ZONING BYLAWS

With Amendments Through
November 2019

Including
Flood Plain/Wetlands Protection Districts
Watershed Protection District

TOWN OF NORFOLK
MASSACHUSETTS

November 19, 2019

Adopted March 16, 1953

As amended on:

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Walter Byron, Chairman
John Weddleton, Vice Chairman
Gary Searle, Clerk
Erin Hunt, Member
Chad Peck, Member
Peter Svalbe, Associate Member

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Town of Norfolk
Zoning Bylaws

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A. PURPOSE

A.1. Title and Authority

This Bylaw shall be known and may be cited as the "Zoning Bylaw for the Town of Norfolk, Massachusetts", and is adopted by virtue of and pursuant to the provisions of General Laws, Chapter 40A, as amended by Chapter 808 of the Acts of 1975 as amended.

A.2. Purpose

To lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic, or other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the 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, including consideration of the recommendations of the master plan, if any, adopted by the planning board and the comprehensive plan, if any, of the regional planning agency; and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

A.3. Interpretation

The provisions of this Bylaw shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, or the general welfare of the Town of Norfolk, Massachusetts. The provisions of this Bylaw are not intended to repeal, amend, abrogate, annul or in any way impair or interfere with any lawfully adopted law, statute, ordinance, bylaws, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, bylaw or other regulations, that provision which imposes the greater restriction or the higher standard shall govern.

A.4. Application

Except as herein provided, or as specifically exempted by a "shall clause" of the Zoning Act, the provisions of this Bylaw shall apply to the following: the erection, construction, reconstruction, alteration, or use of buildings and structures or use of land.

B. DEFINITIONS

For the purpose of this bylaw, certain terms and words shall have the meaning given herein. Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The words "used" or "occupied" include the words "designated," "arranged," "intended," or "offered" to be used or occupied. The words "building," "structure," "lot," "land," or "premises" shall be construed as though followed by the words "or any portion thereof." The word "shall" is always mandatory and not merely directory.

Terms and words defined herein are shown in all capital letters throughout the bylaw. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meaning given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in Webster's Unabridged Dictionary.

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.

ADULT BUSINESS - Any establishment which is distinguished or characterized by its emphasis on sexually oriented materials or entertainment depicting and/or describing, conduct or acts of a sexually explicit nature and as further defined in MGL Ch. 272, Sec. 31. Examples of such establishments include adult book stores, adult video stores, adult motion picture theaters, adult paraphernalia stores and adult live entertainment in which a substantial or significant portion of their stock in trade, displays and/or presentations relate to sexual conduct, sexual excitement, or are pornographic.

ADULT DAY CARE (DROP-IN) FACILITY - Premises or buildings used for the provision of supervised care for adults or the elderly on a daily basis.

AFFORDABLE HOUSING DEVELOPMENT - Any new housing development in a residential district filed under State and/or Federal Grants that would contain a proportion of SINGLE FAMILY DWELLINGS affordable to persons of low or moderate income (as defined and determined by Commonwealth of Massachusetts Department of Housing and Community Development [DHCD]).

AGE RESTRICTED DWELLINGS/HOUSING - Dwelling units for only adult residents of which at least one is 55 years of age and older. Such dwellings shall have this age restriction as part of the deed for the dwelling and/or property.

ANIMAL HOSPITAL AND CLINIC - A facility for the medical treatment of animals operated by a licensed veterinary professional, but including the boarding of animals within the facility building incidental to the hospital facility.

AGRICULTURAL - Property or BUILDINGS upon or within which agricultural, horticultural or floricultural products are grown or produced on premises, provided that the subject property contains a minimum of five (5) acres.

ALTERATIONS - As applied to a BUILDING or STRUCTURE, a change or rearrangement in the structural parts or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving from one location or position to another.

APPLICANT - The owner(s) of record or the legally authorized agent of the owner(s) of record.

AQUIFER - A geologic formation composed of rock or saturated material that contains significant amounts of potentially recoverable water.

AQUIFER RECHARGE AREA, PRIMARY - Areas which are underlain by surficial geologic deposits including glaciofluvial or lacustrine stratified drift deposits or alluvium or swamp deposits, and in which the prevailing direction or groundwater flow is toward the area of influence of water supply wells.

AQUIFER RECHARGE AREA, SECONDARY - Areas which are underlain by surficial geologic deposits including till or bedrock, and in which the prevailing direction of surface water flow is toward public water supply wells or potential sites for such wells.

AS-OF-RIGHT SITING - As-of-Right Siting shall mean that development of a solar photovoltaic installation may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with the Zoning Bylaws. Projects cannot be prohibited, but can be reasonably regulated by the Building Inspector and the Planning Board as Site Plan Review Authority.

ASSISTED LIVING FACILITY - A residential facility, designed primarily for elders, including supportive services but not permanent provisions for allied nursing facilities or nursing services.

ATHLETIC COURT - An area upon which tennis, handball, basketball, racquetball, volleyball, squash or paddle tennis is played.

AUCTION GALLERY - A BUILDING within which goods and materials, except motor vehicles, are offered for auction to members of the public by a licensed auctioneer.

AUTO FREIGHT STORAGE - A facility provides for the short-term storage of up to 150 motor vehicles per business that are (a) in operating condition; (b) for which an order has been placed to transport the vehicle to or from another location by means of a car carrier or store for an owner for up to 9 months and for which service of on-site stored motor vehicles only is allowed and no on-site sale of motor vehicles is permitted except as may be authorized by state law for abandoned vehicles or nonpayment for services rendered.

BED & BREAKFAST - A private, owner-occupied residence with accommodations for overnight guests for a fee, provided that no more than three rooms in any BUILDING may be used for such accommodations.

BIOTECHNOLOGY – A Building or Group of Buildings used by an enterprise for conducting research, and/or diagnostic testing and development in the life, biological and chemical sciences using accepted practices defined by the Commonwealth of Massachusetts. The purpose and products of biotechnology enterprises include develop, manufacture and produce commercial materials for human and animal health care, food consumption, agricultural applications and environmental protection by application of scientific data and techniques of engineering and technology. For definition purposes, "biotechnology" shall not include conventional food or alcoholic production activities, or the production of biowarfare agents but would include Biosafety Level I and II agents posing no or limited health hazards according to regulations of the Commonwealth of Massachusetts.

BOARDING HOUSE - Any DWELLING in which two or more persons, not members of the FAMILY dwelling on the premises, are housed or lodged for hire with or without meals in a room or suite which does not contain separate cooking facilities. A rooming house or a furnished rooming house, in which the rooms or suites of rooms in which the persons are housed or lodged for hire do not contain separate facilities, shall be deemed a BOARDING HOUSE.

BUILD FACTOR - A ratio of LOT perimeter to LOT area which limits the degree to which a LOT may have an irregular shape according to the formula set forth in Section E.1.e.

BUILDING - Any STRUCTURE used or intended for supporting or sheltering any use or occupancy. Any such STRUCTURES which share a common wall, but are located on separate LOTS, shall be considered to be separate BUILDINGS.

BUILDINGS, PROFESSIONAL - A BUILDING or group of BUILDINGS used for the offices and facilities accessory to the practice of licensed medical practitioners, clergypersons, lawyers, accountants, architects, engineers or other members of a recognized profession. For the purpose of this definition: (a) "licensed medical practitioners" shall include physicians, dentists, optometrists, ophthalmologists, Christian Science practitioners, chiropractors, and persons engaged in all fields related generally to medicine, but not including veterinarians; (b) "other members of a recognized profession" shall not include persons whose use of such BUILDING or group of BUILDINGS involves MANUFACTURING, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials and products which are physically located on the premises; and (c) "professional BUILDINGS" shall not include a veterinary hospital, or in-patient health care facilities.

BUILD-TO LINE - A line establishing a location for a BUILDING or STRUCTURE'S facade or vertical face, located on or referenced to the LOT'S FRONTAGE.

BUILDING INSPECTOR - The inspector of buildings, building commissioner, or local inspector, or person or board designated by local ordinance or bylaw charged with the enforcement of the zoning ordinance.

BUILDING PERMIT - A construction permit issued by the building inspector; the building permit evidences that the project is consistent with the state and federal building codes as well as local zoning bylaws, including those governing ground- mounted large-scale solar photovoltaic installations.

BUSINESS CORE - That part of the B-1 District which is West of Carlson's Circle.

BUSINESS OFFICES - Facility for the transaction of business exclusive of the receipt, retail sale, or processing of merchandise.

CHILD CARE FACILITY - A day care center or school age child care program as those terms are defined in G.L. c. 28A, Section 9; provided that the ground area covered by the BUILDING in which such business is located does not exceed 2,500 square feet.

CLUB - Premises or BUILDINGS of a non-profit organization exclusively serving members and their guests for recreational, athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include clubs or organizations whose chief activity is a service customarily carried on as a business.

COLLECTION STATION FOR LAUNDRY OR DRY CLEANING - A retail service establishment where customers bring and pick up their laundry or dry cleaning. No laundering or dry cleaning is done on the premises. The on-site service may include tailoring and clothing repairs.

COMMERCIAL COMPOSTING - A site or BUILDING where organic matter such as leaves, manure, peat, grass clippings, tree branches or shredded tree materials, are converted to compost or fertilizer and sold to or used by the general public, landscapers, retailers, and wholesalers.

COMMERCIAL SERVICE - A Professional BUILDING, BUSINESS OFFICE or other Commercial BUILDING which provides goods or services other than retail sales as its principal function.

CONTRACTOR'S HEADQUARTERS - A BUILDING which serves as the office space and staging area of a building contractor, plumbing contractor, electrical contractor, excluding those contractors primarily involved in the excavation or the relocation or transfer of earth. All vehicles or equipment garaged at the site are to be stored inside the BUILDING. Storage of materials and supplies shall be screened from view from the FRONTAGE and all property lines.

CONVENIENCE STORE - A GROCERY STORE or VARIETY STORE with less than 5,000 square feet GROSS FLOOR AREA.

CRAFT WORKSHOP - A business involving not more than eight (8) artists, artisans, craftsmen, or other skilled people or employees on premises at any one time who are engaged in the indoor production and sale of: wood carvings, baskets, cabinetry, ceramics, clothing, flower arrangements, jewelry, musical instruments, paintings, pottery, sculpture, children's toys, woven objects, ceramics, hand-blown glass objects, dolls, silver goods or other goods fabricated of precious metals, photographs, candles, graphic arts, taxidermy and leather goods (not including tanning or processing), picture framing, wood working, candles and art work.

DAY CARE, FAMILY HOME - Any dwelling unit licensed by the Commonwealth of Massachusetts and providing daily care for six or fewer children under the age of six years, where fees are charged.

DEMOLITION - Any act of pulling down, destroying, removing or razing a building or structure, or commencing the work of total or substantial destruction with the intent of completing the same.

DESIGNATE LOCATION - The location designated as the Solar Energy Overlay Zone, in accordance with Massachusetts General Laws Chapter 40A, section 5, where large-scale ground-mounted solar photovoltaic installations may be sited as-of right. Said location shown on Assessors Map 09, Block 32, Lot 32, Assessors Map 9, Block 32, Lot 33, Assessors Map 9, Block 32, Lot 7, Assessors Map 9, Block 32, Lot 76, Assessors Map 9, Block 32, Section 19, Assessors Map 9, Block 32, Section 17 and Assessors Map 15, Block 32, Lot 27, pursuant to Massachusetts General Laws Chapter 40A Section 4. This map is hereby made a part of this Zoning Bylaw and is on file in the Office of the Town Clerk.

DRIVE-UP WINDOW - A premises where persons, while in their cars, are served, purchase, consume as appropriate: banking services, food, goods.

DRY CLEANING OR POWER LAUNDRY - A BUILDING where retail/wholesale laundry and/or dry cleaning is done, including on-site commercial cleaning of carpets and rugs.

DWELLING - Any STRUCTURE or BUILDING used in whole or in part for human habitation.

DWELLING, SINGLE-FAMILY - A BUILDING occupied by a single FAMILY and having no party wall or walls in common with an adjacent STRUCTURE.

DWELLING UNIT - Quarters for a single FAMILY.

EARTH REMOVAL - Moving, stripping, digging or excavating soil, loam, sand or gravel and removal from one lot or parcel and transported to another.

EXERCISE/AEROBIC STUDIO - A commercial establishment open to the public for a fee that provides services and facilities for physical fitness training, which includes but is not limited to yoga, walking, running, swimming, cycling, rowing, boxing, dancing handball and racket sports. Other similar facilities featuring exercise or other active physical conditioning shall also be considered an "exercise/aerobic studio." Such uses may include mediation, nutrition, and massage as accessory uses; or take any action relative thereto.

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.

FARMER'S MARKET - The temporary outdoor retail sale of agricultural, horticultural or floricultural produce between May 15 and November 15.

FAST FOOD RESTAURANT - A public eating establishment where the customer carries the purchased food to a seating area within the premises.

FLOODPLAIN - WETLANDS PROTECTION DISTRICT BYLAW definitions:

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year (more commonly referred to as the 100 year flood event).

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the BASE FLOOD without cumulatively increasing the water surface elevation.

FLOOD BOUNDARY AND FLOODWAY MAP means an official map of a community issued by FEMA that depicts based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year FLOODWAY**.**

FLOODWAY DATA means the best available Federal, State, local or other floodway data used to prohibit encroachment in FLOODWAYS which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

FOOTPRINT - The land area occupied by BUILDINGS or STRUCTURES, at the surface of the ground, excluding open porches and loading docks and receiving areas, whether or not enclosed.

FRONTAGE - That portion of a LOT contiguous with a STREET or STREET right of way line and providing access thereto. For the purposes of determining YARD requirements on corner LOTS and through LOTS, all sides of a LOT adjacent to or abutting STREETS shall be considered FRONTAGE and YARDS shall be provided under YARDS in this Section. FRONTAGE is to be measured continuously along one STREET line between side LOT lines and their intersection with the STREET line or, in the case of a corner LOT, to the midpoint of the corner arc.

FRONTAGE SIDE - That side of a BUILDING or STRUCTURE which abuts or is closest to the FRONTAGE of the LOT on which that BUILDING or STRUCTURE is located.

GARAGE REPAIR SHOP - Any BUILDING, in which a business, service or industry involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GOVERNING WATER PROTECTION DISTRICT - The person or persons responsible for the daily operation and maintenance of the town water supplies, being under the jurisdiction of the Norfolk Water Department.

GREENHOUSE - A BUILDING with a roof and walls made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of agricultural, horticultural or floricultural products for retail or wholesale sale or distribution.

GROCERY STORE - A retail store selling branded, packaged comestibles, beverages and staple foodstuffs.

GROSS FLOOR AREA - The sum of the horizontal areas of the floor(s) of a BUILDING measured from the exterior face of exterior walls, or from the centerline of a wall separating two BUILDINGS, but excluding interior parking spaces, loading space for motor vehicles, unoccupied attic space, or any space where the floor-to-ceiling height is less than six feet.

GROUNDWATER - All water found beneath the surface of the ground, including, without limitation, the slowly moving subsurface water present in aquifers and recharge areas.

HARDGOODS - Retail merchandise comprised in whole or in part of hard or durable materials such as metal, wood, glass, plastics, and synthetics (molded or extruded).
HAZARDOUS WASTES - A waste, or combination of wastes, which because of its quantity, or concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious, or incapacitating illness or pose a substantial present or potential hazard to human health, safety, or welfare of to the environment when improperly treated, stored, transported, used or disposed of, or

otherwise managed. These wastes shall include, but not be limited to, any wastes which fall within the definitions of hazardous waste under the Hazardous Waste Regulations, promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Section 27(8), 52, 57, and 58 of Chapter 21 of the General Laws.

HEALTH CLUB - An entity which provides structured exercise programs utilizing both indoor and outdoor facilities such as a gymnasium, swimming pool, running track, court layouts and the like for the development of personal fitness under the supervision of personnel knowledgeable in health, physical education and exercise physiology.

HEIGHT, BUILDING - The vertical distance from the grade to the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a BUILDING faces on more than one (1) STREET, the height shall be measured from the average of the grades at the center of each STREET front.

HOME OCCUPATION - The use of a portion of a DWELLING or ACCESSORY BUILDING thereto as an office, workshop, or studio, by a resident of the premises provided that:

a. The occupation does not employ more than one person who is not a resident of the premises;
b. The occupation is clearly incidental to the use of the premises for residential purposes and does not occupy an area greater than 25% of the GROSS FLOOR AREA of the DWELLING;
c. The occupation does not involve exterior storage or display of material or equipment;
d. There shall be no sales of merchandise other than that produced on the premises;
e. There shall be no change in the outside appearance of the BUILDING or premises, or other visible evidence of the conduct of such home occupation other than one SIGN as provided for in Section F.9.b.1.a;
f. No traffic shall be generated by such HOME OCCUPATION in greater volume than would normally be expected in a residential neighborhood;
g. No equipment or process shall be used in such HOME OCCUPATION which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the LOT.

HOSPICE - A facility that addresses the physical, spiritual, emotional, physiological, social and financial needs of the terminally ill patient and his FAMILY through an interdisciplinary team of professionals and trained volunteers in a variety of settings, both inpatient and at home; including bereavement counseling for his FAMILY.

HOTEL - A commercial facility offering transient lodging accommodations to the general public and providing additional services such as RESTAURANTS, meeting rooms, and recreation facilities.

IMPERVIOUS SURFACE - A constructed surface covering, such as asphalt, concrete, brick, tile and flagstone, which restricts the otherwise natural flow of surface waters into the ground.

Impervious Surface - Natural or manmade materials or STRUCTURES on, above, or below the ground which do not allow surface water or precipitation to infiltrate the underlying soil.

INDOOR COMMERCIAL RECREATION - A BUILDING within which the public is invited for a fee or membership charge to participate in athletic or recreational activities, including but not limited to swimming, exercise, weight training, running, tennis, squash, racquetball, ping-pong, bowling, billiards, darts, miniature golf, golf and baseball/softball training or simulation facilities, basketball, soccer, curling, ice skating, roller skating, hockey, HEALTH CLUB, and SPORTS MEDICINE FACILITY.

INN - A commercial facility operated by a licensed inn holder pursuant to M.G.L. c. 140, Sec. 2, et seq.

INTERIM WELLHEAD PROTECTION AREA - A one-half mile radius of a public supply well in the absence of a defined Zone II.

JOB PRINTING - The duplication of printed material on a wholesale or retail basis.

KENNEL: A pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

KENNEL, COMMERCIAL BOARDING OR TRAINING: An establishment used for boarding, holding, daycare, overnight stays or training of animals that are not the property of the owner of the establishment at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal; provided however that "commercial boarding or training kennel" shall not include an animal shelter or animal control facility, a pet shop licensed under section 39A of chapter 129, grooming facility operated solely for the purpose of grooming and not for overnight boarding, or an individual who temporarily and not in the normal course of business boards or cares for animals owned by others.

KENNEL, COMMERCIAL BREEDER: An establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.

KENNEL ENCLOSURE: Indoor or outdoor areas where dogs are held including cages, fenced in runs, dog houses, buildings or other structures where dogs are contained temporarily or for extended periods of time.

KENNEL, PERSONAL: A pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such as breeding from a personal kennel shall be to other breeders or other individuals by private sale only and not to wholesalers, brokers, or pet shops; provided further, that personal kennels shall not sell, trade, barter, or distribute a dog not bred from its personally owned dog; and provided further, that dogs temporarily housed at a personal kennel in conjunction with an animal shelter or a rescue registered with the department may be sold, traded, bartered, or distributed if the transfer is not for profit.

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 minimum nameplate capacity of 250 kW DC.

LIFE CARE CENTER - A facility which provides residents with private living accommodations; health services such as are provided by a NURSING HOME; dining room and/or prepared food service; communal recreation facilities; other amenities such as a small commissary or VARIETY STORE to serve persons who are unable to live wholly independently.

LIMITED USED MOTOR VEHICLE SALES - use of an office, building and/or site to conduct a business requiring a Class 2 License under the provisions of G.L. Chapter 140, Section 59 for the sale and preparation of used motor vehicles, but which does not display vehicles for sale on the premises.

LOADING SPACE, OFF STREET - An off STREET space or berth, on the same LOT with a BUILDING for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a STREET or other appropriate means of ingress and egress.

LOT – Except at otherwise provided herein, 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.

LOT COVERAGE - That portion of the total LOT area which is covered by BUILDINGS, STRUCTURES, and IMPERVIOUS SURFACES.

LOT LINE - A line dividing one LOT from another, or from a STREET or any public place.

MANUFACTURING - A BUILDING used for the indoor assembly or fabrication of materials into finished or semi-finished goods or products to be distributed and sold at locations off-site, provided that all resulting cinders, dust, glare, gases, odors, smoke, heat, and vapor are confined in a manner as not to create a nuisance or hazard to safety or health to the public.

MEDICAL MARIJUANA TREATMENT CENTER - A a not-for-profit entity, as defined by and registered under Massachusetts law only, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.

MINING OF LAND - The removal or relocation of geological materials, such as topsoil, sand and gravel, metallic ores, or bedrock.

NON-CONFORMING - Any LOT, use, STRUCTURE, or BUILDING not meeting the requirements of this Bylaw, but in existence prior to the date of adoption of this Bylaw.

NON-CONFORMING USE OR STRUCTURE - Any use or STRUCTURE which is lawfully in existence or lawfully begun, but which does not conform to the most recent, effective zoning regulations for the district in which such use or STRUCTURE exists.

NONPROFIT PRIVATE CLUB - A BUILDING and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues.

NURSING HOME - A facility with an organized professional staff and permanent facilities including inpatient beds that provide continuous nursing and other health related psychosocial and personal services to patients who are not in an acute phase of illness but who do require care on an inpatient basis.

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION - A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.

OUTDOOR BUSINESS - Any Business use conducted in the out-of-doors (outside a BUILDING or STRUCTURE) for more than 5 consecutive days, or more than 15 days in any calendar year, except those uses which are necessary, incidental, or Accessory to an indoor Business use within the B-1 District or a FARMER'S MARKET.

OUTDOOR COMMERCIAL RECREATION - Land, including accessory STRUCTURES, on which the public is invited for a fee or membership charge to participate in any of the following athletic or recreational activities: soccer, football,

baseball, softball, cricket, basketball, running, bicycling, golf, miniature golf, golf driving range, par three golf, tennis, handball, racquetball, paddle tennis, boating, training facilities for baseball/softball/soccer/golf, croquet, polo, badminton, bocce, frisbee, shuffleboard, horseshoes and swimming.

OUTDOOR STORAGE - Placement of supplies, materials, goods, products, or surplus materials outside a BUILDING or STRUCTURE, for more than 5 consecutive days or more than 30 days in any calendar year unless screened from view from the FRONTAGE and all property lines, except Automobile and Light Truck Class 1 Sales.

Outdoor Storage: Any storage which is not in a STRUCTURE with roof, floor and at least three sides, all of impervious material.

PARKING AREAS - All areas required to be constructed by Section F-7 (Parking Requirements) and Section F-8 (Off-STREET Loading) of the Norfolk Zoning Bylaws, excluding the driveway(s) necessary to provide access to such areas from the STREET.

PEDESTRIAN WAY - An area to provide pedestrian access from and parallel to the STREET, consisting of a three foot wide grass strip adjacent and parallel to the FRONTAGE, and an eight foot wide walkway constructed primarily of IMPERVIOUS SURFACE adjacent and parallel to the grass strip. The walkway width may include tree plantings if such plantings are covered with a walkable metal grate at ground level.

PERMIT GRANTING AUTHORITY - The Zoning Board of Appeals, except for the purpose of Section F.11, Site Plan Approval, Section H.2., Open Space Preservation, and all other areas of these Zoning Bylaws where the Planning Board is specifically named as the PERMIT GRANTING AUTHORITY.

