia Rd. from Ind. Park Dist. to Res. A Dist. and from Res. A Dist. to Ind. Park Dist.
1996 April	43	Amend date for adding certain additional dwelling units under subsection 4.2.2.2.
	45	Delete Section 5.3.2 in its entirety and replacing it with a new Section 5.3.2.
	46	Add subsection 5.4.1.3 to allow the use of a trailer as a temporary office.
	47	Amend subsection 7.7.2.12 by adding the phrase “upon advice of the Planning Board,” after the words “The Board”.
	48	Amend Table III Dimensional Regulations to increase the allowed height to 40 ft., but no more than three stories within the Ind. Park and Limited Ind. Park Dist.
1997 April	56	Amend Section 4.2.2.2 to clarify and expand the requirements related to the creation of accessory apartments by adding items j) through m).
	57	Amend Section 5.3.2 to add the phrase “and other communication” after “television”.
	59	Add subsection 5.3.17 Seasonal catering to the allowed uses in the Limited Bus. Dist. #5 and amend Table II Accessory Use Regulations to add 5.3.17 Seasonal Catering; and all district shall indicate an “N” except LB, which shall have “Y5”.
1998 April	46	Amend Section 2.2 to add a Wireless Communications Facility(s) District and add a new Section 7.8, Personal Wireless Communications Facility
1999 April	59	Add to Section 1.3 the definition of Family day care home, Home occupation, and Large family day care home; Revise subsection 4.3.2 Child care facility.
	60	Revise Section 2.2 to reference the NFIP; Revise Section 2.3.5 to reference FEMA’s Flood Insurance Study; Replace subsection 7.2.2 and subsection 7.2.4 to conform to the requirements of the National Flood Insurance Program; Add paragraph (c) to subsection 7.2.5.2 requiring additional notification of state and federal agencies.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
1999 April cont.	61	Amend the Zoning Map to show Parcel 2198 as Limited Business District #8; Add LB Dist. #8 at 68 Commonwealth Ave. to Section 2.1; Renumber Section 4.3.6 and 4.3.7 to 4.3.7 and 4.3.8 and add a new Section 4.3.6 Assisted living residence; Amend Table I to add the new Section 4.3.6 and identify uses in LB Dist. #8; Amend Section 6.2.12, Table III and Table IV to add LB Dist. #8; Revise subsection 7.7.2.10 to require only one loading space for an assisted living residence.
2000 April	25	Amend Section 7.7; Off-street Parking, Loading, and Site Plan Requirements to add exterior lighting as a Site Plan evaluation criteria.
2001 April	34	Amend Section 2.2 Zoning Map to expand the Personal Wireless Communications Facilities Overlay district and to amend Section 7.8, Personal Wireless Communications Facilities.
	36	Amend date for adding certain additional dwelling units under subsection 4.2.2.2.
	38	Amend Section 2.2 Zoning Map by adopting a new map of the Groundwater Conservancy District and by deleting Section 7.6 Groundwater Conservancy District in its entirety and replacing it with a new Section 7.6 Groundwater Conservancy District
	39	Delete Section 10 Planned Residential Development in its entirety and replace it with a new Section 10. Planned Residential Development
	40	Add a new Subsection 10.2.12, (or, if Subsection 10.2 has been amended by separate vote of Town Meeting for Article 39, by adding the following to Subsection 10.3 as a new Subsection 10.3.4) to the Planned Residential Development Bylaw.
2002 April	28	Amend Section 4.2.2.2, Two-Family or Additional Dwelling Unit to eliminate a specific date for the creation of the dwelling.
	29	Add a new subsection 5.3.18, Common Driveways by Special Permit.
	31	Add a new subsection 5.4.2, Storage Trailers.
2003 April	28A	Amend Section 7.8.4.1 & 7.8.4.5, Personal Wireless Communications Facility to clarify Purpose and Intent.
	28B	Amend Section 2.2 Zoning Map to expand the Personal Wireless Communications Facilities Overlay district.
	31	Amend Section 4.3.5 and Table I to allow hospital parking as a permitted use in Ltd. Bus. Dist. #6.

