

# ZONING BY-LAWS

JUNE, 1968



## TOWN OF NORFOLK

MASSACHUSETTS

#### A PURPOSE

To promote the health, safety, convenience, morals or welfare of the inhabitants of Norfolk by lessening congestion in the streets; securing safety from fires, panic, or other danger; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and by other means in accordance with this by-law as hereinafter provided.

#### B DEFINITIONS

In this by-law, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following stated definitions:

**ACCESSORY USE or BUILDING** - The use of land or a building customarily incidental to, and located on the same lot with the principal use or building.

**DWELLING** - Any structure or building used in whole or in part for human habitation.

**FAMILY** - One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of five or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

**LOT** - A parcel of land occupied or intended to be occupied by one building or use, with its accessories, and including the open spaces accessory to it, which is defined in deed or plan recorded with the Norfolk County Registry of Deeds or Norfolk Registry District. No land which is within the boundaries of a street, accepted, proposed or dedicated, shall be included in determining lot areas.

**NON-CONFORMING** - Any lot, use, structure, or building not meeting the requirements of this by-law, but in existence prior to the date of adoption of this by-law.

**STREET** - A public way, or a way shown on a plan approved in accordance with the subdivision control law, or a way in existence on March 31, 1954, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to 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.

**STRUCTURE** - A combination of materials assembled for a fixed location to give support or shelter, such as a building, framework, platforms, sheds, or the like.

**TRAILER HOME including MOBILE HOME** - A structure used as a dwelling, mounted on wheels with at least one axle; structure may be either mobile or standing on fixed supports.

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C ESTABLISHMENT OF DISTRICTS

1. Types of Districts

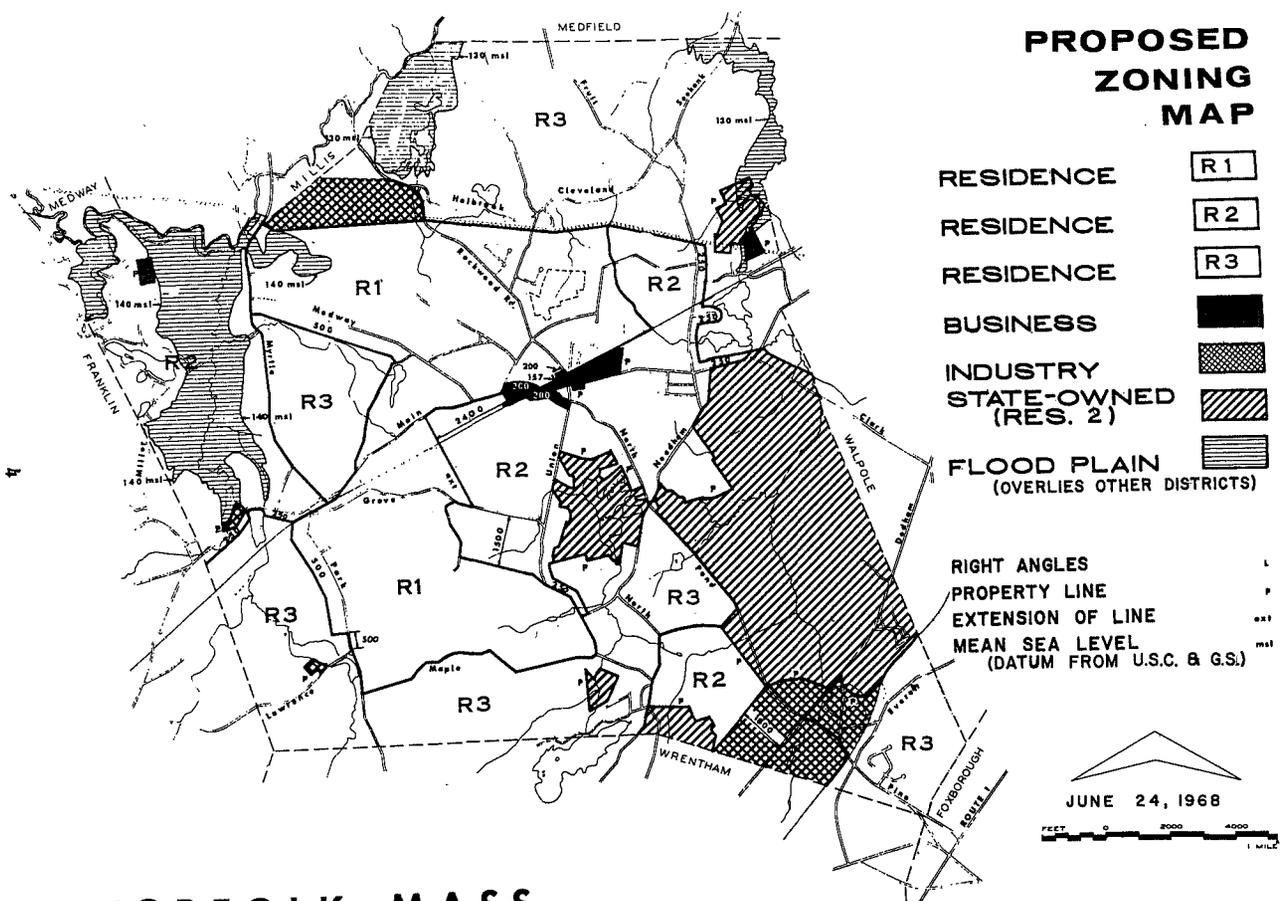
- a. For the purposes of this by-law, the Town of Norfolk is hereby divided into the following use districts:

Residence - R-1  
Residence - R-2  
Residence - R-3  
Business - B  
Industry - I

- b. There shall also be a flood plain district overlying the above districts as shown on the Zoning Map, as authorized in Chap. 40A Gen. Laws, Section 2.