PHYSICAL THERAPY AND REHABILITATION FACILITY - A facility which provides professionally staffed programs for the restoration and development of function lost or impaired by trauma, accident or pathology.

PLANNED MULTI-LOT DEVELOPMENT - Development of not less than 80,000 square feet of land into a group of LOTS or BUILDING Sites as a part of a common scheme so that such LOTS or BUILDING sites need not be self-sustaining; and adequate, common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS and STRUCTURES so accommodated.

PROCESS WASTEWATER - Non-domestic, non-toxic, non-hazardous liquid waste associated with the manufacture or preparation of a product, including but not limited to, hardware, dry goods, food stuffs, and printed materials.

PUBLIC WELL - A well providing potable water to at least 15 service connections or serving on a regular basis at least 25 people.

RATED NAMEPLATE CAPACITY - The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

RECHARGE - The process by which water is added to the saturated zone of any aquifer either by direct infiltration of precipitation or by indirect inputs from surface sources or from adjoining subsurface sources and either by reason of natural flow or by reason of pumping from a present or future public well.

RECHARGE AREAS - Any area which collects precipitation or surface water and carries it to aquifers. Recharge areas include areas designated in 310 CMR 22.00 as Zone I, Zone II, and Zone III.

REQUIRED CIRCLE - A circle with a diameter equal to the required FRONTAGE.

RESPITE FACILITY - A facility providing short-term custodial care on a residential or day-care basis to older adults, including food service and twenty-four hour supervision and nursing care as appropriate, with a view to providing the individual's FAMILY or other care giver a respite from the provision of such care.

RESTAURANT - A facility for the serving of food or beverages only to persons inside a completely enclosed BUILDING where the food or beverage is consumed.

RESTAURANT, FAST FOOD (See Fast Food Restaurant)

RESTAURANT, TAKE OUT (See Take Out Restaurant)

RETAIL NURSERY - A retail business primarily selling plants, shrubs, and trees for transplanting; lawn and garden supplies; and landscape materials.

RETAIL SALES - Establishments providing merchandise for retail sale to the general public; *e.g.* apparel stores; book stores; florist shops; sporting goods stores.

RETAIL SERVICES - Establishments providing retail services on the premises to the general public; *e.g.*, barber shops, beauty shops, travel agencies.

ROADSIDE STAND, PERMANENT - A STRUCTURE open to the weather left in place year-round, used for seasonal sale of raw produce, the major portion of which is raised on the premises.

ROADSIDE STAND, TEMPORARY - A STRUCTURE as above, but removed for not less than 6 months out of the year.

SATURATED ZONE - The thickness of permeable soil or bedrock actually saturated with water under normal conditions of temperature and pressure.

SCOREBOARD - A board displaying only athletic event information; said board shall not exceed thirty (30) square feet in area. No SCOREBOARD shall be higher than 15 feet from the average finished grade of adjoining ground to the top of the

SCOREBOARD. No SCOREBOARD shall be internally illuminated, but may be externally illuminated with white light only, and such lighting shall be shielded and focused not to extend beyond the SCOREBOARD border. A SCOREBOARD shall be located within 50 feet of its respective athletic field.

SCRAP YARD - An area of land, or a BUILDING, within which waste or scrap materials are bought, sold, exchanged, stored or otherwise handled including, without limitation, auto wrecking and Junkyard.

SENIOR CENTER – A facility for adults aged 55 and older that provides meals, meetings, activities, and educational programs; provided that the ground area covered by the Building in which such facility is located does not exceed 1,700 square feet per acre of property.

SHOPPING MALL/MALL - Any group of stores, shops, offices, or businesses which deal directly with the public which has been developed according to a common plan.

SIGN - Any letter, word, symbol, drawing, picture, design, device, article or object that advertises, calls attention to or indicates any premises, persons, products, businesses or activities, or that conveys or is intended to convey any message whatever the nature of the material and manner of composition or construction. (Historical date plaques or markers approved by the Historical Commission, flags and insignia of governmental jurisdictions and SCOREBOARDS shall not be considered signs except when displayed for the purpose of commercial promotion.)

SITE PLAN REVIEW - review by the Site Plan Review Authority pursuant to Section F.11 to determine conformance with the Zoning Bylaws.

SITE PLAN REVIEW AUTHORITY - For purposes of this bylaw, Site Plan Review Authority refers to the Planning Board.

SOFTGOODS - Retail merchandise comprised primarily of fiber or fabric materials including apparel and, as examples, dining/kitchen/bath linens.

SOLAR ENERGY OVERLAY DISTRICT - This district shall include land under the control of the Department of Public Works on the east side of Medway Branch, specifically property identified as Assessors Map 09, Block 32, Lot 32 and Assessors Map 15, Block 32, Lot 27, which is a part of this Zoning Bylaw and on file with the Town Clerk.

SOLAR PHOTOVOLTAIC ARRAY - An arrangement of solar photovoltaic panels.

SOLID WASTE - For the purposes of this section, solid waste shall mean any unwanted or discarded solid material as defined in 310 CMR 19, with the exception of brush, YARD trimmings and grass clippings.

SPECIAL PERMIT GRANTING AUTHORITY - Shall include the Board of Appeals and Planning Board as designated by this zoning ordinance/bylaw for the issuance of special permits. In accordance with M.G.L., Chapter 40A, Section 9, a city or town may provide within its zoning ordinance or bylaw that certain classes of special permits shall be issued by one SPECIAL PERMIT GRANTING AUTHORITY and others by another SPECIAL PERMIT GRANTING AUTHORITY.

SPORTS MEDICINE FACILITY - A facility to provide the recreational individual or team athlete with education to prevent athletic injury as well as to serve as a resource center to coaches, trainers and other non-medicals who work with sports programs through an interdisciplinary utilization of physicians, orthopedic surgeons, physical therapists, nutritionists and other appropriate allied health personnel.

STORMWATER RECHARGE SYSTEMS – A system for groundwater recharge which does not degrade groundwater quality.

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. A way that has not been accepted as a public way, and which is shown on a plan approved in accordance with the subdivision control law shall not be deemed a street until it has been constructed to an extent which the Planning Board, in its conditions of approval, specifies as sufficient to provide access to the lots thereon.

STRUCTURE - Any construction, erection, assemblage or other combination of materials upon the land, necessitating pilings, footings or a foundation for attachment to the land, including swimming pools.

SURFACE WATER - All surface water bodies and wetlands protected under Massachusetts General Laws, Chapter 131, Section 40.

TAKE OUT RESTAURANT - An establishment primarily retailing cooked food for consumption off the premises, excluding bakeries.

TOWN HALL - A publicly-owned municipal building which contains offices of town departments and which may contain police offices, public meeting rooms and other like public facilities.

TOXIC OR HAZARDOUS MATERIALS - Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual, or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of the Town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive

materials, pathogenic or infectious wastes, solvents, thinners, and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. S.2601 et seq.; (2) Federal Insecticide, Fungicide, and Rodenticide Act 7 U.S.C. S. 136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. S6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act OF 1980 42 U.S.C. S9601 et seq.; and (5) Federal Water Pollution Control Act 33 U.S.C. S 1251 et seq.

Any substance deemed a "hazardous waste" in Massachusetts General Laws Chapters 21C and 21E, and 310 CMR 30.00 as amended, shall also be deemed a hazardous material for purposes of this bylaw.

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.

TRUCKING TERMINAL - Business which services or repairs commercial trucks which are not owned by the business.

USABLE FLOOR AREA - The sum of the horizontal areas of all floor areas of a BUILDING measured from the exterior face of exterior walls excluding walls, circulation systems such as hallways, lobbies, elevators, lavatories, unoccupied attics and basements, and those areas used only for the storage of mechanical equipment for maintaining the BUILDING.

VARIANCE - As contained in M.G.L. 40A, Section 10 as amended from time to time thereafter.

VARIETY STORE - A retail store selling a variety of consumer goods for off-premises use or consumption, including but not limited to cosmetics, personal care products, stationery, foodstuffs, gifts, small household appliances, prescription or non-prescription drugs, toys, and seasonal specialty goods.

WAREHOUSE - A BUILDING used primarily for the storage of goods and materials, excluding retail sales.

WATER SUPPLY - A groundwater aquifer and surface water recharge to a groundwater aquifer, which is a present or potential future drinking water supply source for the Town of Norfolk.

WATER SUPPLY PROTECTION DISTRICT - The total area of the well aquifer defined in total as including Zone I, Zone II, and interim wellhead protection area which is intended to be protected under this bylaw.

WIRELESS COMMUNICATION FACILITY shall mean a facility (with antennas, monopole tower and equipment BUILDING, if any) designed to facilitate the following types of services: cellular telephone service, personal communications services, and extended specialized mobile radio service.

YARD - An open space, other than an enclosed court, on the same LOT with a BUILDING or group of BUILDINGS, which open space lies between the BUILDING or group of BUILDINGS and a LOT LINE, and is not occupied or obstructed from the ground upward by a BUILDING or STRUCTURE, except for accessory STRUCTURES such as a fence, mail box, sign, or lamp post.

ZONE I WELLHEAD PROTECTION AREA - The area within a 400-foot radius of an existing public well as defined in 310 CMR 22.00.

ZONE II: PRIMARY RECHARGE PROTECTION AREA - The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions which can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

ZONE III: AQUIFER OR SECONDARY PROTECTION AREA - The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

ZONING ENFORCEMENT AUTHORITY - The Building Inspector.

C. ESTABLISHMENT OF DISTRICTS

C.1. Types of Districts

C.1.a. For the purposes of this bylaw, the Town of Norfolk is hereby divided into the following use districts:

Residence	R-1
Residence	R-2
Residence	R-3
Business-1	B-1
Business-2 through Business-4	B-2/B-4
Commercial-1	C-1
Commercial-2 through Commercial-5	C-2/C-5
Commercial-6	C-6

C.1.b. There shall also be a **Flood Plain District** overlying the above districts as shown on the Zoning Map, as authorized in M.G.L. Chapter 40A, Section 3.

C.1.c. There shall also be a **Watershed Protection District** overlying the above districts as described in Section D.3. of the Zoning Bylaws.

C.1.d. There shall also be an **Aquifer and Water Supply and Interim Wellhead Protection Districts** overlying the above districts as described in Section D.4. of the Zoning Bylaws.

C.1.e. There shall be an **Adult Business Overlay District** overlaying the C1 District as depicted in Example 1a of the Norfolk Zoning Bylaw.

C.1.f. There shall be a **Wireless Communications District(s)** overlaying the Zoning Map as follows:

C.1.f.1. Wireless Communications Overlay District 1 as indicated on the Zoning Map.
C.1.f.2. Wireless Communications Overlay District 2 as indicated on the Zoning Map.
C.1.f.3. Wireless Communications Overlay District 3 as indicated on the Zoning Map.
C.1.f.4. Wireless Communications Overlay District 4 as indicated on the Zoning Map.

C.2. Location of Districts

C.2.a. Said districts are located and bounded as shown on a map entitled "Zoning Map of Norfolk, Massachusetts", dated November 19, 2019 as most recently amended, 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 bylaw.

C.2.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 centerline, as it existed at the date of the Zoning Map.

C.2.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.

C.2.d. Where a district boundary is indicated as generally coinciding with a city, town or property line, it shall so coincide.

C.2.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.

C.2.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.

C.2.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 Commissioner using the following plates of the latest date: Holliston, Medfield, Franklin, and Wrentham.

C.2.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.

C.2.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.

C.2.j. A LOT which lies in more than one residential zone shall be required to meet the area and FRONTAGE requirements for the zone in which the greater portion of its area lies.

D. USE REGULATIONS

D.1. Basic Requirements

All applicants for new Residential Dwellings (excluding additions, accessory buildings and septic systems) hereinafter constructed shall be prohibited from cutting down any trees from the back corner of the house to the back corner of the lot within twenty-five feet of the side or rear lot line. Relief may be granted by the Building Commissioner to allow clearing within the aforesaid area to the extent necessary to facilitate construction of the dwelling, after submission, with the building permit application, of a tree clearing plan, consisting of a plot plan demonstrating clearly where proposed tree clearing will be performed. This prohibition shall remain in effect until the occupancy permit has been issued. An applicant may appeal the decision of the Building Inspector regarding the tree clearing plan within thirty days pursuant to Section 8 of Chapter 40A.

D.1.a.1. For non-residential uses, land clearing, excavation, filling, gravel removal, or clear cutting of trees in anticipation of any use permitted or authorized by these Zoning Bylaws, Town Bylaws, and regulations of the Town of Norfolk and the Planning Board, or laws of the Commonwealth is prohibited prior to issuance of all required approvals, permits, VARIANCES, licenses, and authorizations. Limited clearing and excavation is permitted to obtain necessary survey and engineering data or other activities required to secure necessary permits.

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 D.2 of the bylaw, and in accordance with the following notations:

Yes - Use Permitted
SP - Use Allowed as an Exception under Special Permit by the PERMIT GRANTING AUTHORITY
No - Use Prohibited.

No BUILDING or STRUCTURE shall be constructed, and no BUILDING, STRUCTURE, or land shall be used in whole or in part, for any purpose other than for one or more of the uses hereinafter set forth as permitted in the district in which said BUILDING, STRUCTURE, or land is located, or set forth as permissible by Special Permit in said district, and so authorized, nor shall any BUILDING or STRUCTURE be constructed or used on a LOT lying only partly in the Town of Norfolk unless the Norfolk portion of the LOT shall meet all the zoning requirements hereinafter set forth, and the LOT shall have effective, actual access to the Town of Norfolk.

D.1.a.2 Clearing, excavation, filling, gravel removal, or other clear cutting of trees prior to receiving a building permit may be performed on

individual lots for SINGLE-FAMILY DWELLINGS within an approved subdivision, on a plan endorsed by the Planning Board as not subject to approval under the Subdivision Control Law, or otherwise legally in existence, but only in accordance with the provisions of the first paragraph of Section D.1. until a building permit has been granted, clearing of the side setbacks is limited to 50 feet from the street right of way. The cleared area must be stabilized by loaming and seeding or other method approved by the Building Commissioner within 90 days of the completion of the clearing, excavation, filling, gravel removal, or other clear cutting of trees unless construction activity is underway or has been authorized to commence during that time.

D.1.b. Any use not specifically enumerated in a district herein shall be deemed prohibited.

D.1.c. The use regulations of this bylaw shall not prohibit or limit use of land or STRUCTURES for:

i. religious or education purposes on land owned or leased by:
- a. the Commonwealth;
- b. agencies or subdivisions of the Commonwealth or bodies politic;
- c. religious sects or denominations;
- d. non-profit educational corporations;

ii. agriculture, horticulture or floriculture on parcels of more than five (5) acres nor regulate the reconstruction or expansion of STRUCTURES used for agriculture; to an extent beyond that allowed by G.L. C. 40A, Section 3 as the same may be from time to time amended.

D.1.d. Permitted uses and uses allowed by the PERMIT GRANTING AUTHORITY shall be in conformity with all dimensional requirements, off-STREET parking requirements, and any other pertinent requirements of this bylaw.

D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts.

D.1.e.1. All outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be enclosed by a fence 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 adjoining properties. Such facilities shall be located to the side and/or rear of the BUILDING to which it is accessory, and the enclosure shall not exceed 1,000 square feet in area except by Special Permit from the Planning Board.

D.1.e.2. In the B2-B4 Districts, no BUILDING or STRUCTURE shall be located less than 50 feet from a Residential District. In the C2, C3 and C5

Districts, no BUILDIN STRUCTURE shall be located less than 150 feet from a Residential District. In the B2-B4, C2, C3, and C5 Districts, no use (including PARKING AREAS, driveways, vehicle circulation areas or other vehicle access ways) shall be located less than 50 feet from a Residential District.

D.1.e.3. In the B2-B4 Districts, a green belt shall be provided on any LOT that abuts a Residential District should any use on said LOT (including any BUILDINGS, STRUCTURES, driveways, PARKING AREAS, vehicle circulation areas or other vehicle access ways) be located less than 100 feet from the Residential District. In the C2, C3 and C5 Districts, a green belt shall be provided on any LOT that abuts a Residential District. Such green belt shall:

D.1.e.3.a. Be located on the non-residential LOT along the shared property line.

D.1.e.3.b. Have a minimum depth from the shared property line of 30 feet.

D.1.e.3.c. Be used for no purpose other than planting and/or sidewalks.

D.1.e.3.d. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section D.1.e.3., provided that the intent of Section D.1.e.3. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

D.1.e.4. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

D.2. Schedule of Use Regulations

	DISTRICTS						
	R	B1*	B2-B4	C1 **	C2/ C3/ C5	C4 ***	C6 ** **
D.2.a. Public and Semi-Public Uses							
D.2.a.1. Religious	Yes		Yes		Yes		
D.2.a.2. Municipal, County, State or Federal	SP		Yes		Yes		
D.2.a.3. Public Educational	Yes		Yes		Yes		
D.2.a.4. Cemetery	SP		SP		SP		
D.2.a.5. Private club not conducted for profit	SP		Yes		SP		
D.2.a.6. Non-profit general acute care hospital including facilities for the evaluation and treatment of acutely ill alcoholic or drug dependent patients and for persons suffering from mental illness who do not appear to be dangerous to others at the time of admission in the opinion of the attending physician	No		SP		No		
D.2.a.7. Other hospitals, convalescent home, sanitarium, camp	No		SP		No		
D.2.a.8. Day care nursery	SP		SP		SP		
D.2.a.9. NURSING HOME, HOSPICE, RESPITE FACILITY, life care center, PHYSICAL THERAPY AND REHABILITATION FACILITY, HEALTH CARE, SPORTS MEDICINE FACILITY, ASSISTED LIVING	No		No		No		
D.2.a.10. Facility for the evaluation, treatment and counseling of persons suffering from alcoholism, drug dependence or mental illness who do not require general hospital admission	No		No		No		
D.2.a.11. Schools of nursing, laboratory technician skills, physiotherapy with dormitory facilities ancillary thereto	No		No		No		
D.2.a.12. Office or meeting room of a non-profit service organization	No		Yes		No		
D.2.a.13. Senior Center	Yes		Yes		Yes		
D.2.b. Transportation and Utility Uses							
D.2.b.1. Telephone exchanges, transformer station, transmission lines, substation, pumping station, or other public utility	SP		SP		SP		
D.2.b.2. Bus station, railway station	No		Yes		Yes		
D.2.b.3. Aviation field	No		No		No		
D.2.b.4. Deleted 11/18/14							
D.2.b.5. WIRELESS COMMUNICATIONS FACILITY limited to Wireless Communications Overlay Districts 1 and 3 and as provided in Section F.13.	SP		SP		No		
D.2.b.6 Roof Mounted Solar Photovoltaic System	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D.2.b.7 Ground Mounted Solar Photovoltaic System	SP	SP	SP	SP	SP	SP	SP
D.2.b.8 Wind Energy System	SP	SP	SP	SP	SP	SP	SP

***See Section I** *****See Section K** ****See Section J** ******See Section L**

D.2. SCHEDULE OF USE REGULATIONS (Continued)

	DISTRICTS						
	R	B1*	B2-B4	C1 **	C2/ C3/ C5	C4 ***	C6 ** **
D.2.c. Residential Uses							
D.2.c.1. SINGLE FAMILY DWELLING	Yes		SP		No		
D.2.c.2. Conversion of a SINGLE FAMILY DWELLING In existence at the time of bylaw adoption, to a two FAMILY DWELLING	SP		SP		No		
D.2.c.3. HOME OCCUPATION	Yes		Yes		Yes		
D.2.c.4. The use of a portion of a DWELLING or a BUILDING accessory thereto by a resident builder, carpenter, painter, plumber, or other artisan, 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 are specified above for HOME OCCUPATIONS.	Yes		Yes		No		
D.2.c.5. Renting of rooms to not more than 4 persons and furnishing of table board to not more than 5 persons	Yes		Yes		No		
D.2.c.6. Use of trailers, buses and mobile homes for residence in excess of 30 days	No		No		No		
D.2.c.7. Foundation or cellar hole for residence	No		No		No		
D.2.c.8. DAYCARE, FAMILY HOME	Yes		Yes		Yes		
D.2.c.9. Roof Mounted Solar Photovoltaic System	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D.2.c.10. Ground Mounted Solar Photovoltaic System Accessory to a Residential Building	SP	SP	SP	SP	SP	SP	SP
D.2.c.11. Wind Energy System Accessory to a Residential Building	SP	SP	SP	SP	SP	SP	SP
D.2.c.12. Kennel, Personal	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D.2.d. Agricultural Uses							
D.2.d.1. AGRICULTURAL, GREENHOUSE or nursery	Yes		Yes		Yes		
D.2.d.2. ROADSIDE STAND selling produce the majority of which is raised on the premises	Yes		Yes		Yes		
D.2.d.3. Poultry or stock raising except that the number of swine shall be limited to not more than 5	Yes		No		No		
D.2.d.4. Noncommercial riding stable	Yes		Yes		No		
D.2.d.5. Deleted 11/18/14							
D.2.d.5.a. Personal Kennel (more than 4 dogs)	Yes	Yes	Yes	Yes	Yes	Yes	
D.2.d.5.b. Commercial Kennel (including commercial, boarding, training and breeder kennels) *Minimum requirements: 5 acres of land, kennel enclosures must be at least 100 feet to property line and 500 feet to neighboring dwellings. Subject to Site Plan Approval*	SP*	No	SP	SP	No	No	No
D.2.d.6. Animal hospital	No		SP		No		
D.2.e. Commercial Uses							
D.2.e.1. RESTAURANT	No		Yes		SP		
D.2.e.2. RESTAURANT, FAST FOOD	No		No		No		
D.2.e.3. RESTAURANT, TAKE OUT	No		No		No		
D.2.e.4. Licensed INN	No		Yes		SP		

***See Section I** *****See Section K** ****See Section J** ******See Section L**

D.2. SCHEDULE OF USE REGULATIONS (Continued)

	DISTRICTS						
	R	B1*	B2-B4	C1 **	C2/ C3/ C5	C4 ***	C6 ** **
D.2.e.5. HOTEL or lodging house	No		Yes		No		
D.2.e.6. Filling station or garage	No		SP		SP		
D.2.e.7. Newspaper or JOB PRINTING	No		Yes		SP		
D.2.e.8. Retail store	No		Yes		SP		
D.2.e.9. Wholesale Store	No		SP		SP		
D.2.e.10. Garaging of more than one commercial vehicles	No		Yes		SP		
D.2.e.11. Garaging of more than three commercial vehicles	No		SP		SP		
D.2.e.12. Parking of house trailers or MOBILE HOMES nearer the STREET than the main HOUSE	No		SP		SP		
D.2.e.13. Professional Office where patients or clients are seen by appointment, such as the office of a physician, psychiatrist, physiotherapist, speech therapist, or other licensed health professionals occupied by practitioners not resident on the premises	No		Yes		SP		
D.2.e.14. General office where clients or customers are seen, met or dealt with or without appointment; business offices existing other than as ancillary to a permitted use; banks	No		Yes		SP		
D.2.e.15. Truck terminal or motor freight station	No		No		No		
D.2.e.16. SHOPPING MALL where the ground area covered by the BUILDINGS exceeds fifteen thousand (15,000) sq. ft.	No		SP		SP		
D.2.e.17. Hazardous waste treatment facility	No		No		No		
D.2.e.18. Indoor and Outdoor Recreation Facilities operated as a business for gain and limited to swimming pools and athletic courts	No		SP		SP		
D.2.e.19. Exercise/aerobics studio	No		Yes		SP		
D.2.e.21. Any of the following service establishments dealing directly with the consumer: Beauty salon, barber shop, COLLECTION CENTER FOR DRY CLEANING AND POWER LAUNDRY, dressmaker or tailor, shoe repair shop, clothing rental establishment, household appliance repair, typewriter or computer repair shop	No No		Yes No		No No		
D.2.e.22. DRY CLEANING OR POWER LAUNDRY	No		No		No		
D.2.e.23. CHILD CARE FACILITY	Yes		Yes		Yes		
D.2.e.24. ADULT BUSINESS	No		No		No		
D.2.e.25. LIMITED USED MOTOR VEHICLE SALES	No		Yes		Yes		
D.2.e.26 Kennel, Commercial Boarding or Training; Kennel, Commercial Breeder Minimum requirements: 5 acres of land, kennel enclosures must be at least 100 feet to property line and 500 feet to neighboring dwellings. Subject to Site Plan Approval	SP*	No	SP	SP	No	No	No
D.2.e.27 Registered Marijuana Dispensary	No	No	No	SP	No	No	No
D.2.e.28. Rood Mounted Solar Photovoltaic System Accessory to a Commercial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes
D.2.e.29. Ground Mounted Solar Photovoltaic System Accessory to a Commercial Building	SP	SP	SP	SP	SP	SP	SP

*See Section I ***See Section K **See Section J ****See Section L

D.2. SCHEDULE OF USE REGULATIONS (Continued)

D.2.e.30. Wind Energy System Accessory to a Commercial Building	SP	SP	SP	SP	SP	SP	SP
D.2.f. Manufacturing Uses							
D.2.f.1. MANUFACTURING	No		No		Yes		
D.2.g. Miscellaneous Uses							
D.2.g.1. Off-STREET parking of vehicles as provided for in Section F.7.	Yes		Yes		Yes		
D.2.g.2. SIGNS as provided for in Section F	Yes		Yes		Yes		
D.2.g.3. Golf course (excluding miniature golf)	SP		SP		SP		
D.2.g.4. DRIVE UP WINDOW	No		SP		SP		
D.2.g.5. SCOREBOARD							

***See Section I** ****See Section J** *****See Section K** ******See Section L**

D.3. Watershed Protection District

The Watershed Protection District is an overlay district and shall be superimposed on the other districts established by this bylaw

D.3.a. Purpose of District

A Watershed Protection District is established in the Town of Norfolk for the following purposes:

D.3.a.1. To preserve and protect the lakes, ponds, streams, brooks, rills, marshes, swamps, bogs, and other water bodies and water courses in the Town;

D.3.a.2. To protect, preserve, and maintain the water table and water recharge areas within the Town, so as to preserve present and potential sources of water supply for the public health and safety;

D.3.a.3. To protect the community from the detrimental use and development of land and waters within the watershed protection district; and

D.3.a.4. To conserve the watershed areas of the Town of Norfolk for the health, safety, welfare, and enjoyment of its people.