CONCORD ZONING

Date of Town Meeting	Article	Subject
2003 April cont.	64	Revise the dimensional regulation for Section 6.2.4, Frontage exception to require a minimum 45-degree angle.
	65	Revise the dimensional regulation for Section 6.2.5, Lot Width.
	66	Revise the reference to the Flood Plain Conservancy District Map under Section 2.2 and 7.2.1.1 to acknowledge Letter of Map Revision for the Mill Brook.
	67	Add new subsection 6.3.3, Reduced frontage, lot width and/or lot area lots to preserve existing historically significant structures and renumber Dedication of Land as Section 6.3.4
2004 April	29A	Revise some of the subsections of Section 7.8 Personal Wireless Communications Facility.
	29B	Amend Section 2.2 Zoning Map to expand the Personal Wireless Communications Facilities Overlay district to add two parcels of land located on Old Marlboro Rd.
2005 April	37	Amend subsection 6.3.3 to allow waiver of the rear and side yard setback dimensions when there is an existing historically significant structure on the lot.
2006 April	34	Add sub section 1.3.2 definition of "Affordable Housing" and renumber all subsequent definitions in sequence beginning with 1.3.3 Board.
	35	Amend Section 4.2.3 "Combined Business/Residence use to add a requirement for the provision of affordable housing.
	36	Amend Section 4.2.4 "Combined Industrial/Business/Residence use to add a requirement for the provision of affordable housing.
	38	Amend Section 2.2 entitled "Zoning Map" by changing the zoning district over portions of three abutting land parcels located between Old Stow Road and Pond Lane from Ind. to Res. C.
2007 April	40	Amend Section 2.1 Classification of Districts under "Limited Industrial Park" to add "Limited Industrial Park #1 @ 2229 Main Street" and "Limited Industrial Park #2 @ Main Street and Forest Ridge Road". Amend Section 2.2 Zoning Map (Assessors Maps A12, A13, B11, B12, B13) to: "Zoning Districts, Town of Concord, 2007 (Scale 1'=100' consisting of 122 sheets)". Amend Section 4 Classification of Principal Uses: to amend Table I – Principal Use Regulations subsections 10.2.1, 10.2.2,10.2.2.1 and 10.2.5
2007 November	7	Delete the last sentence of the first paragraph of Section 11.6 and add a new second paragraph, which defines the criteria for the grant of a special permit.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
2008 April	38	Amend Section 5.3.6.1 and Section 5.3.6.2 to allow customary and special home occupations in dwellings located in all zoning districts.
	39	Amend Section 7.7.2.1, Table IV, *Minimum Parking*, to establish a parking requirement for ATM machines in a financial or business office.
	41	Amend Section 6.2.11 to add a special permit requirement for wind turbine facilities.
2009 April	36	Delete Zoning Bylaw Section 7.1 Nonconforming Uses and replace it with a new Section 7.1 Nonconforming Uses and Structures
	38	Amend the Zoning Bylaw by adopting a new temporary zoning district and listing the map for that district in Zoning Bylaw Section 2.2 Zoning Map, and adding a new Section 7.9 West Concord – Interim Planning Overlay District (WC-IPOD)
	39	Amend Section 7.7 and add a new subsection 11.8 Site Plan Review to Section 11. Administration and Enforcement.
	40	Amend Section 8 Residential Compound
	44	Delete subsections 7.3.2; 7.3.3; 7.3.4; and 7.3.5 from Section 7.3 Wetlands Conservancy District, and add a new subsection 7.3.2, and delete references to the Wetlands Conservancy District in subsections 7.2.3.5 and 7.5.2.3
2010 April	41	Amend Section 7.1 Nonconforming Uses and Structures, subsection 7.1.5.
	42	Amend Section 10. Planned Residential Development, subsection 10.2.2 *Maximum Permissible Density*; amend subsection 10.2.3 *Diversity of Dwelling Units*; amend subsection 10.2.3.1 *Low income dwelling units*; amend subsection 10.2.9 *Common Open Space.*
	43	Amend Section 2.2 Zoning Map, Groundwater Conservancy District.
	44	Amend Section 2.2 Zoning Map and amend Section 4. Classification of Principal Uses, TABLE I – Principal Use Regulations to establish the West Concord Business and West Concord Industrial Districts.
	45	Amend Section 2.2 Zoning Map; amend Section 4. Classification of Principal Uses, TABLE I – Principal Use Regulations to establish the Concord Center Business, Thoreau Depot Business, Nine Acre Corner Business, West Concord Business & West Concord Industrial Districts.
	48	Amend Section 2.2 Zoning Map; amend Section 2.3.5; amend Section 7.2 Flood Plain Conservancy District, subsections 7.2.1.1 *Flood plain*, 7.2.13 *Floodway data*, 7.2.1.7 *Water surface elevation*, and 7.2.5.1*(c).*
	49	Amend subsection 1.3.11, *Gross floor area.*