2. Location of Districts

- a. Said districts are located and bounded as shown on a map entitled, "Zoning Map of Norfolk, Massachusetts", dated June 24, 1968, and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this by-law.
- b. Where a boundary is shown as following a street, railroad, utility easement or water course, the boundary shall be the center-line thereon, or an extension of such center-line, as it existed at the date of the Zoning Map.
- c. Where a district boundary is shown as generally parallel to a street, railroad, utility easement, or watercourse, the boundary shall be deemed parallel to the nearer, right-of-way sideline or high-water line, or an extension of such line. The numerical figure placed between said line and the district boundary shall be the distance in feet between them as measured along a line perpendicular to said line or extension thereof.
- d. Where a district boundary is indicated as generally coinciding with a city, town or property line, it shall so coincide.
- e. Where a district boundary is indicated as perpendicular to any right-of-way line, itemized above, or any city, town or property line, it shall be deemed to be perpendicular.
- f. Where a district boundary is indicated as generally parallel to any city, town or property line, it shall be deemed parallel. The numerical figure placed between two such lines shall be the distance in feet between them as measured along a perpendicular line.
- g. Where a district boundary shall include a numerical figure followed by the letters, MSL, it is at that number of feet above Mean Sea Level. The Basic Source for determining such a line shall be the United States Geological Survey Data as interpreted by the Building Inspector using the following plates of the latest date: Holliston, Medfield, Franklin, and Wrentham.



**NORFOLK, MASS.**

- h. Where the location of a district boundary is uncertain, the Building Inspector shall determine its location in accordance with the distance in feet from other bounds as given on the Zoning Map and good engineering practice.
- i. When a district boundary line divides any lot in one ownership of record at the time such line is adopted, a use that is permitted on one portion of the lot may be extended 30 feet into the other portion provided the first portion includes the required frontage.

#### D USE REGULATIONS

##### 1. Basic requirements

- a. No building, structure, or land shall be used for any purpose or in any manner other than is permitted as set forth in the Schedule of Use Regulations, Section 2 of the by-law, and in accordance with the following notations:
  - Yes - Use Permitted.
  - SP - Use Allowed as an Exception under Special Permit by the Board of Appeals as provided in Section H 5 hereafter.
  - No - Use Prohibited.
- b. Any use not specifically enumerated in a district herein shall be deemed prohibited.
- c. Subject to the provisions of Section 2 of Chapter 40A of the General Laws, but only to the extent that said Section 2 may from time to time require, the use regulations of this by-law shall not prohibit or limit the use of land for any church or other religious purpose or for any educational purpose which is religious, sectarian, denominational or public.
- d. Permitted uses and uses allowed by the Board of Appeals shall be in conformity with all dimensional requirements, off-street parking requirements, and any other pertinent requirements of this by-law.
- e. In a Business District all outdoor facilities for the storage of fuel, materials or equipment shall be enclosed by a wall of solid and uniform appearance not less than six feet in height or a tight and well-maintained evergreen hedge which shall attain a height of not less than six feet, in order to conceal such uses from any adjoining Residence District.
  - 1) No building shall be closer than 50 feet to the boundary line of a Residential District.
  - 2) A green belt shall be provided and maintained on any premises devoted to Business District uses between such uses and any Residential District boundary line within 100 feet of such premises. Such green belt shall:
    - a) Have a minimum width of 30 feet.
    - b) Be used for no purpose other than planting and

sidewalks.

- c) Constitute a screen of evergreen trees and shrubs not more than 15 feet apart planted in two staggered rows. The distance between rows shall be not more than 10 feet. The distance between plants shall be not more than 15 feet. Plants shall be no less than 8 feet in height at the time of planting.
- f. In an Industrial District principal ways shall have a right-of-way width of at least 60 feet, and secondary ways of at least 40 feet. Such ways shall be subject to the planning Board under the same procedures as in Residential Districts, including a public hearing, and shall be located so as to minimize the use of residential ways for access to Industrial Districts.
- 1) Lot Coverage. Buildings shall cover not more than 40% of the total area of each lot. Not less than 25% of the lot shall consist of landscaped area.
  - 2) No building shall be erected, altered or occupied for industrial purposes which is less than 50 feet from an Industrial or Business District lot line or less than 150 feet from a Residential District.
  - 3) A green belt not less than 30 feet wide shall be provided adjacent to Residential District boundary lines, in a manner which will best shield said Residential District. For the purposes of this section a green belt is defined as a protective screen which shall be planted and maintained in evergreen trees or shrubs, planted in 2 staggered rows. The distance between rows shall be not more than 10 feet. The distance between plants shall be not more than 15 feet. Plants shall be no less than 8 feet in height at the time of planting.

## 2. Schedule of Use Regulations

### a. Public and Semi-Public

	Districts		
	Residence	Business	Industry
1) Religious	Yes	Yes	Yes
2) Municipal, County, State or Federal	SP	Yes	Yes
3) Public educational	Yes	Yes	Yes
4) Cemetery	SP	SP	SP
5) Private club not conducted for profit	SP	Yes	SP
6) Hospital, convalescent home, sanitarium, camp	SP	SP	No
7) Day nursery	SP	SP	No

### b. Transportation and Utility Uses

8) Telephone exchange, transformer station, transmission lines, sub-station, pumping station, or other public utility	SP	Yes	Yes
---	----	-----	-----

	Residence	Business	Industry
9) Bus station, railway station	No	Yes	Yes
10) Aviation field	No	No	No

c. Residential

11) Single family dwelling	Yes	SP	No
12) Two family dwelling	SP	SP	No
13)			

14) Deleted by Amendment June 24, 1968.