D.3.b. Establishment and Definition of District

D.3.b.1. The intent of the Watershed Protection District is to include lands lying adjacent to water courses and surface water bodies which create the catchment or drainage areas of such water courses and bodies, as part of their natural drainage system. The Watershed Protection District includes all streams, brooks, rivers, ponds, lakes, named or unnamed, and other bodies of water shown on the plan entitled “Norfolk, Massachusetts, Planimetric Survey", dated 1964, prepared by New England Survey Services, Inc., Civil & Consulting Engineers, Boston, Mass

(scale 1"= 2000') prepared under the direction of the Board of Assessors and used as a base plan for the assessors maps revised through the fiscal year 2002 and kept on file with the Norfolk Board of Assessors. These maps, which are on file in the offices of the Town Clerk and Board of Assessors establish and depict this overlay district and includes all land lying within a horizontal distance of 25 feet from the mean annual high water line and from adjacent low, marshy areas of all brooks, streams, rivers, lakes, ponds, marshes, swamps and bogs.

All uses, dimensional requirements and other provisions of the Norfolk Zoning Bylaws applicable to the underlying districts shall remain in full force and effect, except that where the Watershed Protection Overlay District imposes greater or additional restrictions and requirements, such restrictions or requirements shall prevail.

D.3.c. Permitted Uses

D.3.c.1. The following uses are permitted within the Watershed Protection District subject to any applicable reviews pursuant to the Massachusetts Wetland Protection Act, 310 CMR 10.00 and the Town of Norfolk Wetland Protection Bylaw and Regulations:

D.3.c.1.a. Conservation of soils, water, plants, and wildlife;

D.3.c.1.b. Outdoor passive recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;

D.3.c.1.c. Boat docks, landings, footbridges, bicycle footpaths and/or horse paths and crossings/boardwalks, or other pedestrian access structures;

D.3.c.1.d. Proper operation and maintenance of existing dams, splashboards, and other water control, supply and conservation devices;

D.3.c.1.e. Maintenance of **r**esidential lawns, vegetation pruning;

D.3.c.1.f. Repair, maintenance, and reconstruction of existing STRUCTURES and uses lawfully existing prior to adoption of the Watershed Protection District Bylaw hereof may be continued as permitted under the Zoning Act. Existing DWELLINGS may be expanded by special permit by the Zoning Board of Appeals provided ground coverage within the overlay district is not increased more than 25% of the original structure coverage within the overlay district, and such expansion does not violate the requirements of the underlying zoning district;

D.3.c.1.g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, or drainage improvements for AGRICULTURAL uses.

D.3.d. Prohibited Uses

D.3.d.1. The following uses are prohibited within the Watershed Protection District:

D.3.d.1.a. The location of landfills and the storage of salt and road de-icing chemicals;

D.3.d.1.b. Any BUILDING, STRUCTURE, land-disturbing activities, or excavation within 25 feet from the mean annual high water line of all water bodies and courses within the Watershed Protection District except for those uses expressly provided for in Section D.3.c. and D.3.e.; excavation to create a ponding area, drainage ditches; any change in watercourses intended for swimming, fishing or other recreational, or non-AGRICULTURAL uses;

D.3.d.1.c. [This Section reserved for future amendment.]

D.3.d.1.d. The disposal of solid waste, animal manure, commercial fertilizers, liquid petroleum products or solid byproducts of petroleum;

D.3.d.1.e. The storage and/or sale of petroleum (or any other refined petroleum product) except within the BUILDINGS which it will heat;

D.3.d.1.f. The dumping of snow contaminated by de-icing chemicals which is brought in from outside the district;

D.3.d.1.g. The storage or disposal of hazardous materials, as defined by the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control under the provisions of Section 27(3), 52, 57, 58 of Chapter 21 of the General Laws.

D.3.e. Special Permit Uses

D.3.e.1. After an Order of Conditions or a Determination of Non-Applicability is issued by the Norfolk Conservation Commission, the Zoning Board of Appeals, may issue a special permit to allow the following uses in accordance with Section D.3.f, and subject to any additional conditions the Zoning Board of Appeals many impose;

D.3.e.1.a. Relocation of watercourses for projects under the direction of a Massachusetts Contingency Plan (MCP) and with notification of the relocation of the watercourse made to the NFIP State Coordinator, Massachusetts Office of Water Resources, the NFIP Program Specialist, FEMA Region 1, and adjacent communities if the watercourse lies within the watershed of those communities;

D.3.e.1.b. See General Laws Chapter 132B, Section 1 (Massachusetts Pesticident Control Act) and any and all amendments thereto.

[D.3.e.1.c. Residential construction of dwellings and appurtenant structures;

D.3.e.1.d The excavation of gravel, sand, loam, or other earth material or the filling, dumping or transferring of any earth material within the District;

D.3.e.1.e. Any use that is neither expressly allowed under Section D.3.c. nor expressly prohibited under Section D.3.d, if allowed in the underlying zoning district.

D.3.f. Procedures for Issuance of Special Permit

D.3.f.1. Each application for a Special Permit shall be filed with the Zoning Board of Appeals and shall be accompanied by the proper number of plans.

D.3.f.2. Said application and a plan shall be prepared in accordance with the data requirements of the proposed development (e.g. site plan review, erosion, sedimentation control plan, etc.).

D.3.f.3. The Zoning Board of Appeals shall refer copies of the application to the Board of Health, the Conservation Commission, the Highway Department, Board of Water Commissioners, and the Planning Board. These boards/departments shall review, either jointly or separately, the application and shall submit their recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.

D.3.f.4. The Zoning Board of Appeals shall hold a hearing, in conformity with the provisions of G.L. Chapter 40A, Section 9 within 65 days after the proper filing of the application and after the review of the aforementioned town boards/departments.

The Zoning Board of Appeals shall follow the procedural requirements of Chapter 40A regarding notice, decision, etc.

D.3.f.5. After notice and public hearing, and after due consideration of the reports and recommendations of the Planning Board, the Board of Health, the Conservation Commission, Board of Water Commissioners, and Highway Superintendent; the Zoning Board of Appeals may grant such a special permit provided that it finds that the proposed use:

D.3.f.5.a. Is in harmony with the purpose and intent of this bylaw and will promote the purpose of the Watershed Protection District;

D.3.f.5.b. Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;

D.3.f.5.c. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district; and

D.3.f.5.d. Will not adversely affect an existing or potential water supply.

D.3.g. Limit of Authority

This District does not limit the existing authority of the Conservation Commission pursuant to Section 40 of Chapter 131 of the General Laws.

D.3.h. Development Regulations

All construction and land disturbing activities within the Watershed Protection District shall be designed or sited to minimize erosion and runoff by minimizing the construction period, slope stabilization, ditch maintenance, filtering, sedimentation basins, and re-vegetation.

D.4. AQUIFER AND WATER SUPPLY AND INTERIM WELLHEAD PROTECTION DISTRICTS

D.4.a. Purpose of Districts

This bylaw is established for the following purposes:

D.4.a.1. To protect the public health, safety and welfare of the residents, institutions, and businesses of the Town of Norfolk, Massachusetts from contamination of existing and future public groundwater and surface water resources.

D.4.a.2. To protect, preserve and maintain the aquifers and recharge areas of existing and potential groundwater supplies within the Town as sources of public water.

D.4.a.3. To conserve the natural resources of the Town.

D.4.a.4. To prevent temporary and permanent contamination of the environment.

D.4.a.5. To comply with Federal and State laws including, but not limited to the Federal Water Pollution Control Act, Safe Drinking Water Act Amendments and the Massachusetts Source Approval Regulations.

D.4.b. Scope of Authority

The Water Supply Protection Districts are an overlay district and shall be superimposed on the other districts established by this Bylaw. All regulations of the Town of Norfolk Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Water Supply Protection District imposes additional regulations, such regulations shall prevail.

D.4.c. Definitions (moved to Section B. Definitions)

D.4.d. Description of Zones

D.4.d.1. Certain Groundwater and Surface Water Protection Zones are hereby established within the Town. These Zones contain aquifers and/or aquifer recharge areas and surface water areas as determined by standard geologic and hydrogeologic investigations which have included observation wells, existing boring data, geophysical techniques, pump tests, water samples and geologic maps. These Zones have been modified in accordance with the provisions of Section D.4.d.3.

D.4.d.2. The boundaries of the Water Supply Protection District are delineated on the Zoning Map dated November 19, 2019 which is depicted and is hereby made a part of this Bylaw. These boundaries reflect the best hydrologic information available as of the date of the map(s). In the event of a discrepancy between the map and the criteria that follow, the criteria shall govern.

D.4.d.3. The boundaries of the Water Supply Protection District Zones have been adjusted to include wetlands and bodies of surface water surrounded by or adjacent to recharge areas and to follow property lines or street lines or identifiable physical features to facilitate locating them on the ground.

D.4.d.4. The Groundwater and Water Supply Protection Zones shall include interim wellhead protection area, Zone I, and Zone II.

D.4.d.5. Water Supply Protection District Boundary Disputes

D.4.d.5.a. If the location of the Water Supply Protection District Boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit application to the SPECIAL PERMIT GRANTING AUTHORITY (SPGA) as defined in Section D.4.f. - Procedures for Issuance of Special Permit.

D.4.d.5.b. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the town may engage a professional engineer (civil or sanitary), hydrologist, geologist, hydrogeologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation. The determination of the location and extent of Zone II shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the DEP's Guidelines and Policies for Public Water Systems.

D.4.e. Use Regulation

In no event shall any use be permitted in Zone I, other than the preservation of natural resources, or for the facilities related to the drinking water supplies.

In the Water Supply Protection District the following regulations shall apply:

D.4.e.1. Permitted Uses

The following uses are permitted within the Water Supply Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

D.4.e.1.a. Conservation of soil, water, plants, and wildlife;

D.4.e.1.b. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;

D.4.e.1.c. Foot, bicycle and/or horse paths, and bridges;

D.4.e.1.d. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;

D.4.e.1.e. Maintenance, repair, and enlargement of any existing STRUCTURE, subject to Section D.4.e.2. (prohibited uses) and Section D.4.e.3. (uses and activities requiring a special permit);

D.4.e.1.f. Residential development, including swimming pools and their ancillary structures, subject to Section D.4.e.2;

D.4.e.1.g. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section D.4.e.2. (prohibited uses) and Section D.4.e.3. (uses and activities requiring a special permit);

D.4.e.1.h. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels (see D.4.e.3.g.);

D.4.e.1.i. Where the premises are partially outside of the Water Supply Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.

D.4.e.1.j. STORMWATER RECHARGE SYSTEMS-For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are not feasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

D.4.e.2. Prohibited Uses

The following uses are prohibited within the Water Supply Protection District except where they comply with specified regulations:

D.4.e.2.a. Landfills and open dumps as defined in 310 CMR 19.006 as of November 1, 1992;

D.4.e.2.b. Storage of liquid petroleum products of any kind, except for the following:

D.4.e.2.b.1. Normal household use, outdoor maintenance, and heating of a STRUCTURE;

D.4.e.2.b.2. Waste oil retention facilities required by statute, rule or regulation;

D.4.e.2.b.3. Emergency generators required by statute, rule or regulation;

D.4.e.2.b.4. High application of roadway salt;

D.4.e.2.b.5. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that storage, listed in Sections D.4.e.2.b.1., D.4.e.2.b.2., and D.4.e.2.b.3. above, is in free-standing containers within BUILDINGS or above ground with secondary containment adequate to contain a spill 150 percent of the container's total storage capacity.

Provided that such storage shall be in free standing, above ground container, within an enclosed STRUCTURE or within the basement of a STRUCTURE, and provided that the storage tank and piping comply with all applicable provisions of 527 CMR 9.00 Massachusetts Board of Fire Prevention regulations.

Replacement of all storage tanks, except those for gasoline, which existed at the time of the adoption of this bylaw shall be installed above ground.

D.4.e.2.c. Landfilling of sludge or septage as defined in 310 CMR 32.05;

D.4.e.2.d. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

D.4.e.2.e. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system which will not result in an increase in design capacity above the original design;

D.4.e.2.f. Storage of deicing chemicals unless such storage, including loading areas, is within a STRUCTURE designed to prevent the generation and escape of contaminated runoff or leachate;

D.4.e.2.g. All new permanent animal manure storage areas unless covered and/or contained to prevent the generation and escape of contaminated run-off or leachate.

D.4.e.2.h. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 10 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for BUILDING foundations, roads, or utility works;

D.4.e.2.i. Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.00, except the following:

D.4.e.2.i.1. Very small quantity generators as defined under 310 CMR 30.00, which generate less than 20 kilograms or 6 gallons of hazardous waste per month may be allowed by Special Permit in accordance with Section D.4.e.3. of this Bylaw;

D.4.e.2.i.2. Household hazardous waste collection centers and events under 310 CMR 30.390;

D.4.e.2.i.3. Waste oil retention facilities required by MGL c 21, s. 52A;

D.4.e.2.i.4. Water remediation treatment works approved by 314 CMR 5.00;

D.4.e.2.j. Automobile graveyards and junk yards, as defined in MGL c. 140B, s.l.;

D.4.e.2.k. Treatment works which are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:

D.4.e.2.k.1. The replacement or repair of an existing treatment works which will not result in a design capacity greater than the design capacity of the existing treatment works;

D.4.e.2.k.2. The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works which will not result in a design capacity greater than the design capacity of the existing system(s);

D.4.e.2.k.3. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;

D.4.e.2.l. Storage of liquid hazardous materials, as defined in MGL C. 21E, unless in a free standing container within a BUILDING or above ground with secondary containment adequate to contain a spill 150 percent of the container's total storage capacity;

D.4.e.2.m. Industrial and commercial uses, which discharge process wastewater on-site;

D.4.e.2.n. Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;

D.4.e.2.o. Storage of commercial fertilizers and soil conditioners, as defined in MGL c. 128, s. 64, unless such storage is within a STRUCTURE designated to prevent the generation and escape of contaminated runoff or leachate;

D.4.e.2.p. Fertilizers, pesticides, herbicides, lawn care chemicals, or other leachable materials unless used in accordance with the Massachusetts Soil Conservation Services and the Lawn Care Regulations of the Massachusetts Pesticide Board, 333 CMR 10.03 (30, 31), as amended, and according to manufacturer's label instructions and all other necessary precautions to minimize adverse impacts on surface and groundwater.

D.4.e.2.q. The use of septic system cleaners which contain toxic or hazardous chemicals.

D.4.e.2.r. Trucking terminals, bus terminals, car washes, motor vehicle gasoline sales, automotive service and repair shops, commercial fuel storage and sales.

D.4.e.2.s. Any floor drainage systems in existing facilities, or future proposed facilities, in industrial or commercial hazardous material and/or hazardous waste process areas or storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility or future proposed facility with such a drainage system shall be required to either seal the floor drain (in accordance with the state plumbing code, 248 CMR 10.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies.

D.4.e.3. Uses and Activities Requiring a Special Permit

The following uses and activities are permitted only upon the issuance of a Special Permit by the SPECIAL PERMIT GRANTING AUTHORITY (SPGA) under such conditions as they may require:

D.4.e.3.a. Enlargement or alteration of existing uses which do not conform to the Water Supply Protection District;

D.4.e.3.b. The application of pesticides, including herbicide, insecticides, fungicides, and rodenticide, for non-domestic or non-agricultural uses in accordance with state and federal standards which have a greater adverse impact. The special permit shall be granted if such standards are met. If applicable, the APPLICANT should provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture

approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00;

D.4.e.3.c. The application of fertilizers for non-domestic or non-agricultural uses which have a greater adverse impact. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition, and sedimentation;

D.4.e.3.d. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning district (except as prohibited under Section D.4.e.2 - Prohibited Uses). Such activities shall require a special permit to prevent contamination of groundwater;

D.4.e.3.e. The construction of dams or other water control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, AGRICULTURAL uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;

D.4.e.3.f. A system for groundwater recharge must be provided which does not degrade groundwater quality.

D.4.e.3.g. Underground water storage tanks related to the activities listed in Section D.4.e.l.h. shall apply for a special permit from the SPGA.

D.4.f. Determination of Applicability

D.4.f.1. The submission of all applications and/or uses within the scope of this article such as applications for BUILDING permits, package treatment plants, and septic systems shall be transmitted (within 24 hours) to the Building Commissioner for review for applicability under this bylaw.

D.4.f.2. The Building Commissioner shall review the application and shall make a finding as to applicability within fourteen (14) days of receipt. The Building Commissioner may consult with Town Planner for input as to the applicability of any and all applications and/or uses.

D.4.f.3. The Town Planner shall act as an advisor to the Building Commissioner.

D.4.f.4. The Town Planner shall, within ten (10) days of receipt of an inquiry by the Building Commissioner, submit a written recommendation to the Building Commissioner.

D.4.f.5. The Building Commissioner shall review the recommendation of the Town Planner and shall then render his written decision to the APPLICANT as to the applicability of the bylaw and whether a Special Permit or other action is required.

D.4.f.6. The APPLICANT shall be notified, in writing, as to the applicability of the Aquifer Protection Bylaw applies and shall proceed accordingly.

D.4.g. Procedures for Issuance of Special Permit

D.4.g.1 The SPECIAL PERMIT GRANTING AUTHORITY (SPGA) under this Bylaw shall be the Zoning Board of Appeals. Such special permit shall be granted if the SPGA determines, that the intent of this Bylaw, as well as its specific criteria are met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

D.4.g.2. Upon receipt of the special permit application, the SPGA shall transmit one copy to the Board of Health, the Conservation Commission, Building Commissioner, Fire Chief and Board of Water Commissioners for their written recommendations. The SPGA shall not take final action on such special permit application until it has received written recommendations from said agencies or until said agencies have allowed thirty-five (35) days to elapse after receipt of such special permit application without submission of a report thereon. No special permit shall be issued unless the special permit application has been approved by the SPGA or the statutory time limit for approval has lapsed. No special permit shall be issued until all requirements of the special permit application have been completed.

D.4.g.3. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section D.4.e. (Use Regulation) of this bylaw, and any regulations of guidelines adopted by the SPGA. The SPGA shall retain qualified experts, upon notice to and at the reasonable expense of the APPLICANT, if necessary in order to evaluate the application. The proposed use must demonstrate that the boundaries of the premises, the groundwater quality resulting from on-site waste disposal, other on-site operations, natural recharge, and background water quality will not fall below the standards established by DEP in Drinking Water Standards of Massachusetts, as most recently revised, or for parameters where no DEP standard exists, below current EPA criteria as published in the Federal Register or, where no such criteria exist, below standards established by the Board of Health in consultation with the Board of Water Commissioners, and where existing groundwater quality

is already below those standards, upon determination that the proposed activity will result in no further degradation.

D.4.g.4. The APPLICANT shall file 15 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

D.4.g.4.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;

D.4.g.4.b. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:

D.4.g.4.b.1. 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;

D.4.g.4.b.2. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;

D.4.g.4.b.3. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.

D.4.g.4.c. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

D.4.g.5. The SPGA shall hold a hearing, in conformity with the provision of MGL ch. 40A, s.9, within 65 days after the filing of the application and after the review by the Town Boards, Departments and Commissioners.

Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c. 40A, s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a

granting of the permit. However, no work shall commence until a certification is recorded as required by said s.11.

As prescribed herein, the Zoning Board of Appeals may grant such a special permit provided that it finds that the proposed use:

1. Is in harmony with the purposes and intent of this bylaw and will promote the purposes of the aquifer protection district;

2. Is appropriate to the natural topography, soils, and other characteristics of the site to the developed;

3. Will not, during construction or thereafter, have an adverse environmental impact of the aquifer or recharge area; and

4. Will not adversely affect the quality or quantity of an existing or potential water supply.

D.4.g.6. Written notice of any violations of this Section shall be given by the Building Commissioner or his agent to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Commissioner, the Board of Health, Conservation Commission, Fire Chief and Water Commissioners. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require remedial action to prevent adverse impact to the water resources within the Water Supply Protection District, the Town of Norfolk, the Building Commissioner, the Board of Health, the Fire Chief, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Norfolk, the Building Commissioner, the Board of Health, the Fire Chief, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

D.4.h.1. Severability

A determination that any portion or provision of this overlay protection district is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.

D.4.i. Change of Use

D.4.i.1. Change in activity on premises initiated after adoption of this Bylaw, if resulting in or exceeding any limitations established in a special permit or crossing the thresholds of Section D.4.e. (Use Regulation), shall constitute a change of use. Such change of use may be allowed, but only upon application to the Building Commissioner who may require an application for a special permit.

D.4.j. Non-Conforming Use

NON-CONFORMING USES which were lawfully existing, begun or in receipt of a BUILDING or special permit prior to the first publication of notice of public hearing for this bylaw may be continued. Such NON-CONFORMING USES may be extended or altered, as specified in M.G.L. Ch.40a, Sec. 6, provided that there is a finding by the SPGA that such change does not increase the danger of surface or groundwater pollution from such use.