CONCORD ZONING

Date of Town Meeting	Article	Subject
2010 April cont.	50	Amend TABLE I – Principal Use Regulations, Section 4.5.18, Transportation services.
	51	Amend TABLE II – Accessory Use Regulations; amend subsection 5.3.17 *Seasonal catering*.
	52	Amend subsection 5.3.1 *Home recreational facilities*.
	53	Amend subsection 6.2.2 *Minimum lot area*.
	54	Amend Section 7.7 *Off-street Parking, Loading and Design Standards* to correct spelling errors.
2011 April	43	Amend subsection 6.2.7 *Side Yards* in Residence C Zoning District; amend Table III footnotes.
	44	Amend subsection 6.2.11 *Height* in Residence C Zoning District; Amend Table III footnotes.
	45	Amend Section 2.1 Classifications of Districts & Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS for corrections.
	46	Amend TABLE III – Dimensional Regulations – eliminate Business Use subcategories (A) Dwelling and (B) Combined Business/Res.
	47	Amend subsection 4.5.14 *Auto repair shop* and subsection 5.3.5 Garaging or parking of commercial motor vehicles by increasing the commercial vehicle wheel base.
	48	Amend Section 5.3.6.2 *Special Home Occupation (b).*
	49	Amend subsection 10.3.4.3 for spelling correction.
	50	Amend Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS to modify the uses in the West Concord Business District (WCB).
	52	Amend subsection 4.5 Business Uses to add a definition of grocery store and size limitations to the definitions of retail store and restaurant uses in the West Concord Business and West Concord Village Districts.
	53	Amend Sections 6.2.6, 6.2.11 and TABLE III – Dimensional Regulations for front yard and minimum height references for the West Concord Business and West Concord Village Districts.
	54	Amend Section 1 to add a definition of formula business and Section 3 USE REGULATIONS to add a new subsection 3.3 Formula Business with a Cap.
Special April	3	Amend Section 4 Classification of Principal Uses, TABLE 1- PRINCIPAL USE REGULATIONS to modify uses in the West Concord Industrial District (WCI).
	4	Amend Section 4.2.4 *Combined industrial/business/residence* for West Concord Industrial District & Industrial District.
	6	Amend Section 2.1 Classification of Districts, Section 2.2 Zoning Map, and Section 4 Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS to establish the West Concord Village District.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
2012 April	34	Amend Section 7.9 to add Large-Scale Ground-Mounted Solar Photovoltaic Installation
	40	Amend Section 2.1 Classification of Districts, Section 2.2 Zoning Map, and Section 4 Classification of Principal Uses; TABLE I – PRINCIPAL USE REGULATIONS, TABLE II – ACCESSORY USE REGULATIONS, TABLE III – DIMENSIONAL REGULATIONS, and TABLE IV, MINIMUM PARKING for Extended Stay Hotel
	41	Amend Section 1.3 Definitions and Section 5.4 Temporary Accessory Uses for Mobile Medical Facility
	42	Amend Section 6.3 Special Dimensional Exceptions subsections 6.3.3, 6.3.3.3 *(b)*, 6.3.3.3 *(c)*
	43	Amend Section 9 Residential Cluster Development, Subsection 9.2.3 Dimensional Regulations
Special April	8	Amend TABLE I – PRINCIPAL USE REGULATIONS column applicable to 4.2.3 Combined business/residence to add combined business/residence as a permitted use in the Limited Business District #7.
2013 April	31	Amend Section 6.2.3 to relate the measurement of frontage in this Section to the definition of frontage in Section 1.3.11
	32	Amend Section 6, TABLE III – DIMENSIONAL REGULATIONS to incorporate new Zoning Districts that have been created and added to the Principal Use Table in the past years and codify the building side yard setbacks in the Business Districts in the West Concord Village District and the Limited Industrial Park 1 and 2 Districts.
	33	Amend Section 6, TABLE III – DIMENSIONAL REGULATIONS to allow educational uses, the greater floor area ratio as defined for R&D and light manufacturing in the Limited Industrial Park District #2