15) Conversion of single family dwelling, in existence at the time of by-law adoption, to a two family dwelling.	SP	SP	No
--	----	----	----

16) The use of a portion of a dwelling or of a building accessory thereto by a resident of the premises as an office, studio or workroom for the conduct of a profession or customary home occupation, subject to the conditions that: (a) not more than one other person is regularly employed thereon in connection with such use, (b) no stock in trade is regularly maintained except for products of the occupation itself, or for goods or materials customarily used incidental to its performance, (c) such use does not produce noise or other effects observable at the lot lines in amounts exceeding those normal to residential property, (d) no external change is made which alters the residential appearance of the buildings on the premises, and (e) there is no exterior display or other outward evidence that the premises are being used for any purpose other than residential (except for an accessory sign as hereinafter permitted). In particular, uses permitted hereunder may include, but are not limited to, the office of a physician, dentist, lawyer, architect, engineer, real estate agent or insurance agent, the studio of an artist, musician or teacher, or the workroom of a dress-maker, milliner, photographer or hairdresser.	Yes	Yes	No
17) The use of a portion of a dwelling or a building accessory thereto by a resident builder, carpenter, painter, plumber, or other artisan,	Yes	Yes	No

Residence Business Industry

or by a resident tree surgeon or landscape gardener for incidental work and storage in connection with his off-premises occupation, subject to the same conditions and limitations as specified above for customary home occupations.

- |     |   |     |     |    |
|-----|---|-----|-----|----|
| 18) | Renting of rooms to not more than 4 persons and furnishing of table board to not more than 5 persons. | Yes | Yes | No |
| 19) | Use of trailers, busses and mobile units for residence in excess of 30 days.                          | No  | No  | No |
| 20) | Foundation or cellar hole for residence.  | No  | No  | No |

d. Agricultural

- |     |   |     |     |     |
|-----|---|-----|-----|-----|
| 21) | Agricultural, green house or nursery.   | Yes | Yes | Yes |
| 22) | Roadside stand selling produce the major part of which is raised on the premises.             | Yes | Yes | Yes |
| 23) | Poultry or stock raising except that the number of swine shall be limited to not more than 5. | Yes | No  | No  |
| 24) | Fur farm  | SP  | No  | No  |
| 25) | Riding stable, kennel or animal hospital.   | SP  | SP  | No  |

e. Commercial

- |     |  |    |     |     |
|-----|--|----|-----|-----|
| 26) | Restaurants  | No | Yes | Yes |
| 27) | Licensed inn   | No | Yes | SP  |
| 28) | Hotel or lodging house   | No | Yes | No  |
| 29) | Filling station and garage   | No | Yes | Yes |
| 30) | Newspaper or job printing  | No | Yes | Yes |
| 31) | Retail or wholesale stores or any and all establishments wherein goods and services, or either of them, are sold, rented or offered directly to the consumer, customer or other patron | No | Yes | SP  |
| 32) | Office or bank   | No | Yes | Yes |
| 33) | Storage of more than one commercial vehicle  | No | Yes | Yes |
| 34) | Parking of house trailers, or mobile homes nearer to street than main building   | No | SP  | SP  |

f. Industrial

- |     |   |    |    |     |
|-----|---|----|----|-----|
| 35) | Manufacturing, employing unobjectionable motive power utilizing | No | No | Yes |
|-----|---|----|----|-----|

Residence Business Industry

hand labor or quiet machinery and processes

g. Miscellaneous Uses

36)	Off-street parking of vehicles as provided for in Section F-7	Yes	Yes	Yes
37)	Signs as provided for in Section F-9	Yes	Yes	Yes
38)	Golf course (excluding miniature golf)	SP	SP	SP

E. INTENSITY REGULATIONS

1. Basic Requirement

a. No building or structure hereafter erected in any district shall be built, located or enlarged which does not conform to the minimum requirements of this by-law, and no more than one dwelling shall be built upon any such lot. No existing lot shall be changed as to size or shape so as to result in a greater violation of the requirements set forth below.

b. Schedule of Dimensional Requirements

District	Minimum Lot Size (sq.ft.)	Minimum Frontage (in ft.)	Minimum Yard Setback (in ft.)			Maximum Lot Coverage **	Maximum Building Height	
			Front	Side	Rear		Stories	Feet
Residence								
1	30,000*	150	50	25	25	25%	2½	35
2	43,560*	200	50	25	25	25%	2½	35
3	55,000*	200	50	25	25	25%	2½	35
Business	30,000*	150	50	25	25	40%		40
Industry	30,000	150	50	25	25	40%		40

\*A minimum of 10% must be added to the frontage and area for 2 Family Dwelling.

\*\*Including accessory buildings.

c. Living Space

No single-family residential building shall be erected or reconstructed so that the floor area of the living space shall be less than 768 square feet. Living space shall not include garages, breezeways and carports.