D.5. FLOOD PLAIN - WETLANDS PROTECTION DISTRICT

D.5.a. The purposes of the Flood Plain/Wetlands Protection District are:

D.5.a.1. To provide that lands in the Town of Norfolk subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof or any residents of the Town of Norfolk;

D.5.a.2. Protect, preserve, and maintain the water table, watershed, groundwater and water recharge areas within the town so as to preserve present public and private water supplies for the public health and safety of the town of Norfolk;

D.5.a.3. To assure the continuation of the natural flow pattern of the water courses within the Town of Norfolk in order to provide adequate and safe floodwater storage capacity and to protect persons and property against the hazards of flood inundation;

D.5.a.4. To protect and preserve wetland areas, lakes, ponds, streams, rivers, brooks, marshes, meadows and bogs so as to maintain as recharge and water storage sites. To conserve natural conditions, wildlife and open spaces for the education, recreation, and general welfare of the Town of Norfolk and/or residents of the Town of Norfolk;

D.5.a.5. To protect the Town of Norfolk from the detrimental use and development of land and waters within the Flood Plain/Wetlands Protection District.

D.5.b. Permitted Uses - The Flood Plain/Wetlands Protection Districts shall be considered as overlying other districts.

All developments in the district including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:

Compliance with the Massachusetts State Building Code which addresses floodplain hazard areas (currently 780 CMR) Wetlands Protection Regulations of the Department of Environmental Protection (DEP) (currently 310 CMR 10.00) Inland Wetlands Restriction, G.L., c.131, s40A Minimum requirements for the Subsurface Disposal of Sanitary Sewage, (currently 310 CMR 15.000, Title 5)

Any variances from the provisions and requirements of the above referenced state regulations may only be granted by the appropriate state or local agencies in accordance with the required variance procedures of these state regulations.
In the Floodplain/Wetlands Protection District, further described in Section D.5.e. herein, the following conditions shall apply:

- All encroachments in the FLOODWAY, including new fill, new construction, substantial improvement to existing STRUCTURES, and other development are prohibited unless certification by a registered professional engineer is provided by the APPLICANT demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100 year flood (BASE FLOOD).

- Any encroachment meeting the above standard shall comply with the floodplain requirement of the State Building Code, "Flood Resistant Construction" and the goals of the NFIP.

- Along all watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the BASE FLOOD discharge.

- BASE FLOOD elevation data is required for subdivision proposals or other developments greater than 7 lots or 5 acres, whichever is the lesser within areas described in section D.5.e. of the Flood Plain / Wetland Protection District.

- Notification of the relocation of a watercourse must be made to the NFIP State Coordinator, Massachusetts Office of Water Resources, the NFIP Program Specialist, FEMA Region 1, and adjacent communities if the watercourse lies within the watershed of those communities.

- All subdivision and other development proposals shall be designed so that: (a) The potential for flood damage is minimized; (b) All utilities and facilities shall be located and constructed to minimize or eliminate flood damage; and (c) Storm water runoff shall be controlled as to rate and volume, post construction, to minimize or eliminate flood damage and, in any event, shall not be greater when post-construction drainage calculations are compared to pre-construction drainage calculations

The following uses shall be allowed within the Flood Plain/Wetlands Protection Districts without requiring a Special Permit:

D.5.b.1. Conservation of water supply, plants, wildlife, lakes, ponds, streams, brooks, rivers, marshes, swamps, bogs, land, soil, trees, shrubs, meadows;

D.5.b.2. Outdoor recreation, including play areas, nature study, boating, fishing, and hunting which is not harmful to the physical environment, where otherwise legally permitted, but excluding BUILDINGS and STRUCTURES;

D.5.b.3. Non-commercial signs (as permitted in the residential district) wildlife management areas, foot , bicycle and/or horse paths and bridges to allow adequate and safe crossing by pedestrians, bicyclists or horses, provided such uses are in compliance with .G.L. c. 131, s. 40, 40A and 310 CMR 10.00 as amended, and all local zoning and wetland laws and provided such uses do not affect the natural flow pattern on any watercourse.

D.5.b.4. Grazing and farming, gardening, nurseries, conservation, including truck gardening and harvesting of crops;

D.5.b.5. Forestry management, providing stumps are not removed and reforestation takes place, by the parties or individual responsible for forestry management;

D.5.b.6. Proper operation and maintenance of existing dams, and other water control, supply and conservation devices including the temporary alteration of the water level for emergency or maintenance purposes and the emergency removal of any and all flashboards of a privately owned dam in order to lower the water level of its backwaters to a safe level providing no downstream properties are damaged by the cumulative increase in any water surface elevation.

D.5.b.7. DWELLINGS lawfully existing prior to the adopting of these provisions, but not including any enlargement more than 25% and/or extension thereof;

D.5.b.8. In the case of fire destruction to BUILDINGS or STRUCTURES existing in Flood Plain/Wetlands Protection Districts prior to the adoption of these provisions, said BUILDING STRUCTURE or STRUCTURES may be rebuilt,

and increased up to a maximum of 25% of its original size, provided however, that proper flood-proofing is taken when rebuilt, and said construction complies with all applicable local zoning and wetland laws and the provisions of the Wetlands Act and 310 CMR 10.00, as amended. Any substantial improvement or reconstruction of a structure within the floodplain/wetlands district which has been damaged by any cause is subject to the requirements of the State Building Code.

D.5.b.9. Any of the following uses, if permission is, in each case, obtained from the Board of Appeals as described in this bylaw:

a. Commercial Golf Course
b. PRIVATE CLUBS for recreation
c. Temporary stands for sale of produce grown on the premises

D.5.b.10. The portion of any LOT within the area delineated in Section D.5.e. may not be used to meet the area and YARD requirements for the district or districts in which the remainder of the LOT is situated.

D.5.c. Excluded (Prohibited) Uses in the Flood Plain/Wetlands Protection District:

D.5.c.1. In the Flood Plain/Wetlands Protection District no new BUILDING or BUILDINGS or STRUCTURE shall be erected or constructed, and any existing BUILDING prior to the establishment of this bylaw shall not be altered or enlarged to more than 25% of its original size, or moved;

D.5.c.2. No person shall remove, fill, dredge, or alter any lake, pond, river, stream, brook, marsh, swamp, bog, meadow or flood plain or any land within the flood plain and/or wetlands and no ponds or pools shall be created or other changes in watercourses allowed, whether for swimming, fishing, or other recreational uses, scenic features, or drainage improvements, except as permitted in Section D.5.b. of the Flood Plain/Wetlands Protection District Zoning Bylaw;

D.5.c.3. No person shall transfer or relocate earth products except as permitted in Section D.5.b.

D.5.c.4. No septic tanks, leachfields or sewer lines shall be installed in the Flood Plain/Wetlands Protection District.

D.5.d. Exceptions

D.5.d.1. Any person, entity, or governmental agency may seek an exception to Section D.5.c. for authority to make use of land, water bodies, or water courses in a manner which is not permitted by Section D.5.b. by application to the Board of

Appeals, in accordance with G. L., c. 40A. The application shall be accompanied by plans, certified by a Registered Land Surveyor or a Registered Professional Civil Engineer, of any construction and of the premises on which it is to be situated. All plans shall show two-foot contour intervals. Contours shall be delineated within two hundred feet of the proposed construction (elevations above mean sea level). Copies of such application shall also be sent to the Building Inspector, Board of Health, Planning Board, and Conservation Commission who shall submit their recommendations in writing to the Board of Appeals.

D.5.d.2. The Board of Appeals, after holding a public hearing, may grant an exception of special permit under this Section if the proposed use will not be detrimental to the public health, safety and welfare, if the land is shown to be neither subject to flooding nor unsuitable for the proposed use because of hydrological and topographical conditions, and if the proposed use will comply in all respects to the provisions of the underlying District or Districts within which the land is located.

D.5.d.3. Nothing contained in this Section shall excuse compliance with the wetlands protection statutes, G. L., c. 131, ss. 40 and 40A, or any other laws of the Commonwealth of Massachusetts.

D.5.e. Description of Areas

D.5.e.1. Flood Plain – The Flood Plain is established as an overlay district and includes all of the special flood hazard areas within the Town of Norfolk designated as Zone A and AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The Flood Plain also includes all land bordering on the river segments that lies below the elevations listed in paragraph D.5.e.3 below. In case of conflict between the provisions of Section D.5.e.2 and Section D.5.e.3, the higher elevation shall govern. The "Flood Plain" delineated on the "Zoning Map, Norfolk, Massachusetts", prepared for the Norfolk Planning Board, May 19, 2010 is null and void.

D.5.e.2 The map parcels of the Norfolk FIRM that are wholly or partially within the Town of Norfolk are panel numbers 25021C0144E, 25021C0163E, 25021C0164E, 25021C0168E, 25021C0307E, 25021C0321E, 25021C0322E, 25021C003, 25021C0324E, 25021C0331E, 25021C0333E, and 25021C0334E dated July 17, 2012. The exact boundaries of the district are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 17, 2012. The map parcels of the Norfolk FIRM FIS are incorporated herein by reference and are on file in the Town Clerk's Office.

D.5.e.3 Flood elevations are listed below and reference the North American Vertical Datum of 1988 (NAVD 88).

	Below Elevation NAVD 88
Charles River	
West of Lark Road including Populatic Pond	138
Lark Road to Myrtle Street	137
Town line north of Baltimore Street to Medfield town line	126
Mill River	
North of Main Street to Charles River confluence	137
Stop River	
Route 1A to Prison Road Dam	153
Prison Road Dam to MBTA right-of-way	150 to 147
MBTA right-of-way to Medfield town line	124

D.5.e.4. Wetlands - Wetlands Districts are indicated on the flood plain map overlay and the numbering of these districts refers to corresponding areas which have been projected on assessors' maps. Further, the official plans showing the Wetlands Districts consist of two (2) sets of maps, one set entitled "Wetland Protection Districts Town of Norfolk" and one entitled "Assessors Maps showing Wetland Districts" and both are on file with the Town Clerk's Office.

D.5.f. Administration

The Planning Board, Board of Appeals, and the Building Inspector shall be responsible for administration of this amendment to the Zoning Bylaws within the limits of their lawful authority.

D.5.g. Limit of Authority

Nothing contained in this amendment to the Zoning Bylaws of the Town of Norfolk shall otherwise limit the lawful authority of other agencies of government within the Town of Norfolk ; or take any action relative thereto

E. INTENSITY REGULATIONS

E.1. Basic Requirements

E.1.a. No BUILDING or STRUCTURE hereafter erected in any district shall be built, located or enlarged on any LOT which does not conform to the minimum requirements of this bylaw, 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.

E.1.b. Schedule of Dimensional Requirements

District	Residence 1	Residence 2	Residence 3	Business 2-4	Commercial 2, 3, 5
Minimum Lot Size (sq. ft.)	30,000	43,560	55,000	30,000	30,000
Minimum frontage (in feet)	150	200	200	150	150
Required Circle (in feet)	150	200	200		
Minimum yard setback (in feet)					
Front	50	50	50	25	50
Side	25	25	25	25	25
Rear	25	25	25	25	25
Maximum Lot Coverage**	25%	25%	25%	30%*	30%*
Maximum Building Height					
Stories	2-1/2	2-1/2	2-1/2		
Feet	35	35	35	40	40

* 60% when PARKING AREAS are included.
** Including ACCESSORY BUILDINGS

E.1.c. Lot Width, Frontage, Setback Line

E.1.c.1. LOT FRONTAGE. For the purposes of this Section, FRONTAGE shall be the distance from one side of the LOT LINE to the other measured along the STREET line. FRONTAGE is to be measured continuously along one STREET line between side LOT lines and their intersection with the STREET line or, in the case of a corner LOT, to the midpoint of the corner arc.

E.1.c.2. LOT Width. The LOT width is the straight line distance between the points of intersection of the side LOT LINES and the FRONTAGE line. The LOT width cannot be less than the required FRONTAGE. The minimum LOT width shall be maintained from the FRONTAGE line to the front setback line. No LOT shall be narrower than fifty (50) feet at any point between the FRONTAGE and the rear of the DWELLING.

E.1.c.3. Front Setback Line. The front setback line is parallel to the STREET at a distance equal to the depth of the required front setback.

E.1.c.4. The REQUIRED CIRCLE must fit entirely within the LOT No LOT shall be narrower than the required FRONTAGE between the FRONTAGE line and the REQUIRED CIRCLE.

E.1.c.5. The front LOT LINE must be located so as to be able to provide primary access to a LOT and the access to a LOT shall be from where the FRONTAGE is measured.

Notwithstanding the provisions of Section E.1.c.5. above, access to a Municipal BUILDING which is used as a library, is not required to be taken from where the FRONTAGE is measured.

E.1.c.6. 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 met.

E.1.d. Yard - Front, Side, Rear

An unoccupied space open to the sky on the same LOT with a principal BUILDING or STRUCTURE. (Drawing A illustrates the positions and extent of the front, side and rear YARDS.)

E.1.e. Build Factor

A ratio of LOT perimeter to LOT area which limits the degree to which a LOT may have an irregular shape according to the following formula:

$$BUILD\,FACTOR = \frac{(Lot\ Perimeter)^2}{Actual\ Lot\ Area} \div \frac{Actual\ Lot\ Area}{Required\ Lot\ Area}$$

The maximum allowed is 20.

E.1.f. Continuous Buildable Lot Area

The continuous buildable area of a LOT shall be interpreted as the horizontal area of any LOT, created after the adoption of this Section, exclusive of any area in a STREET or recorded way open or way proposed to be open to public use. For any

LOT created after the adoption of this Section, at least sixty percent (60%) of the minimum LOT area required for zoning compliance shall be contiguous land other than that located within an area identified as Flood Plain - Wetlands as defined by Massachusetts General Law, Chapter 131, Section 40, and/or the Town of Norfolk Wetlands Bylaw. The area shall be identified on the plan with a line entitled "100' Buffer Zone, Flood Plain, Wetland, Vegetative Wetland" as appropriate as determined and delineated by the APPLICANT'S engineer and/or botanist and approved by the Conservation Commission and/or Conservation Agent, using standards as outlined in above referenced statutes. The proposed STRUCTURE must be constructed on said designated contiguous land area.

E.1.g. Municipal Utilities

Town of Norfolk Public Utilities may, by Special Permit, be exempt from the Minimum FRONTAGE and Maximum Height Requirements of Section E.1.b. provided, however, that the public good is served by social, economic, or community needs of the proposed use. The side YARDS, rear YARDS and setbacks required in the district for the highest permitted principal STRUCTURE shall be increased by one (1) foot for each foot by which the height of such STRUCTURE exceeds the height permitted in the district. In addition, it must be found that the proposed granting of the dimensional waiver will not have adverse effects which outweigh its benefits on either the neighborhood or the town, in view of the particular characteristics of the site and of the proposal in relation to the site. The determination shall indicate consideration of the criteria for the granting of a special permit under Section G.6.

E.2. Miscellaneous Regulations

E.2.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 6 of Chapter 40A of the General Laws.

E.2.b. Corner Lots or Through Lots

A corner or through LOT shall maintain minimum front YARD setback requirements for each STREET FRONTAGE.

E.2.c. Appurtenant Open Space

No YARD or other open space required for a BUILDING by this bylaw shall, during the existence of such BUILDING, be occupied by or counted as open space for another BUILDING.

E.2.d. 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.

E.2.e. Visual Corner Clearance

In any district no STRUCTURE, fence, planting, or off-STREET parking or similar obstruction shall be permitted to block vision at eye level (2-1/2 to 7 feet above STREET grade) between STREETS within 25 feet or less from the point of intersection of the STREET lines (or in the case of a rounded corner, the point of intersection of their tangents).

E.2.f. 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 bylaw, to accommodate no more than two families, provided that (l) 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.

E.2.g. TEMPORARY FAMILY APARTMENTS (Deleted)

E.2.h. ESTATE LOTS

The Planning Board may grant a Special Permit to allow construction of a SINGLE-FAMILY DWELLING on a LOT in a Residence District lacking the minimum FRONTAGE required for the district, subject to the criteria for Estate lots as set forth herein.

E.2.h.2.a**.** The area of the Estate LOT shall be at least three times the Minimum Lot Size for the district as set forth in Section E.1.b.

E.2.h.2.b. The Estate LOT shall have at least 50 feet of FRONTAGE set forth in subsection E.1.c.1.

E.2.h.2.c. Front, rear, and side YARD setbacks. All buildings shall be located a minimum distance of 50 feet from abutting property lines.

E.2.h.2.d. The Estate LOT shall comply with the requirements of Sections E.1.c. and E.1.d., except that paragraph E.1.c.2. shall not apply. A LOT width of at least fifty (50) feet shall be maintained at all points between the FRONTAGE and the rear of the DWELLING.

E.2.h.2.e. The contiguous buildable LOT area as defined in Section E.1.f. (i.e., land that is not located within a designated flood plain or wetland) shall be at least two times the Minimum Lot Size for the district.

E.2.h.2.f. The Planning Board shall not issue a special permit under this section except upon the following findings:

1) The applicant has provided for safe access for public safety vehicles and personnel to the dwelling unit to be constructed on the lot, and the

intersection of such access driveway and the public way has been placed in the best location available to the applicant; and

2.) The development of the property as an estate lot will have a less adverse effect on the character of the neighborhood and the protection of open space, significant or important natural resources and to historic structures or places (where such features are present) than other development options available to the applicant.

E.2.h.2.g. All utilities shall be installed underground.

E.2.h.3.a. The APPLICANT shall submit with the special permit application a plan depicting the proposed Estate LOT. The plan shall be prepared by a registered landscape architect, civil engineer or land surveyor, and shall be in such form as will be required for recording with the Registry of Deeds or filling with the Land Court.

E.2.h.3.b. In determining whether or not to grant a special permit for an Estate LOT, and in determining what conditions, if any, to impose on such a special permit, the Planning Board may consider circumstances relating to soil conditions, topography, lot history, wetlands, proposed building locations, and public safety and convenience.

E.2.h.3.c. No landowner shall be eligible for more than one Estate Lot from a single parcel of land, or from adjoining parcels of land in common ownership, based on the ownership status of the land as determined by instruments and plans on file at the Norfolk County Registry of Deeds as of the effective date of this bylaw as amended (November 4, 2003). No Estate Lot shall be further subdivided. The Planning Board shall note such limitations, with a description of the land affected by them, in its written decision.

E.2.h.4. The November 4, 2003 amendments to this Section E.2.h. shall not apply to any special permit application for an estate lot filed before the first publication of notice of the Planning Board hearing thereon (October 20, 2003). Any such application shall be governed by the provisions of this bylaw in effect as of the date it was filed.

E.2.h.5. A Special Permit for an Estate Lot shall expire 2 years from the date of approval and may be renewed by SPGA without a public hearing.

F. GENERAL REGULATIONS

F.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 bylaw.

F.2. Nonconforming Structures and Nonconforming Uses

F.2.a. Continuation

Any lawful NONCONFORMING STRUCTURE or use existing at the time of the first passage of the applicable provisions of this or any bylaw or amendment thereto may be continued.

F.2.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.

Construction or operations under a BUILDING or special permit shall conform to any subsequent amendment of this bylaw unless the use or construction is commenced within a period of six months after the issuance of the permit; and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

F.2.c. Reductions in Area or Frontage Caused by Eminent Domain Taking

No lot shall be deemed unlawfully nonconforming with the area, frontage, maximum lot coverage requirements or uses allowed of this Zoning Bylaw solely as a result of the loss of land area caused by a taking of land by eminent domain by the Commonwealth of Massachusetts, the County of Norfolk, or the Town of Norfolk for the purposes of establishing or altering the layout of a public way.

F.2.d Reductions for Affordable Housing

PURPOSE:

The purpose of this Section is to promote the construction of affordable housing in the Town of Norfolk. It allows the waiver of lot area, frontage or lot shape requirements in exchange for the construction of restricted affordable housing.

APPLICABILITY:

1) This bylaw shall apply only to any vacant lot of land in a residential zoning district that exists as a matter of record on or before the effective date of this Bylaw and that is nonconforming with respect to lot area, frontage or lot shape, provided that such lot has at least 50 feet of frontage and 15,000 square feet of area. This bylaw shall not operate to waive such dimensional requirements on conforming parcels.

2) This bylaw allows, with the receipt of a special permit from the Zoning Board of Appeals, the construction of a single or two-family dwelling that is restricted, in perpetuity, for sale or lease as affordable housing in a manner that allows such dwelling to be added to the Town's subsidized housing inventory, as kept by the Massachusetts Department of Housing and Community Development.

REQUIREMENTS:

1) Approval under this Bylaw requires a Special Permit by the Zoning Board of Appeals.
2) A Special Permit issued hereunder operates as a waiver of lot area, frontage or lot shape requirements but may not waive set back requirements or any other dimensional requirements of the Town's Zoning By-laws.
3) In granting a Special Permit hereunder, the ZBA must find that:
4) the proposal is compatible with the surrounding neighborhood and environment.
   a. the means of access to the property is safe.
   b. Any Special Permit issued hereunder must be conditioned upon:
   c. a requirement that no building permit is issued until a complying deed restriction is approved by Town Counsel. Such restriction shall be recorded in the Registry of Deeds and shall provide for perpetual affordability.
   d. a requirement that no building permit may be issued until the Applicant obtains any and all local and State approvals that may be necessary to ensure that the proposed home(s) will be added to the Town's subsidized housing inventory, as kept by the Department of Housing and Community Development.
   e. All state and local permitting completed.
5) Zoning Board of Appeals will have the final determination whether a single or two family dwelling can be built on a proposed lot.

Such other reasonable conditions as the ZBA determines are necessary to mitigate impacts of the proposal.

F.3. Nonconforming Uses

F.3.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.

F.3.b. Cessation

Any non-agricultural NONCONFORMING USE that has been discontinued for two years may not be renewed.

F.3.c. Extension

A NONCONFORMING USE shall not be extended except by Special Permit, and then only within the Intensity Regulations (Section E) of this bylaw. Such extension or cumulative extensions shall increase base floor area or land occupancy by no more than 50%. The base floor use or land occupancy shall be that which existed on the date the use or land occupancy became nonconforming, as determined by any plan on file with any agency of the Town of Norfolk or, if no such plan is on file, then the first special permit application plan depicting the then existing use or land occupancy shall be the base for computing the 50% maximum allowed increase.

The Special Permit can be granted only after a finding by the Board of Appeals that the extension is not more detrimental or objectionable to a neighborhood.

Exception: *Nonconforming single family uses, including ACCESSORY STRUCTURES, may be extended in accordance with the following requirements:*

If the alteration or enlargement of a NONCONFORMING STRUCTURE does not violate the setback, coverage, or height requirements of Section E.1.b. the STRUCTURE may be rebuilt, altered or enlarged as a matter of right.

If the alteration or enlargement of a NONCONFORMING STRUCTURE does violate the setback, coverage, or height requirements of Section E.1.b, but does not violate those requirements to a greater extent than the original STRUCTURE, the STRUCTURE may be rebuilt, altered, or enlarged only with a special permit issued by the Zoning Board of Appeals.

No alteration or enlargement of a NONCONFORMING STRUCTURE shall violate the setback, coverage, or height requirements of Section E.1.b to a greater extent than the original STRUCTURE.

F.4. Nonconforming Structures

F.4.a. Alteration and Enlargement

If the alteration or enlargement of a NONCONFORMING STRUCTURE does not violate the setback, coverage, or height requirements of Section E.1.b. the STRUCTURE may be rebuilt, altered or enlarged as a matter of right.

If the alteration or enlargement of a NONCONFORMING STRUCTURE does violate the setback, coverage, or height requirements of Section E.1.b, but does not violate those requirements to a greater extent than the original STRUCTURE, the STRUCTURE may be rebuilt, altered, or enlarged only with a special permit issued by the Zoning Board of Appeals.

No alteration or enlargement of a NONCONFORMING STRUCTURE shall violate the setback, coverage, or height requirements of Section E.1.b to a greater extent than the original STRUCTURE.