CONCORD ZONING

Date of Town Meeting	Article	Subject
2013 April	34	Amend TABLE II – ACCESSORY USE REGULATIONS in Section 5 to incorporate the new Zoning Districts that have been created and added to the Principal Use Table in the past years (Concord Center Business, Thoreau Depot Business, Nine Acre Corner Business, West Concord Business, West Concord Village, West Concord Industrial, Industrial Park A, Industrial Park B, Limited Industrial Park #1 and Limited Industrial Park #2 Districts).
	35	Amend subsection 5.3.6.2 *Special Home Occupation* by deleting the sole example provided to define Special Home Occupation, which is "the sale of antiques".
	36	Amend subsection 6.2.7 and Section 6, TABLE III – DIMENSIONAL REGULATIONS by using the same language adopted for the Residence C Zoning District in 2011 by limiting the height of structures to no greater than fifteen feet within 12-15 feet of a side yard in the Residence B Zoning District.
	37	Amend subsection 6.2.11 and Section 6, TABLE III – DIMENSIONAL REGULATIONS by using the same language adopted for the Residence C Zoning District in 2011 for measurement of height of a structure in the Residence B Zoning District.
	38	Amend Section 4.4 to add Public Service Corporations to the definition of uses and to provide a higher level of review for projects proposed by municipalities that are not the Town of Concord.
	39	Amend Section 4.3 Institutional Uses and Section 4, Table I to add a new use and definition of Medical Marijuana Treatment Center.
	40	Add a new Section 7.10 Public Service Corporation Overlay District (PSCOD).
2014 May	47	Amend Sections 2.2 , 2.3.5 , 7,2,1.5, 7.2.1.7; insert a new Section 7.2.3, and renumber the following Sections and subsections 7.2.4 7.2.5, 7.2.6 to address changes to the Federal Emergency Management Agency and National Flood Insurance Program.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
2014 May cont.	48	Amend Table III Dimensional Regulations to change the minimum front yard in the Concord Center and Thoreau Depot business districts to zero and add the Business district and Nine Acre Corner business districts
	49	Amend Section 4.3 Institutional Uses and Table I Principal Use Regulations in Section 4 to align the Town's terminology with the State's terminology for a registered marijuana dispensary.
	50	Amend Section 4.5.4 to allow, by special permit, a restaurant in the West Concord Village District to be 30% larger than 4,000 sq. ft. in area.
	51	Amendment to revise and correct numbering and numbering sequences in the existing Bylaw and to allow non-substantive numbering changes to be made in the future without requiring a vote of Town Meeting.
	52	Amend Section 7.8 to address changes to the interpretation of section 704 of the Telecommunications Act of 1996 regarding wireless facility modifications.
	53	Amend Section 7.7.3 by adding a new subsection 7.7.3.8 and renumbering the sections that follow; and by deleting subsection 7.7.3.12 and inserting a new subsection 7.7.3.13 regarding bike parking requirements and waiver of design standards for site plan requirements.
Special May	5	Amend Table I – Principal Use Regulations by adding the numeral "1" to the first footnote thereof permitting Financial and Business Office in the Limited Business 1 District.
2015 April	12	Amend Section 6.2.5 – Lot Width by inserting the phase "in addition to the required frontage" before the phrase "a width of not less".
	13	Amend Section 7.5 and Section 7.8 to reference the Town's Wetlands Bylaw, which was adopted after each of these sections in the Zoning Bylaw.
	14	Amend Section 7.3.1 and Section 7.3.2 – Wetlands Conservancy District – Definition and Purpose by bringing the definition into conformance with the definition established in the Town's Wetlands Bylaw and to reference it in the Purpose section.