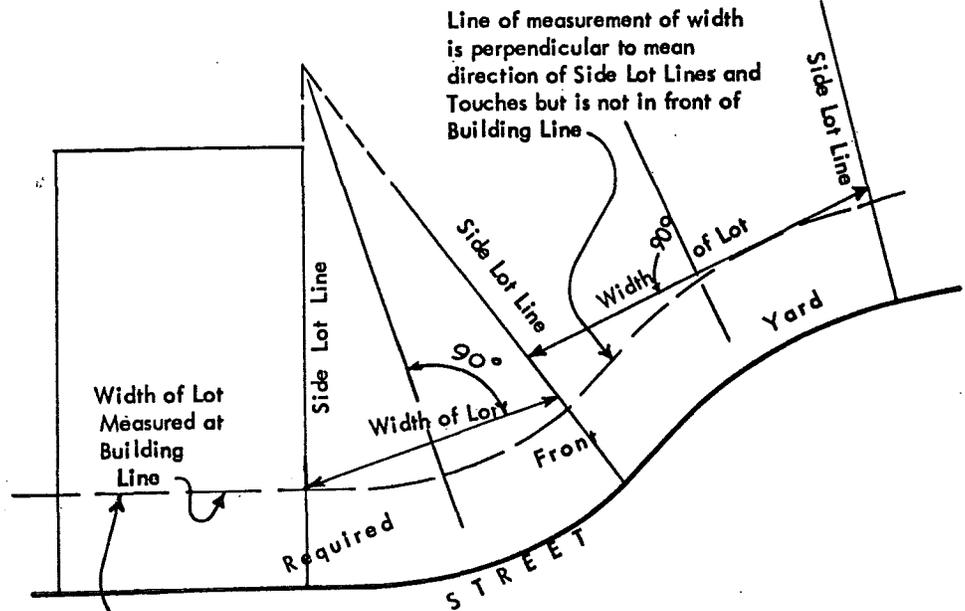
d. Lot Width (Frontage)

The straight line distance between, either the points of intersection of the side lot lines and the street right-of-way line, or the point of intersection of the side lot lines and the setback line of the required front yard. In no case shall either one of these distances be less than 85% of the required minimum frontage. See drawing A.

e. Yard - Front Side, Rear

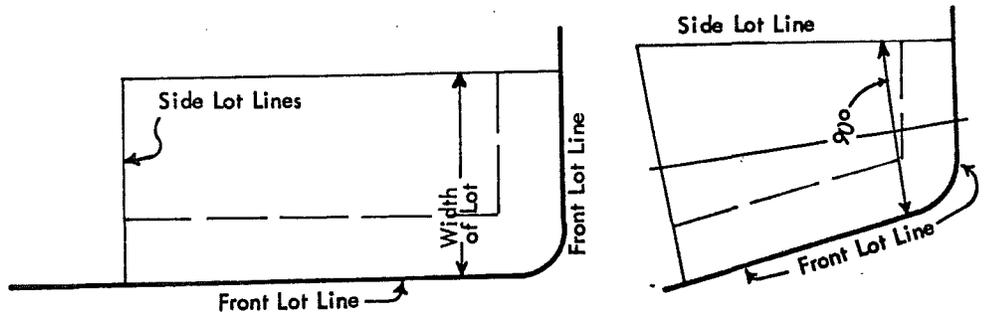
An unoccupied space open to the sky on the same lot with a

MEASUREMENT OF LOT WIDTH (FRONTAGE)



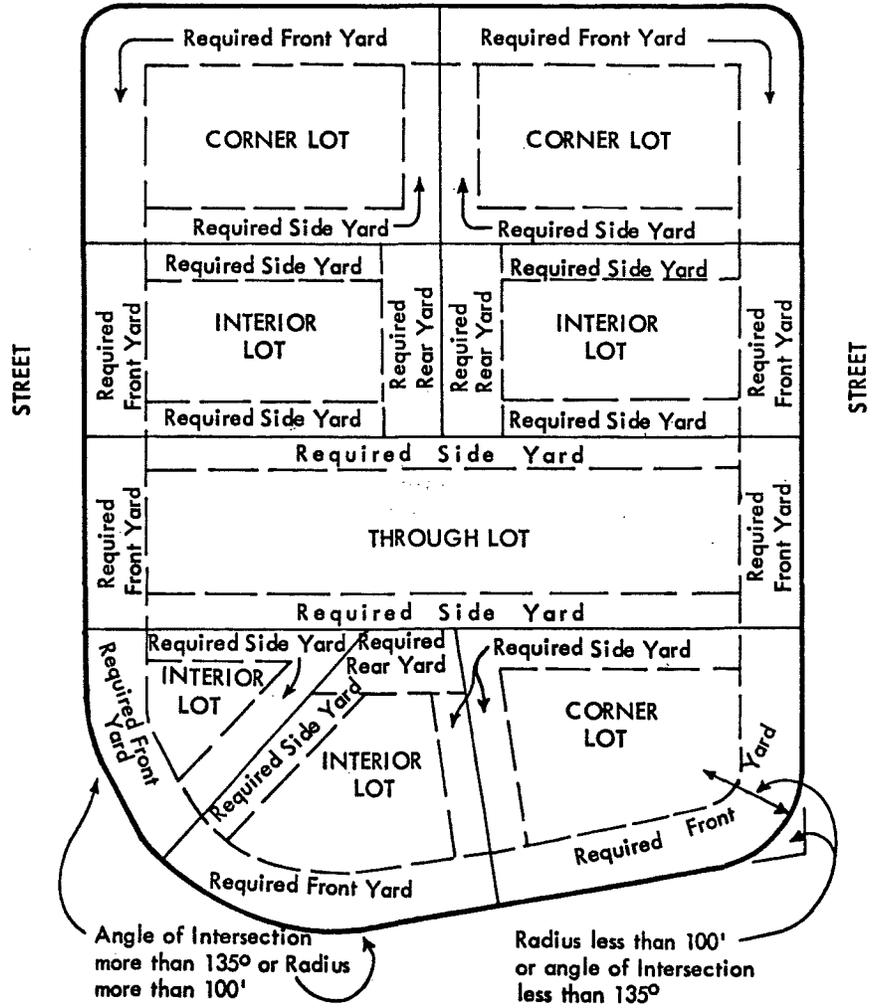
Building Line parallel to Street at Distance equal to Depth of Required Front Setback

Nothing shall prohibit a building from being set back a greater distance from the street, providing that all of the minimum dimensional requirements can be complied with.