F.4.b. Demolition and Reconstruction

If the DEMOLITION of a NONCONFORMING STRUCTURE used for single and two family residential purposes, and its reconstruction does not violate the setback, coverage, or height requirements of Section E.1.b, the STRUCTURE may be demolished and constructed as a matter of right, OR;

If the DEMOLITION of a NONCONFORMING STRUCTURE used for single and two family residential purposes, and its reconstruction does violate the setback, coverage, or height requirements of Section E.1.b, but does not violate those requirements to a greater extent than the original STRUCTURE, the STRUCTURE may be demolished and constructed only with a special permit issued by the Zoning Board of Appeals, OR;

No DEMOLITION and reconstruction of a NONCONFORMING STRUCTURE used for single and two family residential purposes shall violate any setback, coverage, or height requirements of Section E.1.b to a greater extent than the original STRUCTURE.

F.4.c. Restoration

F.4.c.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 bylaw are complied with.

F.4.c.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 application for said permit shall be made within two years of the destruction or damage, and the STRUCTURE as rebuilt or restored shall not be in greater nonconformity than before. The PERMIT GRANTING AUTHORITY may extend the period if it finds that the application and/or construction were not commenced for a good cause.

F.5. Accessory Buildings and Swimming Pools

F.5.a. 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.

F.5.b. Enclosures for Animals

No fence or other STRUCTURE enclosing animals, except house pets, shall be within 100 feet of a DWELLING on an adjoining property.

F.5.c. Swimming Pools

No swimming pool, including those in Open Space Preservation Subdivisions, shall be constructed closer than twenty-five (25) feet to any LOT LINE, and in no event in the front YARD setback.

F.5.d. Private Residential Swimming Pools

Every private swimming pool constructed after the adoption of this Section shall be completely enclosed by a fence, wall, BUILDING or combination thereof, not less than four feet in height, all gates or door openings through such enclosure shall not be less than (4) feet in height and shall be self closing with a self-latching device located not more than one (1) foot below the top for keeping the gate securely closed at all times when not in actual use, except that the door of any BUILDING which forms a part of the enclosure need not be so equipped. Such gate shall not be required for above ground pools utilizing an access ladder which can be elevated and locked, if approved by the Building Commissioner. Each gate, door, or ladder shall be kept locked at all times when the swimming pool area is not in use.

F.5.e. Mobile Home

May be placed on the site of a residence; and the owner or occupier may reside in such a MOBILE HOME for a period not to exceed 12 months while a residence is being rebuilt after having been destroyed by fire or other natural holocaust.

F.5.e.1. The PERMIT GRANTING AUTHORITY may grant a Special Permit to extend the period of residence in a MOBILE HOME if it finds that the construction cannot be completed within 12 months for good cause shown.

F.6. Flood Plain Restrictions (See Section D.5.)

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 he permitted.

F.7. Parking Requirements

F.7.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 parking space within 450 feet of the entrance of the principal

BUILDING, STRUCTURE, or use of the premises, in accordance with the following schedule of off-STREET parking requirements.

The minimum number of parking spaces required in Section F.7.b must be provided unless the Planning Board specifically finds, under a Special Permit request, that the requirements of the use(s) will be served by a lesser number of parking spaces. In order to reduce the number of parking spaces the Planning Board must find that the lesser number is adequate to accommodate the vehicles of occupants, employees, members, customers, clients, visitors, and deliveries to the premises. The APPLICANT shall show the PARKING AREAS normally required for the LOT. The Planning Board may place conditions of approval on any Special Permit granted under this Section.

F.7.b. Schedule of Minimum Off-Street Parking Requirements

F.7.B. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS	
Permitted Use	**Minimum Number of Spaces***
F.7.b.1. SINGLE FAMILY DWELLING	2 per unit
F.7.b.1.a. DWELLING UNIT, other than a SINGLE FAMILY DWELLING	1.5 per unit
F.7.b.2. Elderly housing	1 per unit
F.7.b.2.a. ASSISTED LIVING FACILITY	1 per two residential units adjacent to the BUILDING plus one space per four units provided within the shared or attributed parking space provisions of the District
F.7.b.3. NURSING HOME, other than inpatient health care facility	1 per 4 beds
F.7.b.4. Hospital, other mixed out and in patient health care facility	2 per bed
F.7.b.5. Religious	1 per 150 sq. ft. USABLE FLOOR AREA or 1 per 3 seats, whichever is greater
F.7.b.6. Libraries, museums, and other non-recreational floor space public facilities	1 per 300 sq. ft. USABLE FLOOR AREA
F.7.b.7. Theaters, auditoriums, gymnasiums, meeting halls, and other places of assembly based on Massachusetts Building Code	1 per 3 persons capacity
F.7.b.8. Athletic fields, stadiums, etc.	1 per 6 linear feet of bench seating or 1 per 4 seats
F.7.b.9. Day Care nurseries, nursery	1 per 5 children the facility is licensed to

F.7.B. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS	
Permitted Use	**Minimum Number of Spaces***
schools	serve
F.7.b.10. Elementary and junior high school	2 per classroom
F.7.b.11. Senior high school	4 per classroom plus those required for the largest place of assembly (gymnasium or auditorium
F.7.b.12. Retail, service, or mercantile establishment	1 per 200 sq. ft. USABLE FLOOR AREA 1 Per 300 Sq. Ft. of USABLE FLOOR AREA for units less than 5000 sq. ft.
F.7.b.13. Professional office or general office	1 per 200 sq. ft. USABLE FLOOR AREA 1 Per 300 Sq. Ft. of USABLE FLOOR AREA for units less than 5000 sq. ft.
F.7.b.14. Motel, hotel, inn, lodging, or boarding house	5 per 4 units
F.7.b.15. Restaurants	1 per 100 sq. ft. usable floor area or 1 per 3 persons capacity, based on Mass. State Building Code, whichever is greater
F.7.b.16. Automotive service garages	3 per bay
F.7.b.17. Automotive retail, retail nurs-eries, greenhouses, and any use with large outdoor display areas	1 per 150 sq. ft. usable inside floor area plus 1 per 750 sq. ft. outdoor display area
F.7.b.18. Space in a MANUFACTURING, retail, professional or general office that is specifically allocated for storage and/or shipping/receiving	1 per 500 sq. ft. usable floor area
F.7.b.19. Office space accessory to an industrial use area	1 per 200 usable floor area
F.7.b.20. Other uses - Parking spaces adequate to accommodate the vehicles of occupants, employees, members, customers, clients, and visitors to the premises shall be provided	1 per 50 sq. ft. usable floor area or a lesser number by Special Permit from the Zoning Board of Appeals
F.7.b.21. Meeting rooms or buildings accessory to AGE RESTRICTIVE HOUSING	1 per 300 sq. ft. usable floor area
F.7.b.22 Medical and Dental Offices	1 per 200 Sq. Ft. USABLE FLOOR AREA

F.7.B. SCHEDULE OF MINIMUM OFF-STREET PARKING REQUIREMENTS	
Permitted Use	**Minimum Number of Spaces***
F.7.b.22. Biotechnology Research & Development	1 Per 400 Sq. Ft. USABLE FLOOR AREA
F.7.B.23 Medical Research and/or Medical Treatment Facility	1 Per 150 Sq. Ft. USABLE FLOOR AREA plus 1 Per Bed-Treatment Facility

Mixed uses shall be a sum of the combination of uses.
*Where computation results in a fraction of a parking space only fractions of 2 or more shall be counted as one.

F.7.c. No lights used for illumination of off-STREET parking facilities shall produce direct glare from a light source on a public way or adjacent property.

F.7.d. This section reserved for future amendment.

F.7.e. In the Business 1 through Business 4 and Commercial 1 through Commercial 6 districts, PARKING AREAS shall be located in the rear YARD or side YARD of STRUCTURES and not in the front YARD of such STRUCTURES, unless otherwise authorized by Special Permit issued by the Planning Board.

Notwithstanding the provisions of Section F.7.e. above, PARKING AREAS of a Municipal BUILDING which is used as a library, may be located in the front YARD as a matter of right.

F.7.f. Handicapped parking spaces required by state regulations shall not be counted in meeting the number of spaces required by this bylaw.

F.7.g. USABLE FLOOR AREA is to be used for calculation of the number of required parking spaces.

F.7.h. Required off-STREET parking spaces or loading spaces may be wholly or partly enclosed in a STRUCTURE.

The following restrictions, i through p, shall not apply to SINGLE FAMILY DWELLINGS.

F.7.i. Parking Spaces: Parking spaces for off-STREET parking shall be a minimum of 9 feet by 19 feet or larger to accommodate expected vehicles, plus maneuvering and access lanes per single lane of travel.

A parking space shall be a minimum of 9 feet by 19 feet or larger to accommodate expected vehicles, plus maneuvering and access lanes.

Angle of Parking	Maneuvering Lane Width
Parallel (0 deg.)	12 ft.
15-30 deg.	11 ft.
31-45 deg.	14 ft.
46-60 deg.	16 ft.
61-80 deg.	20 ft.
81-90 deg.	24 ft.

F.7.j. The parking spaces, loading spaces, maneuvering and access lanes shall be surfaced with bituminous concrete or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation.

F.7.k. Parking spaces shall not require backing onto a public way.

F.7.l. A substantial bumper of a concrete curb or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting STRUCTURES, properties, and sidewalks.

F.7.m. In addition to landscaping required in other sections of this zoning bylaw, parking lots containing 10 or more spaces shall have at least one tree per 8 parking spaces, such trees to be located either within the lot or within 5 feet of it. Such trees shall be at least 2" trunk diameter, with not less than 40 square feet of unpaved soil or other permeable surface area per tree.

At least 5% of the interior of any parking lot having 25 or more spaces shall be maintained with landscaping, including trees, in plots of at least four feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area, and to assure safe patterns of internal circulation. A grassed or landscaped bumper strip at least three feet wide shall be provided between facing rows of parking spaces, unless the Planning Board approves an alternative landscaping approach with the same or more landscaped area.

F.7.n. Parking lots and appurtenances thereto shall be constructed in conformance with the specifications for same in the Rules and Regulations of the Norfolk Planning Board as most recently amended.

F.7.o. Each parking space shall be marked and maintained with a solid reflectorized white or yellow painted line on each side, at the head of, and along the full depth, in a manner specified in the Planning Board Rules and Regulations.

F.7.p. Any NONCONFORMING off-STREET parking or loading area already containing less than the required number of spaces to serve their intended use shall not be further reduced in size or number of spaces.

F.7.q. Municipal PARKING AREAS serving outdoor recreational, conservation, and park land uses may, by Special Permit, be exempted from the requirement that they be paved provided, however, that the parking spaces are constructed in accordance with the Planning Board Rules and Regulations with suitable gravel or crushed rock or other medium and the parking spaces are adequately denoted by means of permanent markings approved by the Planning Board. All access driveways from the limit of the public paved way to the parking lot and other vehicle circulation areas shall be paved. To have the pavement requirements waived, application must be made to the Planning Board for a Special Permit and the Planning Board must find that the granting of the Special Permit will not have adverse effects which outweigh its benefits on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to the site. The determination by the Planning Board shall indicate consideration of the criteria in granting a Special Permit under the current Section G.6.b.2.

F.8. Off-Street Loading

F.8.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 the 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 space.

In no case shall the required loading space be part of the area used to satisfy the parking requirements of this bylaw.

F.8.b. Minimum Standards

One loading space for each 10,000 square feet of GROSS FLOOR AREA of any retail goods, wholesale, storage, distribution, MANUFACTURING, public utility, consumer service establishment, HOTEL, motel, school or like establishment;

F.9. Sign Regulations

F.9.a. Basic Requirement

F.9.a.1. 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 within public view of any highway, public park, or reservation 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 Planning Board

No - Use prohibited

F.9.a.2. No SIGN using flashing or intermittent lights except such portions of a SIGN as consist solely of indicators of time and/or temperature, no moving or animated SIGNS, no reflectorized SIGNS, no internally illuminated SIGNS, no SIGNS painted directly on any BUILDING surface, excluding the external windows of any BUILDING, no SIGN above the wall area of a BUILDING, and no projecting SIGNS are allowed.

F.9.a.3. No SIGN shall obstruct or interfere with traffic, or by reason of its size, placement, or words such as STOP, DANGER, GO SLOW, CAUTION, or WARNING, create confusion or obscure any official traffic signs or signals. No SIGN shall violate Section E.2.e of this bylaw requiring visual corner clearance.

F.9.a.4. No advertising SIGN or sign-board shall be permitted or allowed to be so located as to obstruct a view between any points on connecting STREETS within fifty feet of a corner; or the rights of way, or to obstruct any door, window or fire escape on a BUILDING.

F.9.a.5. Externally illuminated SIGNS may be lit with white light only, and lighting shall be shielded and focused not to extend beyond the SIGN border.

F.9.a.6. No SIGN may have more than two sides, excluding frames and supports.

F.9.a.7. A SIGN which advertises a business which is no longer conducted at that premises shall be removed immediately.

F.9.a.8. No freestanding SIGN shall be located nearer any side property line than the permitted side setback distance for that zone.

F.9.a.9. One window SIGN which shall not exceed twenty-five (25) percent of the total front window area or 12 square feet (whichever is less) and placed on the window of the establishment for which it is advertising.

F.9.a.10. Any SIGN erected in violation of these bylaws and/or in such fashion as to constitute a hazard to public safety shall be removed.

F.9.a.11. No freestanding SIGN shall be higher than 10 feet, from the average finished grade of adjoining ground to the top of the SIGN except to a maximum of 15 feet by Special Permit.

F.9.a.12. The area of a SIGN shall be the area of the outermost rectangular perimeter of any word, symbol, design or device, including all attachments excepting support at the base thereof.

F.9.a.13. A wall SIGN shall be attached flat against the wall of the BUILDING, projecting no more than 12 inches from the BUILDING surface, and not projecting above the wall area of the BUILDING.

F.9.a.14. A SIGN which designates a subdivision shall not be considered an announcement (Section F.9.b.1.b.1 and F.9.b.1.b.2).

No subdivision SIGN, where permitted, shall be erected upon property belonging to the Town of Norfolk, nor on any STREET right of way. A special permit for such a SIGN shall be limited to two years from the date of issuance. Renewal of the Special Permit for an agreed upon duration may be granted after presentation of justification by the APPLICANT.

F.9.a.15. Mailboxes and house numbers (as required by Article IX, Section 29 of the Bylaws of the Town of Norfolk) are excluded from these regulations.

F.9.a.16. Temporary SIGNS are allowed as permitted by the Bylaws of the Town of Norfolk.

F.9.a.17. No SIGNS may be affixed to any fence or utility pole.

F.9.a.18. In particular instances the SPGA may issue Special Permits for larger or additional signs as noted, if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the establishment is such that the sign should be permitted in the public interest. In granting such permission, the SPGA shall specify the size and location of the sign or signs and impose such other terms and restrictions as may be deemed to be in the public interest. Any applicant under this provision shall provide the following: a) a drawing to scale showing the proposed sign, all existing signs; b). Perspectives, renderings, photographs, or other representation sufficient to show the nature of the proposed sign, its effect on the immediate surroundings, and the reasons for allowing it.

F.9.b. Schedule of Sign Regulations

	DISTRICTS		
	R	B1-B4	C1-C6
F.9.b.1. On premises signs or advertising devices:			
F.9.b.1.a. 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. ft. in area. (Restrictions relating to free standing SIGNS do not apply to this type of SIGN.)	Yes	Yes	Yes

F.9.b.1.a.1. One freestanding SIGN on the ground for property owned by the Town and or a subgroup of the Town, to advertise the name of the property and its purpose or function with the size not exceeding 12 sq. ft. in area per side except by Special Permit by the Planning Board to a maximum of 24 square feet.	Yes	Yes	Yes
F.9.b.1.b. Announcement One SIGN not exceeding 8 sq. ft. in area per side in a residential district or 12 sq. ft. per side in all other districts for each of the following purposes:			
F.9.b.1.b.1. Advertisement for the sale, rental or lease of the building or premises. Such SIGNS shall be removed not later than seven (7) days following the sale (date of closing) or rental of the subject property	Yes	Yes	Yes
F.9.b.1.b.2. Advertisement for a building contractor only while construction is occurring on the site	Yes	Yes	Yes
F.9.b.1.c. Advertising			
F.9.b.1.c.1. One wall SIGN not to exceed 8 sq. ft. or one freestanding SIGN not to exceed 8 sq. ft. in area per side located on property whose primary use is for AGRICULTURAL purposes. Said sign shall be used for advertisement of AGRICULTURAL produces of produce. If located in a residential zone signs are not to be illuminated.	Yes	Yes	Yes
F.9.b.1.c.2. One wall SIGN **per STREET, Road or Private Way** for each separate and distinct establishment advertising the name of the establishment and/or the goods or services rendered with the size not exceeding **20** sq. feet in area except by Special Permit with 12 square feet allowed for each 10,000 square feet of building footprint to a maximum of 48 square feet	No	Yes	Yes
F.9.b.1.c.3. One window SIGN.	No	Yes	Yes
F.9.b.1.c.4. One freestanding SIGN on the ground for each separate BUILDING, housing one or more establishments, with the size not exceeding 12 sq. ft. in area per side except by Special Permit to a maximum of 24 square feet. Such signs advertising multiple businesses in one or more buildings may be combined into a singly structure by special permit, provided that none shall exceed 12 square feet, expect by special permit, and the total area of all signs, excluding the supporting structure but including mounting surfaces, shall not exceed 100 square feet per side.	No	Yes	Yes
F.9.b.1.c.5. Wherever a premises has a separate entrance fronting onto a second public way, one additional freestanding SIGN meeting the same criteria	No	Yes	Yes
F.9.b.1.c.6. A residential subdivision shall be permitted one freestanding SIGN bearing the name of the subdivision and not exceeding 8 sq. ft. per side.	SP	No	No
F.9.b.1.c.7. A non-residential subdivision shall be permitted one freestanding SIGN not exceeding 12 sq. ft. per side except by	No	Yes	Yes

Special Permit to a maximum of 24 square feet.			
F.9.b.1.c.8. A residential development within a mixed-use Business or Commercial district shall be permitted one freestanding sign, including a Natural Rock with identification etching, per STREET, Road or Private Way.	No	Yes	Yes
F.9.b.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.*	No	SP	SP

F.9.c. Permits Required

No SIGN with the exception of Name Plate signs as provided above shall be erected unless a Building Permit has been issued.

Any NONCONFORMING SIGN lawfully erected prior to the effective date of this Section of the bylaw may continue to be maintained but shall not be reworded, redesigned or altered in any way unless it is brought into conformity with this bylaw and no such SIGN may be replaced except by a SIGN that conforms to this bylaw.

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

F.10.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, radioactive 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; detrimental contamination of groundwater 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.

F.10.b. Measurement at Point of Emission

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

F.10.b.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.

F.10.b.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.

F.10.b.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.

F.10.b.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.

F.10.b.5. Liquid or Solid Waste

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.

F.10.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.

F.10.c.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 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.

F.10.c.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/cm2
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

F.10.c.3. Odor

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 Manual." copyright 1951 by Manufacturing Chemists Association, Inc., Washington, D.C.

F.10.c.4. Glare

No direct or sky-reflected glare shall be permitted, whether from floodlights or from high temperature processes such as combustion or from signs otherwise permitted.

F.11. SITE PLAN APPROVAL

F.11.a. Requirements for Site Plan

In all districts no BUILDING or STRUCTURE shall be constructed or externally enlarged and no use shall be expanded in ground area or established in an existing BUILDING or STRUCTURE or no new tenancy except in conformity with a site plan bearing an endorsement of approval by the Planning Board unless Site Plan Approval is specifically exempted under M.G.L. Chapter 40A, Section 3 or herein. This provision shall not apply to any SINGLE or TWO FAMILY homes in any district, including additions or enlargements. The Building Commissioner/Zoning Enforcement Officer in conjunction with the Town Planner shall make a written determination as to which of the following applies:

1. F.11.a.1. Site Plan Approval Not Required; or,
2. F.11. a.2. Site Plan Modification Approval is required; or,
3. F. 11.a.3. Site Plan Full Approval is required.

F.11.a.1. Site Plan Approval Not Required: Upon payment of a fee and the formal application to the Building Department a written determination shall be made by the Building Commissioner/Zoning Enforcement Officer in conjunction with Town Planner for change of use or change to an existing, occupied BUILDING or STRUCTURE with a previous site plan approval, the Site Plan Approval requirements of Full or Modification may not apply if all of the following information is provided and the following conditions (A-F) are determined to exist by the Building Commissioner/Zoning Enforcement Officer:

A. Provide a floor plan indicating the occupied spaces existing use, its proposed new use, its USABLE FLOOR AREA, its locus within the BUILDING or STRUCTURE and its consistency with the original site plan approval.

B. Provide a written statement indicating the new space use is permitted as a matter of right (per current zoning) in the district in which the BUILDING or STRUCTURE is located and that it is consistent with the original site plan approval.

C. Provide a written statement stating the number of parking spaces required in the original site plan approval. Calculate the number of required parking spaces under current zoning for the existing use(s). State the number of parking spaces required or the new use based on Section F.7. If it is a multi-use BUILDING(s) or STRUCTURE show the parking requirements based on Section F.7. for each tenant and their designated spaces.

D. Provide a written statement indicating how the existing BUILDING or STRUCTURE and site function in accordance with the original site plan approval relative to handicapped accessibility, storage, exterior lighting and property line to BUILDING setback (with site diagram).

E. Provide a written statement indicating that the existing BUILDING has been continuously occupied which shall be defined as a BUILDING that has not been fully vacant for a period of no more than 23 months.

F. An application shall not be considered complete until the owner(s) of record or their legally authorized agent walks the property with the Building Commissioner/Zoning Officer and Town Planner

G. The Building Commissioner/Zoning Enforcement Officer in conjunction with the Town Planner may determine that the proposed new use and/or change in the existing BUILDING or Structure does not require Site Plan Modification or Full Site Plan Approval. A written determination under this section shall be issued within 15 days after the completed application is received for action by the Building Department. Occupancy shall not occur until compliance with all conditions of the determination have occurred.

H. Any determination issued with conditions must be consistent with the Planning Board's most current Rules and Regulations.

I. A finding shall be made that the application does not qualify for a determination under this section in which case Site Plan Modification or Full Approval is required.

Plan Requirements Modification or Full Site Plan Approval F.11.a.2 and 3

If Modification or Full Site Plan Approval is required, said plan shall show, among other things, all existing and proposed BUILDINGS, STRUCTURES, free standing signs, parking spaces, driveway openings, driveways, service areas, open area uses and other improvements; all disposal facilities for sewage, refuse and other waste disposal; and for surface water drainage and all storage facilities for equipment, material and other; all landscape features (such as fences, walls, planting areas, and walks); and all existing natural features, including ponds, brooks, and wetlands on the LOT. The site plan shall be prepared, signed and certified by a Professional Engineer (PE) or a Registered Land Surveyor, as appropriate. The proposed use(s) and site development shall conform to the requirements set forth in this bylaw and other regulations as applicable. The plan shall conform to the administrative requirements set forth in the Planning Board Rules and Regulations as most recently adopted.

F.11.a.2. Site Plan Modification to a previously approved Site Plan. Upon payment of a fee and submission of a formal application to the Building Department, a written determination shall be made by the Building Commissioner/Zoning Enforcement Officer in conjunction with the Town Planner whether the Site Plan Modification is applicable. The conditions for Modification shall be based on a determination that: (1) The site has a previous Site Plan Approval by the Planning Board and (2) a determination is made that the proposed change generates minimal impact using the following criteria: (a) the use is allowed as a matter of right; (b) the alteration or enlargement and use requires the addition of no more than ten (10) parking spaces.; and c). critical elements of the site are being minimally altered. Critical elements shall

be defined as location, width, and surface materials of the egress, walkways, driveways, parking areas, drainage, lighting or screened trash or storage areas, and traffic.