TABLE OF AMENDMENTS

Date of Town Meeting	Article	Subject
2015 April cont.	15	Amend Section 9.2.4 Residential Cluster Development – Open Space, to require at least 50% of the open space to be upland.
	16	Amend Section 10.2.9 Planned Residential Development – Common Open Space to add reference to the Town's Wetlands Bylaw; and to correct a clerical error in Section 10.3.4.2.
	17	Amend Section 6.2.11 Height and Table III Dimensional Regulations to match the way height of a structure is measured in the Residence A and AA Zoning Districts with that of the Residence B and C Zoning Districts.
2016 April	34	Amend Section 4.2.3.2 Combined Business/Residence to retain the requirement for affordable units in a combined business/residence use when there are four or more residential units.
	35	Amend Section 4.2.2.1 Residential Uses to substitute "dwelling units" for "families" and require additions to create an additional dwelling be integral to and part of the existing building and share a common wall or floor.
	36	Amend Section 10.2.3 Planned Residential Development Diversity of Dwelling Units.
	37	Amend Section 11.8.7.1 Site Plan Review for religious uses, educational uses, and child care facilities by adding three additional criteria for evaluating a Site Plan.
	38	Amend Section 2.2 Zoning Map & Section 2.3.5 Zoning Map Interpretation to update the Flood Plain Conservancy District boundary as a result of a Letter of Map Revision accepted by FEMA.
	39	Move Section 7.2.5.2 Flood Plain Conservancy District to a new Section 7.2.4.8 – Uses permitted without review by the Board.
	40	Amend Sections 4.1.2, 4.1.3, 5.3.4, 5.3.7, 5.3.8, 5.4.4 Agricultural Uses, Table I Principal Use Regulations, and Table II Accessory Use Regulations to revise Sections dealing with agricultural uses based on changes to M.G.L. Ch. 40A, Sec. 3.

Date of Town Meeting	Article	Subject
2016 April	41	Amend Principal Use Regulations Table I Section 4.2.3 & Section 4.2.3.4 Combined Business/Residence & Table III Dimensional Regulations to allow combined business/residence as an allowed use in the Limited Business District #2 (59 Walden St.), increase the permitted building height from 25 ft. to 27.5 ft. and prohibit waivers to allow a building height of 40 ft.
	42	Amend Section 6.2.13 Maximum Floor Area Ratio, Section 7.1.5 Nonconforming single and two-family residential structures & Table III Dimensional Regulations to establish a maximum floor area ratio (FAR) for all residential zoning districts and allow a Special Permit to exceed the maximum FAR under certain conditions.

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APPENDIX C

Subject	See Also	Section
Accessory Uses Table II		5.3
Additional dwelling	see also parking Table IV 7.7.2.1	4.2.2
Administration and Enforcement		11.0
Auto repair shop	see also parking Table IV 7.7.2.1	4.5.14
Aviation facilities	see also Table II 5.3	5.3.9
Bed & breakfast or tourist home	see also Table II 5.3	5.3.15
Board of Appeals		11.4
Boarding House	see also parking Table IV 7.7.2.1	4.2.8
Boat sales and rental	see also parking Table IV 7.7.2.1	4.5.16
Building Permit		11.2
By-Pass District		7.4
Certificate of Occupancy		11.3
Change, extend non-conforming use and/or structure		7.1.2, 7.1.3
Childcare facility	see also parking Table IV 7.7.2.1	4.3.2
Christmas tree sales		5.4.4
Common driveways	see also Table II 5.3	5.3.18
Corner Clearance	see also Table III	6.2.10
Craft shop	see also parking Table IV 7.7.2.1	4.5.3
Dedication of Land to Town		6.3.4
Definitions		1.3
Definition - Building		1.3.4
Definition - Day care, family		1.3.9
Definition - Day care, large family		1.3.14
Definition – Dwelling unit		1.3.8
Definition – Formula business		1.3.10
Definition – Frontage		1.3.11
Definition – Gross floor area		1.3.12
Definition - Multi-unit dwelling		1.3.16
Definition – Street		1.3.23
Dimensional Regulations	Table III	6
Earth Removal		7.5
Educational use	see also parking Table IV 7.7.2.1	4.3.1
Fairs, bazaars, antique shows, suppers & dances		5.4.5
Farm product sales	see also Table II 5.3	5.3.7
Fast food		4.7.1
Five foot setback for accessory...		6.2.7 – 6.2.8
Flood Plain Conservancy District		7.2
Floor Area Ratio	see also Table III	6.2.13
Frontage - dimension	see also Table III	6.2.3
Formula Business	Applicable to West Concord Business & West Concord Village Districts	3.3
Frontage exception	see also Table III	6.2.4