Width of Corner Lot is Measured by Taking Longer Front Lot Line as Though a Side Line

TYPICAL LOT TYPES



Principal building or structure. (The drawing B illustrates the positions and extent of the front, side and rear yards.)

2. Modifications

a. Exempted Lots

A lot or parcel of land in a residential district having an area or width less than that required by this section may be developed for single residential use provided that such lot or parcel complies with the specific exemptions of Section 5A and 7A of Chapter 40A of the General Laws.

b.

Deleted by Amendment June 24, 1968.

c.

d. Corner Lots or Through Lots

A corner or through lot shall maintain minimum front yard setback requirements for each street frontage.

e. Appurtenant Open-Space

No yard or other open space required for a building by this by-law shall, during the existence of such building, be occupied by or counted as open-space for another building.

f. Projections

Nothing herein shall prevent the projection of steps, porches (not exceeding 30 square feet in area), eaves, cornices, window sills or belt courses into any required yard.

g. Visual Corner Clearance

In any district no structure, fence, planting, or off-street parking (except a transparent fence in which the solid area is not more than 5% of the total area) shall be maintained between horizontal parallel planes  $2\frac{1}{2}$  feet and 7 feet above street level, within the triangular area described by the 2 street lines and a straight line connecting points on such lines 25 feet distant from the point of intersection.

h. Conversion of Single-Family Dwelling

The Board of Appeals may authorize the conversion of a single-family dwelling, in existence at the time of the adoption of this By-Law, to accommodate no more than two families, provided that (1) each resulting dwelling unit shall contain no less than 800 square feet not included in any basement space or area below ground level, and shall have complete lavatory and sanitary facilities; and (2) no exterior changes are made which, in

the judgment of the Board, do not conform to the single-family character of the neighborhood.

F GENERAL REGULATIONS

1. Basic Requirement  
All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, or use of all premises in the Town of Norfolk shall be in conformity with the provisions of this by-law.
2. Nonconforming Structures and Nonconforming Uses
  - a. Continuation  
Any lawful nonconforming structure or use existing at the time of the first passage of the applicable provisions of this or any by-law or amendment thereto may be continued.
  - b. Change  
A nonconforming structure or use may be changed to be conforming, but once changed to be conforming it shall not be made nonconforming again.
3. Nonconforming Uses
  - a. Change  
The Board of Appeals may grant a Special Permit for any nonconforming use to be changed to another, specified, nonconforming use not substantially different in character nor more detrimental or objectionable to a neighborhood.
  - b. Cessation  
Any non-agricultural nonconforming use that has been discontinued for one year may not be renewed.
  - c. Extension  
A nonconforming use shall not be extended except by Special Permit, and then only within the Intensity Regulations (Section E) of this by-law and no more than 50% in its floor area or land occupancy. This provision may be used only once for each such use.
4. Nonconforming Structures
  - a. Alteration and Enlargement  
A nonconforming structure may be structurally altered subject to the granting of a Special Permit; provided any such alteration shall not increase the volume, floor area, lot coverage, or the nonconformity of such structure. The provisions of the preceding sentence shall not be applied to prohibit the alteration, rebuilding, or expansion of non-conforming structures providing such construction can be done without violating the dimensional requirements of this by-law.
  - b. Restoration
    - 1) Nothing shall prevent the strengthening or restoring, to a safe condition, of any building or structure or a part thereof, declared unsafe by the Building Inspector, provided

the requirements of this by-law are complied with.

- 2) If a nonconforming structure has been destroyed or damaged by fire, flood, earthquake, or other catastrophe, such building may be rebuilt or restored subject to the granting of a Building Permit; provided such rebuilding and restoring shall be completed within twelve months of the issuance of a Building Permit, and the structure as rebuilt or restored shall not be in greater nonconformity than before.

5. Accessory Buildings

No accessory building shall be closer to any principal building or any lot line than a distance equal to the height of such accessory building and in no event in a front yard. No fence or other structure enclosing animals, except house pets, shall be within 100 feet of a dwelling on an adjoining property.

6. Flood Plain Restrictions

In a flood plain district, land shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof. Otherwise any uses normally permitted in the various districts overlain by the Flood Plain District shall not be restricted by this paragraph, except that within the Flood Plain District no dumping, filling, excavation or transfer of any material which will reduce the natural flood water storage capacity or interfere with the natural flow patterns shall be permitted.

7. Parking Requirements

- a. In any district where otherwise permitted, no use of premises shall be authorized or extended, and no building or structure shall be erected or enlarged, unless there is provided for such erection, extension, or enlargement, off-street automobile parking space within 300 feet of the principal building, structure, or use of the premises, in accordance with the following schedule of off-street parking requirements. An area of 300 square feet of appropriate dimensions for the parking of an automobile, including maneuvering area and aisles shall be considered as one off-street parking space.

b. Schedule of Minimum Off-Street Parking Requirements

Permitted Use	At least one * parking space for each:
a. Residence including 2 family	2/3 housing unit
b. Tourist, lodging or boarding house, motel or hotel	sleeping room
c. Hospitals	4 beds, 2 doctors, and 3 other staff (3 spaces required)
d. Convalescence homes and sanitariums	4 beds
3. Churches, libraries and such public buildings	300 sq. feet of gross floor area or 4 seats

f. Schools	12 students or seats
g. Colleges, Prep Schools and Academys	4 students or seats
h. Retail goods or service establishment	200 sq. feet of gross floor area
i. Offices	300 sq. feet of gross floor area
j. Restaurants	3 employees and for each 3 seats
k. Drive-in food establishments	25 sq. feet of gross floor area
l. Industry	2 employees (largest shift) or 300 sq. feet of gross floor area
m. Other uses	as needed, as determined by Board of Appeals

\* Where computation results in a fraction of a parking space only fractions of  $\frac{1}{2}$  or more shall be counted as one.