The determination shall be rendered within 15 days of submitting a complete application with required plans and statements(s) for Modification.

A. Any determination issued with conditions shall be consistent with the Planning Board's most current Rules and Regulations.

B. A finding shall be made that t the application does not qualify for a determination under this section in which case Full Site Plan Approval will be required.

F.11.a.3. Conditions of Full Site Plan Approval under Section F.11.a. A change in an allowed use and/or configuration of a BUILDING or Structure and/or site layout will require Full Site Plan Approval if:

1). The site does not have a previous Site Plan Approval by the Planning Board and 2). (a) The use proposed is permitted as a matter of right; (b) The alteration or enlargement would result in the addition of eleven (11) or more parking spaces.

The determination shall be rendered within fifteen (15) days of submitting of the complete application with required plans and statements.

F.11.b. Procedure for Approval

Any person desiring approval of a site plan under this Section shall submit said plan with application for approval and appropriate fee in accordance with the Site Plan Approval Rules and Regulations as most recently amended directly to the Planning Board. The Board shall, within ten (10) days after the receipt, transmit one (1) copy of such plan to the following: Building Commissioner, Board of Health, Conservation Commission, Police Chief, Fire Chief, DPW Superintendent.

Each agency shall, at its discretion, investigate the case and report in writing, its recommendations to the Planning Board. When a site plan is submitted in conjunction with an application to the Board of Appeals for a Special Permit (Section G.6.b.2.f), the Planning Board shall also request a review and report of findings from the Board of Appeals. The Planning Board shall include the findings from the Board of Appeals in its recommendations.

The Planning Board shall not take final action on such plan until it has received reports from said agencies or until said agencies have allowed twenty-one (21) days to elapse after receipt of such plan without submission of a report thereon. No building permit shall be issued unless the site plan has been approved by the Planning Board. No Certificate of Occupancy shall be issued until all requirements of the approved site plan have been completed. A temporary occupancy permit may be issued by the

Building Commissioner where the site plan work has not been completed if the Planning Board determines that a temporary occupancy permit is warranted, based upon the request of the owner of property that is the subject of the Site Plan Approval.

In exercising its jurisdiction under this Section, the Planning Board shall comply with all requirements and procedures applicable to those of a PERMIT GRANTING AUTHORITY when deciding requests for special permits pursuant to M.G.L. c. 40A, §§ 11 and 17, including, but not limited to those relating to notice, public hearing and appeals, as most recently amended.

F.11.c. General Conditions for Approval

In considering a site plan under this Section, the Planning Board shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which the property is located:

F.11.c.1. protection of adjoining premises against seriously detrimental or offensive uses on the site;

F.11.c.2. convenience and safety of vehicular and pedestrian movement within the site, and in relation to adjacent STREETS, property, or improvements;

F.11.c.3. adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses on the site, and the methods of drainage for surface water from its parking spaces and driveways;

F.11.c.4. adequacy and safety of storage facilities/methods for fuel, refuse, vehicles and other material and equipment incidental to the use of the site;

F.11.c.5. provision for emergency access and operations within the site;

F.11.c.6. provision for off-STREET loading, unloading, and parking of vehicles incidental to the normal operation of the establishment.

F.11.d. Authority of the Board

The Planning Board shall have the power to require that technical data and study results be provided by the APPLICANT to support the site plan.

The Planning Board shall have power to modify a determination from Section F.11.a 2 and modify or amend its approval of a site plan on application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions sufficient to justify such action within the intent of this Section. All of the provisions of this Section applicable to approval shall, where apt, be applicable to such modification or amendment.

Site Plan Approval may be revoked by the Board if, after a public hearing, it determines that a site has not been developed or maintained in accordance with the approved site plan.

F.12. Design Review

F.12.a. Purpose

The purpose of this Section is to preserve and enhance the Town's cultural, economic, and historical resources by providing for a detailed review of all changes in non-residential land use, the appearance of STRUCTURES, and the appearance of sites which may affect these resources. The review procedures are intended to:

F.12.a.1. Enhance the social and economic viability of the Town by preserving property values and promoting the attractiveness of the Town as a place to live, visit and shop;

F.12.a.2. Encourage the conservation of BUILDINGS and groups of BUILDINGS that have aesthetic or historic significance;

F.12.a.3. Prevent ALTERATIONS that are incompatible with the existing environment or that are of inferior quality or appearance; and

F.12.a.4. Encourage flexibility and variety in future development.

F.12.b. Design Review Board

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Design Review Board shall review applications for all actions that are subject to the provisions of this Section and shall make recommendations to the Building Inspector, Planning Board or Zoning Board of Appeals, as appropriate, concerning the conformance of the proposed action to the design review standards contained herein.

The Design Review Board shall consist of five residents of the Town of Norfolk. Appointments to the Design Review Board shall be made as follows:

F.12.b.1. Two members shall be appointed by the Chairperson of the Planning Board, with the concurrence of a majority of said Board;

F.12.b.2. One member shall be appointed by the Chairperson of the Historical Commission, with the concurrence of a majority of said Commission; and

F.12.b.3. Two members shall be appointed by the Chairperson of the Board of Selectmen, with the concurrence of a majority of said Board.

The terms of all members of the Design Review Board shall be three years, except that when the Board is originally established, the Planning Board shall make two of their appointments for a two-year term and one appointment by the Board of Selectmen shall be for a one-year term.

F.12.c. Reviewable Actions

The following types of actions in the areas specified therein shall be subject to review by the Design Review Board and shall be subject to the design standards contained herein.

F.12.c.1. Exterior actions requiring a Building Permit

All new STRUCTURES, ALTERATIONS, or additions to existing STRUCTURES, changes in outdoor land use or changes in site design which require a building permit and which affect the exterior architectural appearance of a BUILDING shall be subject to review by the Design Review Board, provided that the action occurs on land which is located in the Business 1 through Business 4 or Commercial 1 through Commercial 6 zoning district and is used for non-residential purposes or non-conforming uses in Residential 1-3 Districts.

F.12.c.2. Actions by Town Government

Any construction, alteration, demolition or removal of a STRUCTURE or site by the Town of Norfolk shall be subject to review by the Design Review Board. This includes all actions throughout the Town of Norfolk, except those that are considered to be routine maintenance or highway maintenance.

F.12.d. Procedures for Review of Actions Subject to Design Review

F.12.d.1. Applications for all actions subject to review by the Design Review Board shall be made by completing an application form and submitting it to the Planning Board. Application forms shall be available from the Planning Board.

F.12.d.2. All applications to the Design Review Board shall include all information required by the rules and regulations of the Design Review Board, as applicable, in addition to any other information that is required under this bylaw as part of an application for a special permit, site plan review, VARIANCE or building permit.

F.12.d.3. Upon receipt of an application for design review, the Planning Board shall immediately transmit the application to the Design Review Board. The Design Review Board shall review the application and return its recommendations in writing to the Planning Board within thirty days of the receipt of the application. If the application for design review is associated with application for site plan review, the Design Review Board shall return its recommendation in writing to the Planning Board before the conclusion of the public hearing(s) on the site plan review application. If the application is for a VARIANCE or a special permit, the Planning Board shall immediately transmit the Design Review Board's recommendations to the Zoning Board of Appeals.

F.12.e. Design Review Standards

The standards which are described below are intended to provide a guide to the APPLICANT in the development of site and BUILDING design as well as a frame of

reference for the design review of proposed actions. These standards shall not be regarded as inflexible requirements and they are not intended to discourage creativity, invention or innovation. The design review standard shall apply to all reviewable actions contained in Section c.

F.12.e.1. General Principles

F.12.e.1.a. Every reasonable effort shall be made to preserve the distinguishing original qualities of a BUILDING, STRUCTURE or site and its environment. The removal or alteration of any historic material, architectural features or trees should be avoided when possible.

F.12.e.1.b. Distinctive stylistic features or examples of skilled craftsmanship which characterize a BUILDING, STRUCTURE or site shall be treated with sensitivity.

F.12.e.1.c. Contemporary design for ALTERATIONS and additions to existing properties shall not be discouraged when such ALTERATIONS and additions do not destroy significant historical, architectural or cultural material, and when such design is compatible with the surrounding environment.

F.12.e.2. Design Review Standards

The Design Review Board shall consider, at a minimum, the following standards in the course of the design review of a proposed action.

F.12.e.2.a. Height - the height of any proposed alteration should be compatible with the style and character of the surrounding BUILDINGS, within zoning requirements.

F.12.e.2.b. **Proportions of windows and doors** - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding area.

F.12.e.2.c. **Relationships of BUILDING masses and spaces** - The relationship of a STRUCTURE to the open space between it and adjoining STRUCTURES should be compatible

F.12.e.2.d. **Roof shape** - The design of the roof should be compatible with the architectural style and character of the surrounding BUILDINGS.

F.12.e.2.e. **Landscape** - The landscape should be compatible with the character and appearance of the surrounding area, and PARKING AREAS should be located to the side or rear of BUILDINGS where reasonably possible.

F.12.e.2.f. **Scale** - The scale of the STRUCTURE should be compatible with its architectural style and the character of the surrounding BUILDINGS.

F.12.e.2.g. **Directional expression** - Facades shall blend with other STRUCTURES in the surrounding area with regard to the dominant vertical or horizontal expression.

F.12.e.2.h. **Architectural details** - Architectural details including signs, materials, colors and textures shall be treated so as to be compatible with its original architectural style and to preserve and enhance the character of the surrounding area.

F.12.f. Design Submittal

To aid the Design Review Board in making the findings required in Section F.12.e., and in preparing its recommendations as provided in Section F.12.b., the APPLICANT shall submit the following materials in addition to the usual drawings at the time of application to the Board of Appeals or Planning Board:

F.12.f.1. Model - An inexpensive study model or final presentation model of suitable scale showing the tract, abutting STREETS. proposed contours, proposed BUILDING or BUILDINGS, off street parking, and the massing of abutting BUILDINGS. A model shall not be required for additions, ALTERATIONS, or changes in existing BUILDINGS which increase GROSS FLOOR AREA by less than 100%.

The Design Review Board may, in its discretion, waive the requirement of a model.

F.12.f.2. **Drawing of existing conditions** - A drawing showing the location, type, size, or dimension of existing trees, stone walls, and other natural topography with designations as to which features will be retained. All existing trees, stone walls and other natural features shall be retained until a special permit is approved.

F.12.f.3. Drawing of proposal -
STRUCTURE: A drawing including color and type of surface materials showing front and rear elevations, and side elevations where there are not adjoining BUILDINGS, and floor plans.

Landscape: A drawing showing the location, dimensions, and arrangements of all open spaces and YARDS, including type and size of planting materials, color and type of surface materials, methods to be employed for screening, and proposed grades.

F.12.f.4. Photographs - Photographs showing the proposed BUILDING site and surrounding properties, and of the model (if required). Applications for ALTERATIONS and additions shall depict existing STRUCTURE to be altered and its relationship to adjacent property.

F.12.f.5. **Impact Statement** - Statement by APPLICANT with explanation of how each of the design standards is incorporated into the design of the proposed development. If a particular standard is not applicable, a statement to that effect will suffice.

F.12.f.6. **Plan Revisions** - Any plans revised after a formal application has been made to the Design Review Board, which in any way affects or alters the visual appearance of the facade. roof, or other aspects of the site specified in design review, shall be submitted to the Design Review Board for further review in accordance with this bylaw.

F.12.g. Special Permit Incorporation

Recommendations of the Design Review Board shall be incorporated by the PERMIT GRANTING AUTHORITY as follows:

F.12.g.1. **Site Plan Review** - The Planning Board shall incorporate the recommendations of the Design Review Board in its conditions for approval under Section F.11.c.1.; and

F.12.g.2. **Special Permits** - The recommendations of the Design Review Board shall be incorporated by the Board of Appeal in its conditions pursuant to Sections G.6.c.2.4.

F.13. WIRELESS COMMUNICATIONS FACILITY(S).

Notwithstanding any language to the contrary, WIRELESS COMMUNICATIONS FACILITY(S) (including antennas, towers and equipment buildings, if any) within land used by a public utility company for overhead high voltage, electric transmission line purposes upon the issuance of a Special Permit by the Zoning Board of Appeals pursuant to applicable zoning bylaws. As part of any application for said special permit, applicants shall submit, at a minimum, the information required for Site Plan Approval, as set forth in applicable zoning bylaws as may be amended.

Wireless Communications Overlay District 1. This district shall include land between the Millis Town Line and the Walpole Town Line limited to Assessors' Map 9, Block 31, Lot 1, and Map 9, Block 32 Lots 33, 36, 38, and 100, and Map 10, Block 32, Lots 3, 4, 8, 12, 41, 74, 76 and Map 10, Block 34, Lot 134, Map 15, Block 35, Lots 40, 36, 41, and 50, Map 15, Block 54, Lots 30, 40, and 95, Map 16, Block 35, Lots 38 and 49, Map 16, Block 54, Lot 102, Map 22, Block 54, Lots 138, 42, 102, and 58, Map 22, Block 76, Lots 14, 19, 49, 32, 31, and 41, Map 23, Block 54, Lot 101, however, WIRELESS COMMUNICATIONS FACILITIES within the underlying Districts, other than appurtenant ground equipment, shall be placed on or within existing transmission towers used for high voltage transmission lines only.

Wireless Communications Overlay District 2. This district shall include all land in the B1 Zoning District with an existing ground elevation at or above Elevation 284 feet elevation, mean sea level (1927) datum.

Wireless Communications Overlay District 3. This district shall include all land within the C-6 (Residential/Commercial Use) District limited to Assessors Maps 26 and 27, Block 80, Lot 3 within 300 feet of the Walpole Town Line.

Wireless Communications Overlay District 4. This district shall include all land within the "off-highway" portion of the C-1 District (Routes 1A/115) west of Route 1A and southwest of Pond Street, and which is located at or above elevation 260 (USGS datum of 1929).

A WIRELESS COMMUNICATIONS FACILITY and its appurtenances shall be located in accordance with the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) regulations in effect at the time of construction and its operation shall comply with all requirements of these agencies. The Wireless Communications Facility, including antennas and accessory structures, if any, may be erected upon the issuance of a special permit by the Zoning Board of Appeals, subject to Site Plan Approval, as set forth herein, as may be amended, and shall be subject to the following requirements:

F.13.a. To the extent feasible all service providers shall co-locate.

F.13.b. The height of the antenna of the WIRELESS COMMUNICATIONS FACILITY shall not exceed a height of 110 feet as measured from the vertical distance from the grade to its highest point; however if the antennas are placed on or within an existing transmission tower, the height of the antennas shall not exceed a height greater than the highest point of the existing tower used for high voltage electric transmission lines.

F.13.c. The WIRELESS COMMUNICATIONS FACILITY shall not be located nearer any property line a distance less than or equal to the height of the STRUCTURE and in no case less than 150 feet.

F.13.d. Wireless Communications Facilities, by Special Permit from the Planning Board, may be considered an accessory use to a main use in Wireless Communications Overlay Districts 1, 2, and 3.

F.13.e. All monopoles shall be located in no case less than 150 feet from the nearest property line except by special permit. The minimum LOT size shall be two acres except by special permit.

F.13.f. To the extent feasible, all network interconnections from the communications site shall be via underground lines.

F.13.g. Land clearing shall be performed in a manner which will maximize preservation of natural vegetation and conservation of natural resources.

F.13.h. Each facility shall minimize (including sharing the equipment Building), to the extent feasible, adverse visual effects on the environment. The Planning Board may impose reasonable conditions to ensure this result, including painting and lighting requirements.

F.13.i. If personal WIRELESS COMMUNICATIONS FACILITY(S) are not camouflaged from public viewing areas by existing BUILDINGS or STRUCTURES, they shall be surrounded by buffers of dense tree growth and understory vegetation in all directions to create an effective year-round visual buffer. Ground-mounted personal WIRELESS COMMUNICATIONS FACILITY(S) shall provide a vegetated buffer of sufficient height and depth to effectively screen the facility. Trees and vegetation may be existing on the subject property or installed as part of the
proposed facility or a combination of both. The Planning Board shall determine the types of trees and plant materials and depth of the needed buffer based on site conditions.

F.13.j. Any extension, addition of cells, or construction of new or replacement facilities or transmitters requires a Special Permit following the same procedure as for an original grant of a Special Permit.

F.13.k. Fencing shall be provided to control access to the facility. This fencing shall not be barbed wire or razor wire.

F.13.l. The Applicant shall demonstrate to the satisfaction of the Planning Board that the location is suitable and that the size and height is the minimum necessary for the purpose.

F.13.m. There shall be no signs, except no trespassing signs and a required sign giving a phone number where the WIRELESS COMMUNICATIONS FACILITY owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the sign requirements of the Norfolk Zoning Bylaw and shall be subject to review by the Design Review Board.

F.13.n. Night lighting shall be limited to that needed for emergencies and/or as required by the Federal Aviation Administration.

F.13.o. Conditions of Use and Non-Use. All facilities and parts thereof or accessory facilities and structures which have not been used for two years shall be dismantled and removed at the applicant's expense.

1.) The facility and transmission shall comply in all respects with the current standards of the American National Standards Institute (ANSI) and the National Council for Radiation Protection (NCRP), whichever is stricter.

2.) If new technology is developed which is determined by the Planning Board to be safer and less obtrusive to the landscape, it shall be substituted.

F.13.p. Performance Guarantees. Insurance in a reasonable amount determined and approved after consultation at the expense of the Applicant with one (1) or more insurance companies shall be in force to cover the damage from the structure, damage from transmissions and other site liabilities. Annual proof of said insurance is to be filed with the Town Clerk.

F.13.q. Operation. Monitoring, testing, and inspection shall be in accordance with the Regulations of the Massachusetts Department of Public Health, 105 CMR 122, Regulations Governing Fixed Facilities Which Generate Electromagnetic Fields in Frequency Range of 300kHz to 100 Ghz and Microwave Ovens, and other requirements of the Department.

F.13.r. All Wireless Communications Facility(s) towers shall be the monopole type.

The following types of WIRELESS COMMUNICATIONS FACILITIES are exempt from this section of the Zoning Bylaw.

a. Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not licensed for any commercial purposes and

b. Towers used for the purposes set forth in Massachusetts General Laws Chapter 40A, Section 3.

F.14. REGISTERED MARIJUANA DISPENSARIES

F.14.a. Purpose. The purpose of this section is to provide for the limited establishment of registered marijuana dispensaries ("RMDs") within the Town of Norfolk as they are authorized pursuant to state regulations set forth in 105 CMR 725.000. Since RMDs are strictly regulated and will be limited in number by the Massachusetts Department of Public Health, the intent of this section is to permit RMDs where there is access to regional roadways and/or public transportation, where they may be readily monitored by law enforcement for health and public safety purposes, and where they will not adversely impact the character of residential neighborhoods and business districts.

F.14.b Definition Medical Marijuana Treatment Center means a not-for-profit entity registered under 105 CMR 725.100, to be known as a registered marijuana dispensary (RMD), that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana,

related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

F.14.c. RMDs are not allowed as of right. RMDs are not included within the definition of retail sales or services, agriculture, or any other lawful business permitted as of right or by special permit.

F.14.d. RMDs are allowed by special permit. Use of land, buildings or structures for RMDs shall be allowed only by special permit pursuant to Section G and located in the Adult Business and Marijuana Overlay District of the C-1.c district as specified in Section J.3, subject to the requirements and criteria of Sections G and F.14.

F.14.e. Special permit application and procedure. The procedural and application requirements of Section G shall apply. In addition to the procedural and application requirements of Section G, an application for special permit shall include for a RMD, at a minimum, the following information:

> F.14.e.1. Description of Activities: A narrative providing information about the type and scale of all activities that will take place on the proposed site, including but not limited to cultivating and processing of marijuana or marijuana infused products (MIP's), on-site sales, off-site deliveries, and other programs or activities.
>
> F.14.e.2. Service Area: A map and narrative describing the area proposed to be served by the RMD and the anticipated number of clients that will be served within that area. This description shall indicate where any other RMDs exist or have been proposed within the expected service area.
>
> F.14.e.3. Transportation Analysis: A quantitative analysis, prepared by a qualified transportation specialist acceptable to the Town Planner, modeling the expected origin and frequency of client and employee trips to the site, the expected modes of transportation used by clients and employees, and the frequency and scale of deliveries to and from the site.
>
> F.14.e.4. Context Map: A map depicting all properties and land uses within a minimum one thousand (1,000) foot radius of the proposed site, whether such uses are located in Norfolk or within surrounding communities, including but not limited to all educational uses, daycare, preschool and afterschool programs. The context map shall include the measured distance to all property and land used for education, daycare, preschool or afterschool programs and to all houses of worship or religious use.
>
> F.14.e.5. Registration Materials: Copies of registration materials issued by the Massachusetts Department of Public Health and any materials submitted to that department for the purpose of seeking registration, to confirm that all information

provided to the Board of Appeals is consistent with that provided to the Massachusetts Department of Public Health.

F.14.f. Special Permit Criteria. In granting a special permit for a Registered Marijuana Dispensary, the Board of Appeals shall find that the following criteria are met:

F.14.f.1. An RMD shall not be located within a radius of five hundred (500) feet from a school, daycare center, preschool or afterschool facility or any facility in which minors commonly congregate, or from a house of worship or religious use, but may be located within a lesser distance if the Board of Appeals finds that the RMD is sufficiently buffered such that these facilities or uses will not be adversely impacted by the RMD's operation. Such distance shall be measured in a straight line from the nearest property line of the proposed RMD to the nearest property line of the facility.

F.14.f.2. An RMD shall be properly registered with the Massachusetts Department of Public Health pursuant to 105 CMR 725.000 and shall comply with all applicable state and local public health regulations, public safety code regulations and all other applicable state and local laws, ordinances, rules and regulations. No building permit or certificate of occupancy shall be issued for an RMD that is not properly registered with the Massachusetts Department of Public Health. The RMD shall file copies of its initial certificate of registration and each annual renewal certificate with the clerk of the Board of Appeals within one week of issuance, and shall immediately notify said clerk if its registration is not renewed or is revoked. The RMD shall provide the Norfolk police department with the names and contact information for all management staff and shall immediately notify the police department of any changes.

F.14.f.3. A special permit granted by the Board of Appeals authorizing the establishment of an RMD shall be valid only for the registered entity to which the special permit was issued, and only for the site on which the RMD has been authorized by the special permit. If the registration for the RMD is revoked, transferred to another controlling entity, or relocated to a different site, a new special permit shall be required prior to the issuance of a certificate of occupancy.

F.14.f.4. An RMD shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery to qualified clients pursuant to applicable state regulations.

F.14.f.5. An RMD shall conform to the dimensional requirements applicable to the zoning district in which it is located.

F.14.f.6. An RMD shall be subject to the number of parking spaces required in Section F.7 unless a lesser or greater number of spaces is required as a result of site plan review (Section F.11.)

F.14.f.7. All signage shall conform to the requirements of 105 CMR 725.000 and to the requirements of Section F.9 of the Town of Norfolk Zoning Bylaws. No graphics, symbols or images of marijuana or related paraphernalia shall be displayed or clearly visible from the exterior of an RMD.

F.14.f.8. An RMD's hours of operation shall not adversely impact nearby uses. The Board of Appeals may, as a special permit condition, limit the hours of operation of an RMD to mitigate any adverse impact on nearby uses.

F.14.f.9. The site is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation.

F.14.f.10. Traffic generated by client trips, employee trips, and deliveries to and from the RMD shall not create a significant adverse impact on nearby uses.

F.14.f.11. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.

F.14.f.12. The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior.

F.14.f.13. The building and site are accessible to persons with disabilities.

F.14.f.14. The site is accessible to regional roadways and/or public transportation.

