

# CONCORD ZONING

## 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					
	RAA	RA	RB	RC	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 <sup>1</sup>	no	yes	yes	yes	yes	yes	yes
5.3.4 Stables	SP*	SP*	SP*	SP*	yes	yes	yes	yes	yes <sup>1</sup>	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 <sup>5</sup>	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).

## CONCORD ZONING

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.

## ACCESSORY USES

### 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.

## CONCORD ZONING

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;

## ACCESSORY USES

- (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 than 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.

## CONCORD ZONING

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 an 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. Any such event held by the Town of Concord, in or on any building or premises owned or operated by the Town of Concord, shall not be subject to the restrictions of this Section or the requirement to obtain a special permit hereunder.