- c. No lights used for illumination of off-street parking facilities shall produce direct glare from a light source on to a public way or adjacent property.
  - d. In Business and Industrial Districts parking-circulation areas within 100 feet of a Residential District shall have a screen of planting. Such screen shall have a height of not less than 4 feet at the time of planting and shall attain a height of not less than 7 feet. Such screen shall be sufficient in density throughout the year to provide adequate privacy to such Residential District. No screening required on frontage.
8. Off-Street Loading
- a. Basic Requirement
 

In any district where otherwise permitted, no use of premises shall be authorized or extended, and no building or structure shall be erected or enlarged, unless there is provided for such extension, erection, or enlargement off-street loading facilities located entirely on the same lot as the building or use to be served, and with immediate and direct ingress to the building to be served in accordance with the following minimum specifications. An area of at least 400 square feet of appropriate dimensions, exclusive of drives and maneuvering space, shall be considered one off-street loading bay.
  - b. Minimum Standards
 

One loading bay for each 5,000 square feet or portion thereof in excess of one-half of the gross floor area for any retail goods, wholesale, storage, distribution, manufacturing, public utility, or like establishment.

one loading bay for each 10,000 square feet or portion thereof in excess of one-half of gross floor area of any consumer service establishment, office building, hotel, motel or school.
9. Sign Regulations
- a. Basic Requirement
 

No signs or advertising devices of any kind or nature shall be

erected on any premises or affixed to the outside of any structure or be visible from the outside of any structure except as specifically permitted in the following schedule of Sign Regulations, and in accordance with the following notation:

- Yes - Use permitted
- SP - Use allowed as an exception under Special Permit by the Board of Appeals
- No - Use prohibited

b. Schedule of Sign Regulations

		Districts		
		Res.	Bus.	Ind.
1) On-premises signs or advertising devices:				
a) Non-flashing, stationary signs with no direct lighting visible from street or adjacent property:				
(1) Name Plate				
One sign for each family residing on the premises indicating the name of the owner or occupant or pertaining to a permitted accessory use, provided, that each sign does not exceed 2 sq. feet in area	Yes	Yes	Yes	Yes
(2) Announcement				
One or two signs each not exceeding 12 sq. feet in area for the following purposes:				
(a) Advertisement for the sale, rental or lease of the building or premises	Yes	Yes	Yes	Yes
(b) Announcement or bulletin board for a public, charitable, or religious institution	Yes	Yes	Yes	Yes
(c) Advertisement for a building contractor only while construction is occurring on the site	Yes	Yes	Yes	Yes
(3) Advertising				
(a) Two signs advertising for each separate and distinct establishment or for each 150 feet of lot frontage, the goods or services rendered on the premises, attached flat against the wall of a building and not projecting above a parapet wall	No	Yes	Yes	Yes
(b) One sign free-standing on the ground or one sign projecting over a public way, (as subject	No	SP	Yes	Yes

to the authority of Section 8, Chapter 85 of the General Laws), for each separate establishment

- 2) Off-premises signs or advertising devices, provided a permit has been granted by the Outdoor Advertising Authority in accordance with Section 29 through 33, Chapter 93 of the General Laws and such permit is valid and outstanding
- |  |    |    |    |
|--|----|----|----|
| a) Non-flashing, stationary advertising signs, with no direct lighting visible from street or adjacent property  | No | SP | SP |
| b) Flashing, animated, or intermittently illuminated advertising signs, not within 350 feet of and visible from any residence district or limited access highway, and not projecting over a public way | No | No | SP |

c. Permits Required

No free-standing or projecting sign or advertising device shall be erected unless a Building Permit has been issued.

10. Performance Standards (as recommended by; National Industrial Zoning Committee)

a. Basic Requirements

No land or building shall be used or occupied for non-residential purposes in any district in any manner as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion, radio-active or other hazard; noise or vibration; smoke, dust or other form of air pollution; electrical or other disturbance; glare; liquid or solid refuse or wastes; contamination of ground water or the pollution of streams; conditions conducive to the breeding of rodents or insects; or other substance, conditions or element in a manner or in an amount as to affect adversely the surrounding area.

b. Measurement at Point of Emission

The existence of the following dangerous or objectionable elements shall be determined at the point of emission.

1) Fire and Explosive Hazards

All activities and all storage of flammable and explosive materials, at any point, shall be provided with adequate fire-fighting and fire-suppression equipment and devices.

2) Radioactivity or Electrical Disturbance

No activities that emit dangerous radioactivity, at any point; no electrical disturbance (except from household appliance and equipment subject to the control of the Federal Communication Commission) adversely affecting the

operation, at any point, of any equipment other than that of the creator of such disturbance shall be allowed.

3) Smoke

No emission at any point of smoke of a shade darker than No. 1 on the Ringelmann Smoke Chart, as published by the U. S. Bureau of Mines, for more than five minutes in any hour shall be allowed.

4) Fly Ash, Dust, Fumes, Vapors, Gasses and Other Forms of Air Pollution

No emission, at any point, which can cause any damage to health, animals or vegetation, or which can cause excessive soiling and in no event any emission of any solid or liquid particles in concentration exceeding 0.3 grains per cubic foot of the conveying gas or air, shall be allowed.

5) Liquid or Solid Wastes

No discharge at any point into any private sewage-disposal system, stream, or the ground of any materials in such a way or of such nature or temperature as can contaminate any running stream, water supply or otherwise cause the emission of dangerous or objectionable elements, and no accumulation of wastes conducive to the breeding of rodents or insects shall be allowed.

c. Measurement at Lot Line

The existence of the following Dangerous and Objectionable elements shall be determined at the Lot Line of the use or at any point beyond.