F.14.f.15. The site is located where it may be readily monitored by law enforcement and other code enforcement personnel.

F.14.g. Severability: If any portion of this Section F.14 is ruled invalid, such ruling will not affect the validity of the remainder of the section.

G. ADMINISTRATION

G.1. Enforcement

G.1.a. Criminal Penalty

This bylaw shall be enforced by the Building Commissioner/Zoning Officer. 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 Building Commissioner/Zoning Officer. Any violation of the provisions of this bylaw, the conditions of a permit granted under this bylaw, or any decisions rendered by the Zoning Board of Appeals or Planning Board under this bylaw, shall be liable to a fine of not more than three hundred dollars ($300.00) for each offense. Each day such violation continues shall be deemed a separate offense.

G.1.b. Non-Criminal Disposition

In addition to the procedures for enforcement as described above, the provisions of this bylaw, the conditions of a permit granted under this bylaw, or a decision rendered by the Zoning Board of Appeals or Planning Board under this bylaw, may be enforced by the Building Commissioner/Zoning Officer by non-criminal complaint pursuant to the provisions of General Laws, Chapter 40, Section 21D. The fine for any violation disposed of through this procedure shall be three hundred dollars ($300.00) for each offense. Each day such violation continues shall be deemed a separate offense.

G.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 bylaw 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 bylaw. 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. If construction or operations have not begun within six (6) months, or if construction is not carried toward completion in as continuous and expeditious a manner as reasonable, the permit shall expire.

G.3. Certificate of Occupancy

G.3.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 bylaw 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 Building Commissioner. 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 bylaw of the Town of Norfolk in effect at the time of issuance.

G.3.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 NONCONFORMING or otherwise.

G.3.c. Continuous Compliance

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

G.4. Special Permit

A Special Permit shall lapse if the construction allowed or use permitted has not commenced by one year from the effective date of the Special Permit, effective date being defined as the date the appeal period is ended if no appeals have been taken, or from that date that any and all appeals taken have been set aside.

Any use permitted by Special Permit that is discontinued for a period of one year or more shall cause the Special Permit to lapse.

The PERMIT GRANTING AUTHORITY may extend the period if it finds that the construction or use permitted by the Special Permit was not commenced for a good cause.

G.5. Enforcement of Performance Standards

G.5.a. The APPLICANT for a building permit and/or 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 Commissioner 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 to them at all times.

G.5.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.

G.5.c. The Building Commissioner shall investigate any alleged violation of Performance Standards and may engage qualified experts. He may apply for a criminal complaint in a district court.

G.5.d. If the Building Commissioner is requested in writing to enforce any provision of this bylaw against any person, real or corporate, allegedly in violation thereof, and, if he thereafter declines to act, he shall give written notice of his action or refusal to act to the person who requested such enforcement within fourteen (14) days of his receipt of such request.

G.6. Board of Appeals, Planning Board, and Permit Granting Authority

G.6.a.1. 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.

The Board of Appeals shall be the PERMIT GRANTING AUTHORITY under this bylaw, except for the purposes of Section F.11., Site Plan Approval, Section H.2., Open Space Preservation, and all other areas of the bylaws where the Planning Board is specifically designated as the PERMIT GRANTING AUTHORITY or SPECIAL PERMIT GRANTING AUTHORITY.

G.6.a.2. Planning Board, Associate Member

In addition to members elected at Town Elections or appointed to fill vacancies in accordance with M.G.L. c. 41, Section 81A, the Planning Board and Board of Selectmen may appoint one Associate Member of the Planning Board to serve for a term of one (1) year in accordance with the provisions of M.G.L. c. 40A, Section 9 as amended by Chapter 239 of the Acts of 1989. The Associate Member may be designated by the Planning Board Chairman to sit on the Planning Board for purposes of acting on a Special Permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

G.6.b. Powers

The Board of Appeals shall have the following powers:

G.6.b.1. To hear and decide appeals in accordance with Section 8 of Chapter 40A of the General Laws as the same may from time to time be amended;

G.6.b.2. To hear and decide applications for special permits upon which this PERMIT GRANTING AUTHORITY is empowered to act under this bylaw in accordance with the Special Permit Criteria. Unless otherwise specifically provided to the contrary, the Board of Appeals shall, before granting special permits, make a finding that in its judgment all of the Special Permit Criteria are met.

G.6.b.3. To hear and decide petitions for VARIANCES as set forth in Section 10 of Chapter 40A of the General Laws as the same may from

time to time be amended, provided however that the Board shall not authorize by VARIANCE a use or activity not otherwise permitted in the district in which the land or STRUCTURE is located.

G.6.c. Special Permit Criteria.

Unless otherwise specifically provided to the contrary, all Permit Granting Authorities/Special Permit Granting Authorities shall, before granting special permits, find that in its judgment all of the following criteria for the granting of a Special Permit are met:

G.6.c.1. That the use is in harmony with the general purpose and intent of the bylaw;

G.6.c.2. That the use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district;

G.6.c.3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use;

G.6.c.4. That the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, visual or other nuisances;

G.6.c.5. That the proposed use would not cause undue traffic congestion in the immediate area;

G.6.c.6. That a proper site plan has been filed for approval with the Planning Board and the proper number of copies have been submitted with the application for a special permit to the appropriate PERMIT GRANTING AUTHORITY; and

G.6.c.7. That the use and/or purpose is consistent with the 1992 Master Plan, and as most recently updated.

G.6.d. Procedures

All PERMIT GRANTING AUTHORITIES/SPECIAL PERMIT GRANTING AUTHORITIES shall adopt rules, not inconsistent with the provisions of this bylaw for the conduct of its business and for the purposes enumerated in Chapter 40A of the General Laws, and shall file a copy of such with the Town Clerk.

All PERMIT GRANTING AUTHORITIES/SPECIAL PERMIT GRANTING AUTHORITIES may require reasonable mitigation measures to offset adverse impacts of the development on the community, including but not limited to:

1) improve the capacity and safety of roads, intersections, bridges, pedestrian access, water, sewer, drainage, and other public facilities and infrastructure including traffic signals/controls, or municipal services, sufficient to service the development project.

2) donation and/or dedication of land for right-of-way to provide for roadway and/or intersection widening or improvements.

G.7. Repetitive Petitions

No proposed change in this bylaw 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.

G.8. Validity

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision hereof.

G.9. Effective Date

The effective date of this bylaw shall be the date upon which the bylaw becomes in full force or effect in accordance with the provisions of Chapter 40A, Section 5 of the General Laws. All other existing zoning bylaws shall be repealed upon the effective date of this bylaw.

G.1O REQUEST FOR DETERMINATION OF APPLICABILITY OF INTENSITY REGULATIONS FOR EXEMPT USES

G.1O.a. Any land, BUILDING, or STRUCTURE used for any of the uses which may not be subjected to special permit requirement pursuant to G.L. c. 40A Section 3 shall be subject to the area, FRONTAGE, setback, LOT coverage, LOT width, BUILDING HEIGHT, parking, and other dimensional or intensity regulations or requirements applicable under the Norfolk Zoning Bylaw, unless the Building Commissioner, acting in accordance with this section, shall determine that such dimensional or intensity regulations or requirements are not "reasonable regulations" within the meaning of G.L. c. 40A, Section 3, as applied to the use, or proposed use, of such land, building or STRUCTURES.

G.1O.b. Any person having a fee or leasehold interest, or binding agreement for such an interest, in any LOT used, or which that person proposes to use, for an exempt use under G.L. c. 40A, Section 3, may submit a written request to the Building Commissioner, on such form as the Building Commissioner may require, for a determination that a particular dimensional or intensity regulation is

not reasonable as applied to the land, BUILDING or STRUCTURE used or intended for such use. Such request shall include:

1) a detailed description of the proposed use;

2) a detailed plan of the land, BUILDINGS and STRUCTURES or structural modifications for which the determination is being sought;

3) a certified list of abutters; and

4) a statement disclosing:

   i. the basis for the owner's contention that the regulation or restriction will diminish, detract from or impair the proposed use without appreciably advancing the interests protected by this Bylaw;
   ii. for new uses and/or STRUCTURES, whether alternative sites for such a use or STRUCTURE are available in the Town or on the LOT for which no such relief would be required; and
   iii. The maximum degree to which the applicable regulations or restrictions should be relaxed to accommodate the use.

G.1O.c. Any such application may be filed at or before the time an application for a building permit is filed. The Building Commissioner may impose a reasonable administrative fee for review of the request. The Building Commissioner shall act on the request by returning the form to the owner within thirty (30) days of receipt of such request indicating his decision on the determination requested. At the time that such notice is given to the owner, the Building Commissioner shall also mail or deliver a copy of his determination to the Town Administrator, the Planning Board, the Zoning Board of Appeals, and to the parties in interest as defined in G.L. c. 40A, Section 11.

G.1O.d. Any person aggrieved by a determination made by the Building Commissioner under this section may appeal that determination to the Zoning Board of Appeals pursuant to G.L. c. 40A, Section 8, and Section G.6.b.1. of this Bylaw.

H. OPTION ZONING

H.1. Maximum Lot Coverage Special Permit

The Board of Appeals shall be the PERMIT GRANTING AUTHORITY, in accordance with Section G.6 of this bylaw and G.L. c. 40A, Section 9, for the granting of special permits to increase the Maximum LOT COVERAGE intensity of use; provided that the petitioner or APPLICANT shall, as a condition for the grant of said permit, provide certain open space, traffic or pedestrian improvements, or other amenities for the town as stated in this Section; and further provided that the maximum increase in intensity of use

authorized by any such special permit shall be no more than twice the maximum LOT COVERAGE permitted as of right for a given parcel; and further provided that such special permit shall be granted for non-residential uses only.

H.1.a. Purpose

The purpose of this Section is to promote the public health, safety and welfare by encouraging the expansion, improvement and upgrading of the town's traffic safety and infrastructure while accommodating the expansion of business, commercial, and health maintenance and professional office opportunities in the Town, to mitigate the impacts of commercial and industry development on the cost and effectiveness of traffic safety and infrastructure development; to provide a mechanism by which business, industry, and health maintenance and professional office development can contribute in a direct way to increasing traffic safety and infrastructure development in exchange for a greater intensity of development than that permitted as a matter of right; and to establish standards and guidelines for the use of such contributions.

H.1.b. Special Permit Guidelines

Before granting special permits to increase the Maximum LOT COVERAGE intensity of use for a business or Commercial 1 through Commercial 6 zone the PERMIT GRANTING AUTHORITY shall find that in its judgment all the conditions specified in G.6.c.1.-7. are met.

H.1.c. Linkage Payments

H.1.c.1. Applicability - Where a petitioner or APPLICANT chooses to seek to obtain a Special Permit pursuant to this Section E.3, which Special Permit would authorize an increase in the permissible intensity of a particular use in the proposed development, the petitioner or APPLICANT shall be subject to the provisions of this Section. Increases in the intensity of use shall include an increase of GROSS FLOOR AREA or the addition of uses that result in an increase in intensity of use.

H.1.c.2. Incentive Contributions - If the PERMIT GRANTING AUTHORITY grants a Special Permit for an increase in the Maximum LOT COVERAGE intensity of use in a business or Commercial 1 through Commercial 6, said Authority shall require the APPLICANT to make a contribution into a Traffic Safety and Infrastructure Fund ("Fund"). The rate of contribution shall be three dollars per square foot of GROSS FLOOR AREA of a BUILDING whose primary use shall be for office or retail space; and the rate of contribution shall be one dollar per square foot of GROSS FLOOR AREA of a BUILDING whose primary use will be for industrial, MANUFACTURING, warehousing, product and material distribution or similar purposes. The primary use of a BUILDING or BUILDINGS, for the purpose of this Section, shall be deemed to be office or

retail use where the total square foot floor area used for office or retail purposes, considered either individually or where both uses are added together, constitutes more than twenty percent (20%) of the entire gross square foot area of the BUILDING or BUILDINGS in question. Otherwise the primary use of the BUILDING or BUILDINGS shall be deemed for a use other than office or retail, and the rate of contribution shall be one dollar per square foot of gross square foot area.

H.1.c.3. Fund Administration - Said Traffic Safety and Infrastructure Fund shall be established in the Town Treasury and shall be kept separate and apart from other monies by the Town Treasurer. Any monies in said Fund shall be expended at the direction of the Board of Selectmen, for the purposes mentioned below without further appropriation. All monies which are collected as a result of any contribution to this Fund shall be transferred to the principal of said Fund, and the Town Treasurer shall be custodian of the fund and may deposit the proceeds in a bank or invest the same in such securities as are legal for the investment of funds of savings banks under the laws of the Commonwealth or in Federal Savings and Loan Associations situated in the Commonwealth. Any interest earned thereon shall be credited to and become part of such Fund.

H.1.c.4. Fund Expenditures - Any monies in the Fund may be expended only by a majority vote of the entire membership of the Board of Selectmen and shall be appropriated only for the purpose of maintaining and improving traffic safety, and for the purpose of maintaining and improving the infrastructure of the town, which shall include those town services directly involving traffic regulation and control, road improvements (including widening), bridge construction, playground and park development, water supply, sewer services, street lighting, public walkways and other related public works, including new construction where needed. The cost of land takings necessary to accomplish any of the purposes listed herein shall be considered a proper purpose for the expenditure of monies from this Fund. No monies in this Fund shall be used for any purpose not included or directly related to the purposes listed above. To the extent that it is feasible, monies contributed by a certain APPLICANT for a special permit for an increase in intensity of use shall be spent on town services in the geographical area which is most directly impacted by the proposed BUILDING or BUILDINGS which are the subject of said Special Permit.

H.1.c.5. Payment Schedule - The payment of the required contribution shall be made in accordance with the following schedule: The amount of the initial payment shall be determined by the PERMIT GRANTING AUTHORITY, and the payment of said amount and the delivery of an irrevocable letter of credit for the balance shall be prerequisite conditions of the issuance of the Building Permit. Thereafter, the Board of Selectmen may requisition against the letter of credit at any time, but not more frequently than once every 60 days. The balance, if any, shall be paid immediately at the time of, and shall be a prerequisite condition to, the issuance of the occupancy permit. The petitioner or APPLICANT may, at any

time, make a lump sum payment of the entire required contribution, if he so desires.

H.1.c.6. Escrow Pending Fund Creation - If said Traffic Safety and Infrastructure Maintenance Fund has not been authorized or created at the time any payment under this Section becomes due, the APPLICANT shall make the payment to the Town of Norfolk. The Town of Norfolk shall place any payments received, on account of said Traffic Safety and Infrastructure Maintenance Fund, into an escrow account to be held therein for the benefit of said Fund, until such time as the said Fund is established. Any monies being held in escrow pursuant to this Section shall forthwith be transferred to said Fund.

Said monies shall be paid by all APPLICANTS seeking a special permit for Maximum LOT COVERAGE increased intensity of use in Business 1 through Business 4 or Commercial 1 through Commercial 6. Furthermore, all contributions shall be paid in full before the granting of an occupancy permit.

H.1.c.7. Scope - As used in this Section, a Special Permit for an increase in Maximum LOT COVERAGE intensity of use shall mean a Special Permit where the APPLICANT is requesting permission to build or develop a BUILDING, BUILDINGS or off-street parking where the gross square footage proposed exceeds the Maximum LOT COVERAGE percentage allowed in said zone as a matter of right. For the purposes of this Section, "as a matter of right" shall mean the right to develop a particular LOT or parcel without having to obtain a special permit for such increase in intensity of use.

Except as provided in G.4 of this bylaw, any change of use of any BUILDING or part of thereof, any increase in the number of BUILDINGS or in the square footage of GROSS FLOOR AREA size of any individual BUILDING, shall require the issuance of a new Special Permit.

In exercising its jurisdiction under this Section, the Board of Appeals shall conform to all requirements or procedures applicable to a PERMIT GRANTING AUTHORITY when deciding requests for Special Permits under General Laws, Chapter 40A as amended, including requirements thereof for public notice and hearings.

H.2. OPEN SPACE PRESERVATION

H.2.a. Purpose

The purposes of this section are:

1.) to preserve open space for conservation, recreation, agriculture and forestry;
2.) to preserve significant natural, historical and archaeological resources;
3.) to preserve and foster the Town of Norfolk's rural and scenic character;

4.) To promote development that is in harmony with natural features and resources, the Town's historic and traditional landscapes, the existing and probable future use of adjacent land, and the general intent of the Zoning Bylaws; and
5.) To establish flexible residential development standards and procedures that will support these objectives.

H.2.b. Overview and Approach

This section of the Zoning Bylaws provides an alternative method of subdividing land for residential development. This "Open Space Preservation" method allows the Planning Board to approve reductions in the area, frontage and/or setbacks of individual lots in a development, in return for setting aside a specified amount of land as Permanent Open Space. The required Permanent Open Space must be at least twenty-five percent of the total tract area, and may be more than 25 percent depending on the actual reduction in the average lot area.

In addition to setting aside open space for protection, the Open Space Preservation approach differs from the conventional subdivision approach in the way that lots are designed. In simple terms, a standard subdivision can be designed by dividing the total tract area into lots that conform to minimum requirements of the Zoning Bylaws and roads that comply with the design standards of the Subdivision Rules and Regulations. In contrast, the design of an Open Space Preservation development begins with the identification of sensitive or significant natural and scenic features that are to be conserved. Locations for individual houses are then established on the remaining developable area, and lot lines are drawn around the building sites.

A well-designed Open Space Preservation development will usually be preferable to a standard subdivision, because it can be more sensitive to the landscape and can contribute to a town-wide system of open space linkages. Therefore, in order to encourage landowners to use this optional approach, the bylaw allows a modest increase in the maximum number of dwelling units compared to a conventional subdivision.

The Planning Board may approve an Open Space Preservation development if it determines that such a development would be better for the Town than a conventional subdivision. The Special Permit decision is made on the basis of a Concept Plan, and is followed by review of a Definitive Subdivision Plan under the Board's Rules and Regulations.

H.2.c. General Requirements

H.2.c.1. The Planning Board may authorize by Special Permit an Open Space Preservation (OPEN SPACE PRESERVATION) development as an alternative to conventional subdivision.

H.2.c.2. To be eligible for the OPEN SPACE PRESERVATION development option, a tract of land shall contain at least five (5) acres, shall be located within the Residence 1, 2 or 3 (R-1, R-2, or R-3) Districts, and shall be serviced by Town water.

H.2.c.3. *The maximum number of BUILDING LOTS permitted in an OPEN SPACE PRESERVATION development shall be equal to the number of BUILDING LOTS which could be developed through a conventional subdivision of the tract, plus ten percent (10%). The burden of proof shall be upon the APPLICANT in determining the allowable number of BUILDING LOTS, which shall be demonstrated through submission of a preliminary plan of the conventional subdivision. The Planning Board reserves the right to challenge the status of any LOT.*

H.2.c.4. For the purpose of OPEN SPACE PRESERVATION development under this section, the Planning Board may permit LOTS on directly opposite sides of a STREET to qualify as a single tract of land. To permit such division of a tract of land by a STREET, the Planning Board must find that this would comply with the purposes of this section and not result in any more DWELLING units than would be possible in accordance with the provisions of this Bylaw if the LOTS on each side of the STREET were developed separately. If the Board approves a tract of land divided by a STREET, it may permit the DWELLING units to be concentrated on one side of the STREET and the Permanent Open Space to be concentrated on the opposite side of the STREET.

H.2.c.5. No LOT shown on a plan for which a special permit is granted under this Section may be further subdivided, unless such special permit lapses or is rescinded.

H.2.d. Design Principles and Development Standards

H.2.d.1. OPEN SPACE PRESERVATION *developments shall be designed to preserve and protect sensitive natural resources such as wetlands, streams and floodplains.*

H.2.d.1.a. A buffer area of natural vegetation of at least 100 feet in width shall be maintained or created adjacent to surface waters and wetlands.

H.2.d.1.b. A buffer area free of residential STRUCTURES of at least 200 feet in width shall be maintained adjacent to surface waters.

H.2.d.2. OPEN SPACE PRESERVATION developments shall be designed to preserve and protect important scenic and cultural features, including steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats, historic and archaeological sites, and scenic views.

H.2.d.2.a. BUILDINGS shall be sited within any woodland contained in the parcel or along the edges of the open fields adjacent to any woodland

so as to reduce any impact upon the site's natural, scenic and cultural resources, and to enable new construction to be visually absorbed by the natural landscape features.

H.2.d.2.b. BUILDINGS shall be sited in locations least likely to interrupt scenic vistas as seen from public roadways.

H.2.d.3. OPEN SPACE PRESERVATION developments shall be designed in relation to their surroundings, so as to preserve existing wildlife corridors and ecosystems, and to be consistent with the Town's historical development patterns.

H.2.d.4. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual BUILDING sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and LOT configuration rather than as malleable elements that can be changed to follow a preferred development scheme.

H.2.d.5. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.

H.2.d.6. All landscaped or usable open space shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.

H.2.d.7. The removal or disruption of historic, traditional or significant uses, STRUCTURES, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

H.2.d.8. Where an OPEN SPACE PRESERVATION development is created adjacent to an existing farm, or where the permanent open space in the development is intended to be used for AGRICULTURAL uses, the development should be designed so as to protect the future viability of the land for farming.

H.2.d.8.a. BUILDINGS and STREETS should be placed on the least fertile soils for AGRICULTURAL uses, and in a manner, which maximizes the usable area remaining for such AGRICULTURAL use.

H.2.d.8.b**.** The OPEN SPACE PRESERVATION development should be laid out in such a manner that the common boundary between the new house LOTS and AGRICULTURAL land is minimized in length, in order to reduce potential conflicts between the two uses.

H.2.d.8.c. Buffer zones at least seventy-five (75) feet in width shall be maintained between residential and AGRICULTURAL uses and shall be planted with native shrubs and trees to create an effective barrier separating yards from fields and pastures.

H.2.d.9. Septic systems shall be placed on the most suitable soil for subsurface septic disposal.

H.2.e. Design Process

Design of an Open Space Preservation development shall follow the four-step process described in this section. This process emphasizes principles of good landscape design and recognizes the intrinsic importance of the natural, scenic and cultural resources on the site. Applicants shall demonstrate to the Planning Board that this design process was performed by a Registered Landscape Architect and was considered in determining the layout of proposed open space, house LOTS, and STREETS.

H.2.e.1. Step One: Identify Conservation Areas and Potentially Developable Areas

The Open Space Preservation development shall, to the extent feasible, preserve the most sensitive and noteworthy natural, scenic, and cultural resources on the property.

H.2.e.1.a**. First, identify and delineate resource areas to be protected, including:**

1. Resource areas regulated by state or federal law, including wetlands and floodplains;

2. Unprotected elements of the natural landscape, such as steep slopes, mature woodlands, prime farmland, meadows and wildlife habitats; and

3. Important cultural features such as historic and archeological sites and scenic views.

H.2.e.1.b. Then, delineate potentially developable areas of the site. To the maximum extent feasible, these shall consist of land outside the resource areas identified above.

H.2.e.2. Step Two: Locate House Sites

Locate the approximate sites of individual houses within the potentially developable area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.

H.2.e.3. Step Three: Align Streets and Trails
Align STREETS in order to provide vehicular access to each house in the most reasonable and economical way. When LOTS and access STREETS are laid out, they shall be located in a way that minimizes adverse impacts on open space. The creation of single-loaded residential access STREETS is encouraged, in order that the maximum number of homes in new developments may enjoy views of open space. Wetlands crossings are strongly discouraged.

Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future STREETS, sidewalks, and trails.

H.2.e.4. Step Four: Delineate Lot Lines
Draw in the LOT lines, where applicable. These are generally drawn midway between house locations.