APPENDIX C

Subject	See Also	Section
Garaging or parking commercial vehicles	see also Table II 5.3	5.3.5
Gift shops, candy counters	see also Table II 5.3	5.3.13
Government Utility and Other Public Service Corporation Uses		4.4
Groundwater Conservancy District		7.6
Hammerhead lots		6.3.2
Height - dimension	see also Table III 5.3	6.2.11
Home Occupation, customary or special	see also Table II 5.3	5.3.6
Home recreational facilities	see also Table II 5.3	5.3.1
Hotel and motel, extended stay	see also parking Table IV 7.7.2.1	4.2.9
Junk yard		4.7.1
Kennels	see also Table II 5.3	5.3.3
Landscape buffer		6.2.9
Lighting		7.7.4.10
Lodging for farm employees	see also Table II 5.3	5.3.8
Lot area - dimension		6.2.1
Lot width - dimension	see also Table III	6.2.5
Lunchrooms and cafeterias	see also Table II 5.3	5.3.12
Maximum floor area ratio	see also Table III	6.2.13
Maximum lot coverage	see also Table III	6.2.12
Marijuana – Registered Marijuana Dispensary		4.3.9
Minimum lot area - dimension	see also Table III	6.2.2
Nonconforming uses		7.1
Nonconforming structures		7.1.3
Parking, Loading & Design Standards		7.7
Parking and landscaping		7.7.3.9
Parking Dimensions		7.7.3.1
Parking, minimum	Table IV	7.7.2.1
Parking, relief from requirements		7.7.2.12
Personal service shop	see also Table II 5.3	5.3.16
Personal Wireless Communications Facility		7.8
Planned Residential Development		10
Principal Use Regulations	Table I	4
Public Service Corporation Overlay District (PSCOD)		7.10
R & D and light manufacturing	see also parking Table IV 7.7.2.1	4.6.3
Radio and television towers	see also Table II 5.3	5.3.2
Rear yards – dimension	see also Table III	6.2.8
Reduced frontage, lot width etc. for historically significant structures		6.3.3

APPENDIX C

Subject	See Also	Section
Repair shop and building trade	see also Table IV 7.7.2.1	4.5.8
Residence C side yards & height	see also Table III	6.2.7, 6.2.11
Residential Cluster Development		9
Residential Compound		8
Restaurant	see also parking Table IV 7.7.2.1	4.5.4
Reconstruction of nonconforming structures after catastrophe		7.1.7
Scientific research & development	see also Table II 5.3	5.3.14
Seasonal catering	see also Table II 5.3	5.3.17
Side yards - dimension	see also Table III	6.2.7
Single lot exemption		6.3.1
Site Plan Approval		11.8
Solar – Large Scale Installations		7.9
Special Home Occupation	see also Table II 5.3	5.3.6.2
Special Permit		11.6
Stable	see also Table II 5.3	5.3.4
Storage trailer		5.4.2
Storage yard, open-air sales	see also parking Table IV 7.7.2.1	4.6.2
Temporary storage		5.4.3
Temporary Accessory Uses		5.4
Tourist home or bed and breakfast	see also Table II 5.3	5.3.15
Two-family or additional dwelling unit	see also parking Table IV 7.7.2.1	4.2.2
Variance		7.1.4, 11.7
Warehouse	see also parking Table IV 7.7.2.1	4.6.1
Watchman’s apartment	see also Table II 5.3	5.3.10
Wireless Communications Facility		7.8
Workshops and classes	see also Table II 5.3	5.3.11

APPENDIXC

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