1) Vibration

No vibration which is discernible to the human sense of feeling for 3 minutes or more in any one hour between 7 A.M. and 7 P.M., or of 30 seconds or more in any one hour from 7 P.M. to 7 A.M. shall be permitted. No vibration at any time shall produce an acceleration of more than 0.1g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, U. S. Bureau of Mines Bulletin No. 442.

2) Noise

Maximum permissible sound-pressure levels at specified points of measurement for noise radiated continuously from a facility between 10 P.M. and 7 A.M. shall be as follows:

Frequency Band Cycles Per Second	Sound Pressure Level Decibels re 0.0002 dyne/cm <sup>2</sup>
20 - 75	69
75 - 150	54
150 - 300	47
300 - 600	41
600 - 1,200	37
1,200 - 2,400	34
2,400 - 4,800	31
4,800 - 10,000	28

If this noise is not smooth and continuous, the following corrections shall be added to each of the preceding decibel levels.

- (a) Daytime operation only +5
- (b) Noise source operates less than 20% of any one hour period +5

3) Odors

No emission of odorous gases or odoriferous matter in such quantities as to be offensive shall be permitted. Any process which may involve the creation and/or emission of any odors shall be provided with a primary and a secondary safeguard system. No objectionable odor greater than that caused by .001202 oz. per thousand cubic feet of hydrogen sulfide or any "odor threshold" as defined in Table III in Chapter 5 "Air Pollution Abatement Manuel," copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D. C.

4) Glare

No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or from signs otherwise permitted.

11. Site Plan Approval

- a. No multi-family, business or industrial building shall hereafter be erected or externally enlarged, and no business or industrial use shall hereafter be established or expanded in ground area except in conformity with a site plan bearing an endorsement of approval by the Building Inspector in his capacity as enforcing authority. Said site plan shall show among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other open uses, all facilities for sewage, refuse and other waste disposal, and for surface water drainage, and all landscape features (such as fences, walls, planting areas and walks) on the lot.
- b. Any person desiring approval of a site plan under this paragraph shall submit said plan to the Building Inspector who shall thereafter transmit it to the Planning Board which shall within 30 days of the receipt of such plan return to the Building Inspector a report accompanied by any material, maps, or plans that will aid the latter Board in judging the application and in determining special conditions and safeguards. The Building Inspector shall not grant any approval of a site plan until said report has been received and considered, or until the 30 day period has elapsed without receipt of the report, and no building permit shall be issued unless the Building Inspector has approved the plan. The Building Inspector shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan; or, upon its own motion, in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this subsection; and the foregoing provisions

wherever apt shall be applicable to any modification or amendment of such plan. In considering a site plan under this subsection, the Building Inspector shall assure to a degree consistent with a reasonable use of the site for the purpose permitted by the regulations of the district in which it is located.

- 1) Protection of adjoining districts against seriously detrimental or offensive uses on the site.
- 2) convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.
- 3) adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.

#### G PLANNED UNIT DEVELOPMENT

##### 1. Basic Requirement

So-called Planned Unit Development, including but not limited to cluster subdivisions, may be allowed by the Board of Selectmen in Residence Districts upon holding a public hearing and upon a report from the Planning Board and in accordance with the following regulations.

##### 2. Intent

The purposes of this section, in addition to those of the entire by-law, are particularly to (1) provide for the more efficient use of land in harmony with its natural features, (2) reduce municipal costs for street and utility maintenance, police and fire protection, (3) preserve and enhance real property values for the long-range future. Such purpose to be achieved by allowing some reduction in required lot sizes without increasing overall density.

##### 3. Standards

a. The Board of Selectmen may grant a Special Permit allowing the dimensional requirements for single-family residence in the Residence 1 district to be applicable to single-family residence in the Residence 2 and Residence 3 Districts, provided the following conditions obtain:

- 1) the tract of land to be considered for a Special Permit shall be
  - a) in a single or consolidated ownership at the time of application,
  - b) at least 10 acres in size, and
  - c) subject to approval by the Planning Board under the Subdivision Control Law.
- 2) a development plan for the entire tract is presented for consideration.

- 3) the total number of proposed lots in the development does not exceed the number of lots which could be developed under normal applications of the requirements of the residence district.\*

\* Thus major utility easements, flood plains, water bodies and other such areas may not be included in area computation.

- 4) the proposed development is in harmony with the Master Plan as prepared and amended by the Planning Board, so far as practicable.
- 5) "Common land" is set aside within the proposed subdivision and either deeded to the Town or covenanted to be maintained as permanent "open space" in private or co-operative non-profit ownership, subject to the following conditions:
  - a) the area of such "common land" to be not less than the portion of the entire tract by which the sum of all lot areas have been reduced, but no case less than 10 percent of the tract nor less than 2 acres.
  - b) such "common land" to be optioned to the Town or permanently covenanted simultaneously with the Planning Board approval of the Definitive Subdivision Plan.
  - c) such "common land" to be restricted to open space uses such as park, recreation, and conservation and appurtenant structures, but not to exclude public or private utilities.
  - d) all "common land" to have access from a public way.

#### 4. Procedures

Upon application for a Special Permit under this section the Board of Selectmen shall transmit forthwith notice to the Planning Board which shall, within 20 days of the receipt of such notice, transmit to the Selectmen a report accompanied by any material, maps or plans that will aid them in judging the application and in determining special conditions and safeguards. The Board of Selectmen shall not render any decision on an application for a Special Permit until said report has been received and considered, or until the 20 day period has expired without receipt of the report, and a public hearing has been conducted.

Additional conditions and safeguards that the Selectmen may require shall include: specific improvements of the "common land," placing utilities underground, architectural controls, off-street parking requirements and buffer strips from adjacent areas; but shall not be limited to these.

## H ADMINISTRATION

### 1. Enforcement

This by-law shall be enforced by the Building Inspector. No building shall be built or altered and no use of land or a building shall be begun or changed without a permit having been issued by the Inspector of Buildings. No building shall be occupied until a certificate of occupancy has been issued by the Inspector of Buildings. Any person, firm, or corporation violating any of the

provisions of this by-law may be fined not more than fifty dollars for each offense. Each day that willful violation continues shall constitute a separate offense.

2. Building Permit

No building permit shall be issued until the construction or alteration of a building or structure as proposed, shall comply in all respects with the provisions of this by-law or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, at a scale of not less than 1" = 40', accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location, and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this by-law. A Building Permit shall be valid for 12 months, however, a 12 month extension may be granted upon application prior to the expiration of the original permit. A Building Permit under which no work is commenced 6 months after issuance shall expire. Subsequent renewals shall involve an additional fee.

3. Certificate of Occupancy

a. Basic Requirement

No land shall be occupied or used, and no building or structure which was erected or structurally altered after the first passage of applicable provisions of this or any prior by-law or any amendment thereto shall be occupied or used in whole or in part for any purpose, unless a Certificate of Occupancy has been issued by the Inspector of Buildings. Such certificate shall state the structure and use of structure and land comply in every respect with the provisions of the Building Code and/or the Zoning by-law of the Town of Norfolk in effect at the time of issuance.

b. Applicability

The issuance or re-issuance of a Certificate of Occupancy shall be required for any building or structure - hereafter erected or located, for any change of use of a building or land, or any change in character or intensity of the use of land, or any structural alteration of a building, whether non-conforming or otherwise.

c. Continuous Compliance

A certificate of Occupancy shall be conditional on the maintenance of full compliance with the provisions of the Zoning by-law in effect at the time of issuance, or with restrictions imposed in a decision of the Board of Appeals, and shall lapse if such compliance fails.

4. Enforcement of Performance Standards

a. The applicant for a building permit and/or a certificate of occupancy for a use subject to Performance Standards shall submit in addition to the evidence required in 2 and 3 above; (1) a plan

and description in duplicate to the Building Inspector of all proposed activities, (2) plan and specifications for the control or restriction of all dangerous and objectionable elements, and (3) an affidavit acknowledging understanding of the applicable performance standards and agreeing to conform with same at all times.

- b. In such cases as there is reasonable doubt as to the likelihood of conformance, the Building Inspector may require an investigation and report at the cost of the applicant, within 30 days, by one or more qualified experts, a copy of such report being provided to the applicant.
- c. The Inspector of Buildings shall investigate any alleged violation of Performance Standards and may engage qualified experts. He may apply for a criminal complaint in a district court.

5. Board of Appeals

a. Establishment

There is hereby established a Board of Appeals in accordance with Chapter 40A, General Laws which shall consist of 5 members and 2 associate members, all appointed by the Board of Selectmen. The terms of Board of Appeals members will be of such length and so arranged that the term of one appointee will expire each year. Associate members shall be designated by the chairman of the Board to sit in place of any member incapacitated by personal interest or absence.

b. Powers

The Board of Appeals shall have the following powers:

1) Appeals

To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provision of Chapter 40A General Laws, or by any officer or board of the Town of Norfolk, or by any person aggrieved by any order or decision of the Inspector of Buildings in violation of any provision of Chapter 40A General Laws or of this by-law.

2) Special Permits

To hear and decide applications for special permits for exceptions as provided in this by-law, subject to any general or specific rules therein contained and subject to any appropriate conditions and safeguards imposed by the Board.

3) Variances

To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon a variance from the terms of this by-law where, owing to conditions especially affecting such parcel or such building but not affecting generally the

zoning district in which it is located, a literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise to the appellant, and where 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 by-law, but not otherwise.

c. Procedures

The Board of Appeals may adopt from time to time such rules of practice and procedure as it may deem necessary to carry into effect the provisions of this by-law consistent with Chapter 40A General Laws or with other provisions of the General Laws and of this by-law, and shall keep minutes of its proceedings.

All applications for appeals, exceptions or variances to the Board shall be made in writing on appropriate forms furnished by the Board. The Board shall, with the advice and assistance of the Board of Selectmen, maintain and keep up-to-date a map indicating thereon by appropriate notations the locations of all actions whether approved or disapproved. A fee of fifteen dollars or an amount to be determined by the Board of Appeals shall be paid with every application or request to the Board of Appeals to pay the cost of notices prescribed by law. The fee shall be deposited with the Town of Norfolk.

The Board shall consider any appeal or any petition or other matter properly before it, at a public hearing and shall fix a reasonable time for the hearing. The Board shall post notice of the hearing upon the property with respect to which the appeal is filed and shall send a written notice to the petitioner, to the owner of the property adjoining and opposite such property within 200 feet thereof as shown on the most recent tax list of the Board of Assessors, to the Planning Board, and to such other owners as may be deemed by the Board of Appeals to be affected, and shall publish a notice in a newspaper of general circulation within the Town of Norfolk.

6. Repetitive Petitions

No proposed change in this by-law which has been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within 2 years after the date of such unfavorable action unless adoption of the proposed change is recommended in the final report of the Planning Board.

7. Validity

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision hereof.

8. Effective Date

The effective date of this by-law shall be the date upon which the by-law becomes in full force or effect in accordance with the provisions of Chapter 40, Section 32 of the General Laws. All other existing zoning by-laws shall be repealed upon the effective date of this by-law.



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