H.2.f. Intensity Requirements

H.2.f.1. The Planning Board may grant a reduction of all intensity regulations of the underlying zoning regulations for all portions of an Open Space Preservation development if the Planning Board finds that such reduction will result in better design and improved protection of natural and scenic resources, and will otherwise comply with this Bylaw, provided that (a) the OPEN SPACE PRESERVATION development as a whole shall meet the minimum average requirements in Section H.2.f.2., and (b) in no instance shall any LOT deviate from the minimum requirements in Section H.2.f.3.

Any appurtenances such as accessory buildings and swimming pools shall comply with the dimensional requirements of the underlying zoning district.

H.2.f.2. Minimum Average Dimensional Requirements
Minimum average FRONTAGE of all LOTS in the Open Space Preservation development 100 feet
Minimum average BUILDING setback from public ways within the OPEN SPACE PRESERVATION development 30 feet

H.2.f.3. Minimum Dimensional Requirements for Individual LOTS within the OPEN SPACE PRESERVATION Development.

Minimum LOT area:	20,000 square feet
Minimum LOT FRONTAGE:	50 feet
Minimum BUILDING setbacks:	
From any boundary line of the OPEN SPACE PRESERVATION development	30 feet

From the Permanent Open Space	30 feet
From a public way within the OPEN SPACE PRESERVATION development	20 feet
From a LOT line within the OPEN SPACE PRESERVATION development	25 feet

H.2.f.4. Regardless of the setback requirements specified in Section H.2.f.3., all DWELLINGS shall be separated from each other by at least 50 feet.

H.2.f.5. The Planning Board may require larger setbacks than specified in Section H.2.f.3., if it finds that such increased setbacks are required to promote the purposes of this Section.

H.2.f.6. Lots having reduced area or FRONTAGE shall not have FRONTAGE on a STREET other than a STREET created by the OPEN SPACE PRESERVATION development.

H.2.f.7. Where the tract contains a pre-existing residential STRUCTURE, the area and FRONTAGE of the LOT on which such STRUCTURE is located after development of the OPEN SPACE PRESERVATION development shall not be reduced below the minimum LOT size and minimum FRONTAGE required in the underlying zoning district.

H.2.g. Streets and Utilities

H.2.g.1. All STREETS, sewage and drainage facilities, and other utilities shall be designed and constructed in compliance with the Town of Norfolk Subdivision Rules and Regulations.

H.2.g.2. Exceptions to the Subdivision Rules and Regulations may be authorized by the Planning Board in granting a special permit hereunder provided that the Board determines such exceptions are in the public interest and are not inconsistent with the purposes of this Section H.2.

H.2.h. Permanent Open Space

H.2.h.1. Requirement to Provide Permanent Open Space

A tract of land developed as an Open Space Preservation development shall contain land set aside as Permanent Open Space for the use of the OPEN SPACE PRESERVATION development residents or the general public, as further specified in this section.

H.2.h.2. Minimum Required Area of Permanent Open Space

H.2.h.2.a. The minimum required amount of Permanent Open Space shall be computed as follows:

$$0.80 \times T \times (1 - A/M)$$

where:

T = Total area of the tract of land
A = Average area of all BUILDING LOTS in the development
M = Minimum LOT size from Section E.1.b (Schedule of Dimensional Regulations)

In no case, however, shall the Permanent Open Space be less than twenty-five percent (25%) of the total area of the tract of land.

H.2.h.2.b. The minimum required area of Permanent Open Space shall not contain a greater percentage of wetlands (as defined in MGL Chapter 131) or land included within the Flood Plain/ Wetlands Protection District (see Section D.5.) than the percentage of such areas found in the overall tract of land on which the OPEN SPACE PRESERVATION development is located.

H.2.h.3. Design of Permanent Open Space

H.2.h.3.a. Permanent Open Space shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of Permanent Open Space shall be permitted only when necessary for providing access to the Permanent Open Space from a public way, or if the Planning Board finds that a vegetated buffer strip along the site's perimeter is appropriate and consistent with the purpose of OPEN SPACE PRESERVATION development.

H.2.h.3.b. Permanent Open Space may be set aside in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.

H.2.h.3.c. If the tract of land abuts adjacent Permanent Open Space or undeveloped LOTS, the Permanent Open Space shall be connected with such adjacent Permanent Open Space and with such undeveloped abutting LOTS.

H.2.h.3.d. The Permanent Open Space shall include adequate upland access from a way or STREET.

H.2.h.4. Use of the Permanent Open Space

H.2.h.4.a. The Permanent Open Space shall be dedicated and used for natural resource protection, recreation, park purposes, outdoor education, agriculture, horticulture or forestry, or for any combination of such uses. No other uses shall be allowed in the Permanent Open Space, except as follows:

H.2.h.4.a.1. A portion of the Permanent Open Space may be also be used for the construction of leaching areas associated with septic disposal systems serving the OPEN SPACE PRESERVATION development or for water supply wells serving the OPEN SPACE PRESERVATION development, if the Planning Board determines that such use will enhance the specific purpose of Open Space Preservation and promote better overall site planning. Septic disposal easements shall be no larger than reasonably necessary. If any portion of the Permanent Open Space is used for the purpose of such leaching areas or wells, the Planning Board shall require adequate assurances and covenants that such facilities shall be maintained by the LOT owners within the OPEN SPACE PRESERVATION development.

H.2.h.4.a.2. A portion of the Permanent Open Space may also be used for ways serving as pedestrian walks, bicycle paths and emergency access or egress to the OPEN SPACE PRESERVATION development or adjacent land, if the Planning Board determines that such a use will enhance the specific purpose of Open Space Preservation and promote better overall site planning, and if the Planning Board finds that adequate assurances and covenants exist to ensure proper maintenance of such facilities by the owner of the Permanent Open Space.
H.2.h.4.a.3. The Permanent Open Space may be subject to easements for the construction, maintenance, and repair of utility and drainage facilities serving the Open Space Preservation or adjacent parcels.

H.2.h.4.a.4. Notwithstanding other requirements of 310 CMR 22.02 as it relates to Zone II Wellhead protection, the Permanent Open Space may be included in the area required for the purpose of the computation of the capacity of septic systems.

H.2.h.4.b. The Permanent Open Space shall remain unbuilt upon, provided that an overall maximum of five (5) percent of such land may be subject to pavement and STRUCTURES accessory to the dedicated use or uses of the Permanent Open Space.

H.2.h.4.c. Areas to remain as naturally existing woods, fields, meadows or wetlands shall be maintained and may be improved in accordance with good conservation practices.

H.2.h.4.d. The proposed use of the Permanent Open Space shall be specified on a Land Use Plan, and appropriate dedications and restrictions shall be part of the deed to the Permanent Open Space.

H.2.h.4.e. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the Permanent Open Space in order to enhance the specific purposes of Open Space Preservation, and to further efforts to equitably distribute a variety of open space benefits throughout the community.

H.2.h.5. Ownership of Permanent Open Space

H.2.h.5.a. The Permanent Open Space shall be conveyed in whole or in part to the Town of Norfolk and accepted by it; or to a nonprofit organization, the principal purpose of which is the conservation of open space and/or any of the purposes and uses to which the Permanent Open Space is to be dedicated; or to a corporation or trust owned or to be owned by the owners of the DWELLING units within the Open Space Preservation. The Planning Board shall approve the form of ownership of the Permanent Open Space.

H.2.h.5.b. If any portion of the Permanent Open Space is not conveyed to the Town of Norfolk, a perpetual restriction, approved by the Planning Board and enforceable by the Town of Norfolk, shall be imposed on the use of such land, providing in substance that the land be kept in its open or natural state and that the land shall not be built upon or developed or used except in accordance with provisions of an OPEN SPACE PRESERVATION development as set forth herein and, if applicable, as further specified in the decision of the Planning Board governing the individual OPEN SPACE PRESERVATION development.

If the applicant, with the approval of the Planning Board, keeps the open space in private ownership subject to the imposition of a conservation restriction, the applicant shall be responsible for obtaining the approval of the Executive Office of Environmental Affairs (EOEA) relative to the restriction, including the submission of the proposed form of restriction, all application forms, inspection reports, photographs, maps or other supporting documentation as EOEA may require. The Planning Board may require as a condition of any special permit issued under this Section H.2 that the conservation restriction be accepted by the Conservation Commission or Board of Selectmen, approved by EOEA, and recorded in the Registry of Deeds or Land Court, before any building permit is issued for any lot within the Open Space Preservation development.

H.2.h.5.c. The proposed ownership of all Permanent Open Space shall be shown on the Land Use Plan for the OPEN SPACE PRESERVATION development.

H.2.h.5.d. At the time of its conveyance, the Permanent Open Space shall be free of all encumbrances, mortgages or other claims, except as to easements, restrictions and encumbrances required or permitted by this bylaw.

H.2.h.6. Maintenance of Permanent Open Space

If the Permanent Open Space is to be held by a homeowners association, a management plan shall be prepared establishing responsibilities and schedules for maintenance of the Permanent Open Space.

H.2.i. Procedures

H.2.i.1. General

An application for an Open Space Preservation special permit shall cover the entire Open Space Preservation development.

H.2.i.2. Pre-Application

H.2.i.2.a. Conference

The APPLICANT is very strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board. The purpose of a pre-application review is to minimize the APPLICANT'S costs of engineering and other technical experts, and to commence negotiations with the Planning Board at the earliest possible stage in the development. At the pre-application review, the APPLICANT may outline the proposed OPEN SPACE PRESERVATION development, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. At the request of the APPLICANT, and at the expense of the APPLICANT, the Planning Board may engage technical experts to review the informal plans of the APPLICANT and to facilitate submittal of a formal application for an OPEN SPACE PRESERVATION development special permit.

H.2.i.2.b. Submittals

In order to facilitate review of the OPEN SPACE PRESERVATION development at the pre-application stage, applicants are strongly encouraged to submit the Site Context Plan (described in Section H.2.i.3.b. below), and the Site Analysis Plan (described in Section H.2.i.3.c. below). In addition, applicants are invited to submit additional information that will assist the Planning Board to understand the proposed development, which may include preliminary versions of the Concept Plan and/or Yield Plan.

H.2.i.2.c. Site Visit

Applicants are encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the OPEN SPACE PRESERVATION development. If one is requested, the Planning Board shall invite the Conservation Commission, Board of Health, and other appropriate Boards and Committees.

H.2.i.2.d. Design Criteria

The design principles, process and standards set forth in Sections H.2.d. through H.2.h. should be discussed by the parties at the pre-application conference and site visit.

H.2.i.3. Application

An application for a special permit for an OPEN SPACE PRESERVATION development shall consist of five parts: applications form(s), Site Context Plan, Existing Conditions/Site Analysis Plan, Concept Plan, and Yield Plan. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour plans and current soil maps.

H.2.i.3.a. Application Form

The application shall be submitted on the form(s) provided by the Planning Board in accordance with the rules and regulations of the Board.

H.2.i.3.b. Site Context Plan

The Site Context Plan illustrates the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it should show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This plan enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

H.2.i.3.c. Site Analysis Plan

The Site Analysis Plan familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this plan locates and describes noteworthy resources that should be left protected through sensitive subdivision layouts. These resources include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature under graded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old STRUCTURES or stone walls), unusual geologic formations and scenic views into and out from the property. By overlaying this plan onto a development plan the parties involved can clearly see where conservation priorities and desired development overlap or conflict.

H.2.i.3.d. Concept Plan

The Concept Plan shall be prepared by a Registered Landscape Architect, or by a multi-disciplinary team of which one member must be a Registered Landscape Architect, and shall address the general features of the land, and give approximate configurations of the LOTS, open space, and roadways. The Concept Plan shall incorporate the design principles described in Section H.2.d. and the design

process described in Section H.2.e., when determining a proposed design for the development.

H.2.i.3.e. Yield Plan

The Yield Plan shall show the maximum number of LOTS that could be placed upon the site under a conventional subdivision. The Yield Plan shall contain the information required for a Concept Plan as set forth above. The proponent shall have the burden of proof with regard to the number of LOTS shown on the Yield Plan.

H.2.i.4. Planning Board Action

H.2.i.4.a. Evaluation Criteria
In evaluating the proposed OPEN SPACE PRESERVATION development, the Planning Board shall consider:

1. the general purpose and objectives of this bylaw;
2. the existing and probable future development of surrounding areas;
3. the appropriateness of the proposed layout of STREETS, LOTS and STRUCTURES; and
4. the proposed layout and use of the Permanent Open Space in relation to the proposed DWELLING units in the OPEN SPACE PRESERVATION development, adjoining public or private Permanent Open Space or other open space, or the topography, soils and other characteristics of the tract of land in question.

H.2.i.4.b. Findings

The Planning Board may grant a special permit for an Open Space Preservation development only if it finds that the OPEN SPACE PRESERVATION development:

1. Is consistent with the general purpose and intent of the Zoning Bylaws and with the specific purposes of this Section H.2.
2. Complies with all the requirements of this Section H.2., other applicable requirements of the Zoning Bylaws and, where applicable, the construction and design standards of the Norfolk Subdivision Regulations;
3. Is in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood;

4. Is superior to a conventional plan in preserving open space, minimizing environmental disruption, and allowing for more efficient provision of services; and
5. Will not exceed by more than ten percent (10%) the number of house LOTS that could be developed under standard LOT area and FRONTAGE requirements.

H.2.i.4.c. Conditions of Approval

In granting a special permit, the Planning Board may require such changes in the proposed development plans and may impose such conditions and safeguards, as it deems necessary to secure the objectives of this bylaw, and to protect the health, safety and welfare of the inhabitants of the neighborhood and of the Town of Norfolk. Such conditions may include, without limitation,

1. Approval of any wetlands delineation by an Order of Conditions/Request for Determination of Applicability by the Norfolk Conservation Commission;
2. Measures to ensure the maintenance of scenic views and vistas;
3. Designation of no-cut or limited clearing areas in LOTS; and
4. Granting of easements providing and defining rights of public access.

H.2.i.4.d. Permanent Open Space Ownership

The Planning Board shall state in its decision the ownership and management of the permanent open space, and said open space ownership shall be recorded in the Registry of Deeds.

H.2.i.4.e. Site Plan Approval for Open Space and Recreation Uses

Specific approval of the uses allowed in the permanent open space and recreational STRUCTURES such as tennis courts, swimming pools, accessory clubhouses, or any other STRUCTURES shall be submitted to the Planning Board for site plan approval.

H.2.i.4.f. Relationship between Special Permit Concept Plan and Definitive Subdivision Plan

The Open Space Preservation special permit shall be reconsidered if there is substantial variation between the Definitive Subdivision Plan and the Concept Plan. If the Planning Board finds that a substantial variation exists, it shall hold a public hearing on the modifications to the Concept Plan. A substantial variation shall be any of the following:

1. Any increase in the number of BUILDING LOTS;
2. A decrease of more than five percent (5%) in the open space acreage;
3. Any change in the LOT layout which results in the potential relocation of a BUILDING site by more than 100 feet, or by more than 50 feet if any part of the LOT is within 300 feet of the boundary of the OPEN SPACE PRESERVATION development;
4. A significant change in the general development pattern which adversely affects natural landscape features and open space preservation;
5. Significant changes to the storm water management facilities; and/or
6. Significant changes in the wastewater management systems.

H.2.i.5. Change in Plans After Grant of Special Permit

H.2.i.5.a. No change in any aspect of the approved plans shall be permitted unless approved in writing by the Planning Board. A new or amended special permit will be required if the Planning Board determines any proposed change to be substantial.

H.2.i.5.b. No land for which a special permit for an Open Space Preservation has been granted shall be further subdivided, unless such special permit lapses or is rescinded.

H.2.j. Building Permits

No BUILDING permit for any STRUCTURE within an approved OPEN SPACE PRESERVATION development shall be issued without the written approval of the Planning Board.

H.2.k. Rules and Regulations

The Planning Board may adopt and amend reasonable rules and regulations for the administration of this section, including a schedule of fees.

H.3 AFFORDABLE HOUSING DEVELOPMENT

H.3.a. Purpose and Intent:

The purpose of this bylaw is to encourage development of new housing that is affordable to low and moderate-income households. At minimum, affordable housing produced pursuant to this section H.3. shall be eligible for inclusion in the Town's Subsidized Housing Inventory as kept by the Massachusetts Department of Housing and Community Development or the successor agency thereto.

H.3.b Applicability

In all residential and mixed use zoning districts, the inclusionary zoning provisions of this section shall apply to the following uses on a parcel or parcels of land in common ownership as of the date of passage of this bylaw.

(a) Any project that results in a net increase of ten (10) or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction, or change of existing residential or non-residential space; and

(b) Any subdivision of land for development of ten (10) or more dwelling units; and

(c) Any AGE-RESTRICTED development that includes ten (10) or more units

H.3.c Special Permit:

The development of any project set forth in Section H.3.b (above) shall require the grant of a Special Permit from the Planning Board**.** A Special Permit shall be granted if the proposal meets the requirements of this bylaw. An application shall be filed simultaneously for any project set forth in Section H.3.b or within ninety (90) days after said project(s) is approved and no appeals taken. If appeal is taken an application does not need to be applied for until said appeal is resolved. The application procedure for the Special permit shall be as defined in Section G.4.

H.3.d Mandatory Provision of Affordable Units:

1. As a condition of approval for a Special Permit, the applicant shall contribute to the local stock of affordable unit in accordance with the following requirements:

(a) At least ten (10) percent of the units in a division of land or multiple unit development subject to this bylaw shall be established as affordable housing units in any one or combination of methods provided for below:

(1) constructed or rehabilitated on the locus subject to the Special Permit (see Section H.3.e); or

(2) constructed or rehabilitated on a locus different than the one subject to the Special Permit (see Section H.3.f); or

(3) contribution of funds to the Norfolk Municipal Affordable Housing Trust Fund to be used for the creation of affordable housing in lieu of construction and offering affordable units within the locus of the proposed development. For the purposes of this Bylaw, the cash payment per affordable unit required shall be equal to the difference between the median single-family home sales price in Norfolk for the most recent calendar year as determined by the SPGA and the price affordable to a qualified purchaser as determined by the SPGA, based on applicable guidelines of the DHCD, Local Initiative Program (LIP). Where the

calculation of affordable units results in fractional units, a cash payment may be made as provided in this section on a pro rata basis. The cash payment formula and timetable may be adjusted by the SPGA from time to time through the issuance of guidelines or regulations. If the SPGA issues a Special Permit to authorize a cash payment in lieu of units and the Board of Trustees of Norfolk Municipal Affordable Housing Trust Fund votes to accept said contributions, the payment shall be paid to the Norfolk Affordable Housing Trust Fund prior to the issuance of any building permits for the development or prior to the sale of any lots, if applicable. Alternatively, the SPGA may allow payment of said contributions according to a specified timetable in proportion to the rate of development or sale of lots. This cash contribution alternative shall apply only to homeownership developments and division of land and shall not apply to rental development.

(b) The applicant may offer, and the SPGA may accept, any combination of this Section (1-3) requirements provided that in no event shall the total number of units provided be less than the equivalent number of affordable units required by this bylaw;

(c) As a condition for the granting of a Special Permit, all affordable housing units shall be subject to an affordable housing restriction and a regulatory agreement in a form acceptable to the Planning Board. The regulatory agreement shall be consistent with any applicable guidelines issued by the Department of Housing and Community Development and shall ensure that affordable units can be counted towards the Norfolk's Subsidized Housing Inventory. The regulatory agreement shall also address all applicable restrictions H.3.h of this bylaw. The Special Permit shall not take effect until the restriction, the regulatory agreement and the special permit are recorded at the Registry of Deeds and a copy provided to the Planning Board.

H.3.e. 1. Provisions Applicable to Affordable Housing Units On- and Off-Site:

(1) Siting of affordable units. All affordable units constructed or rehabilitated under this bylaw shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units. The affordable units shall be located within the subdivision unless otherwise waived by the SPGA. If such a waiver is granted, it shall be subject to H.3.f (provision of Affordable Housing Units Off-Site). The affordable units shall not be replaced with Market Rate units within the subdivision unless the developer demonstrates, to the satisfaction of the SPGA, that doing so will create a clear benefit to the Town.

(2) Minimum design and construction standards for affordable units. Affordable housing units shall be integrated with the rest of the

development and shall be compatible in design, appearance, construction, and quality of materials with other units.

(3) Timing of construction or provision of affordable units or lots. Where feasible, affordable housing units shall be provided coincident to the development of market-rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

Market Rate Units (MRU)	***Affordable Units (AU)***
10-19	***1 AU prior to 6th MRU***
20-29	***Same as 10-19 plus 2nd AU prior to 19th MRU***
30-39	***Same as 20-29 plus 3rd AU prior to 29th MRU***
40-49	***Same as 30-39 plus 4th AU prior to 39th MRU***
50-59	***Same as 40-49 plus 5th AU prior to 49th MRU***
60-69	***Same as 50-59 plus 6th AU prior to the 59th MRU***
70-79	***Same as 60-69 plus 7th AU prior to the 69th MRU***
80-89	***Same as 70-79 plus 8th prior to the 79th MRU***
90-99	***Same as 80-89 plus 9th AU prior to 89th MRU***
100-109	***Same as 90-99 plus 10th AU prior to 99th MRU***
Greater than 110	***Same formula as above plus AU prior to 9th MRU in groups of 10 MRU***

(4) Marketing Plan for Affordable Units. Applicants under this bylaw shall submit a marketing plan or other method approved by the Town through its local comprehensive plan, to the SPGA for its approval, which describes how the affordable units will be marketed to potential home buyers or tenants. This plan shall include a description of the lottery or other process to be used for selecting buyers or tenants.

H.3.e. 2. In a subdivision, the required affordable unit(s) may be provided within a two-family home designed to appear as a single family home whose exterior appearance (including a single driveway and common entryways) and architecture is compatible with that of the other houses within the subdivision. If only a single affordable unit is required (that is, if the subdivision creates exactly ten lots), the second unit in the two-family home may be a market rate unit. In no case shall the total number of units exceed the number of lots that would be allowed in a conventional subdivision. However, the bonus provisions of H.2.c.3 shall still apply to subdivisions developed under Section H.2.

H.3.f Provision of Affordable Housing Units Off-Site:

1. As an alternative to the requirements of Section H.3.e, an applicant subject to the bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section H.3.d off-site. All requirements of this bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the SPGA as an integral element of the Special Permit review and approval process. If off-site affordable units are approved, the SPGA may allow replacement of affordable units on-site with equivalent Market Rate units if the developer demonstrates, to the satisfaction of the SPGA, that doing so will create a clear benefit to the Town.

H.3.g Maximum Incomes and Selling Prices: Initial Sale:

1. To ensure that only eligible households purchase affordable housing units, the purchaser of a affordable unit shall be required to submit copies of the last three years' federal and state income tax returns and certify, in writing and prior to transfer of title, to the developer of the housing units or his/her agent, and within thirty (30) days following transfer of title, to the local housing trust, community development corporation, housing authority or other agency as established by the Town, that his/her or their family's annual income level does not exceed the maximum level as established by the Commonwealth's Department of Housing and Community Development, and as may be revised from time to time.

2. The maximum housing cost for affordable units created under this bylaw is as established by the Commonwealth's Department of Housing and Community Development, Local Initiative Program or as revised by the Town.

H.3.h Preservation of Affordability; Restrictions on Resale:

1. Each affordable unit created in accordance with this bylaw shall have limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability for affordable income households. The resale controls shall be established through a restriction on the property and shall be in force in perpetuity.

(a) Right of first refusal to purchase. The purchaser of an affordable housing unit developed as a result of this bylaw shall agree to execute a deed rider prepared by the Town, consistent with model riders prepared by Department of Housing and Community Development, granting, among other things, the municipality's right of first refusal to purchase the property in the event that a subsequent qualified purchaser cannot be located.

(b) The SPGA shall require, as a condition for Special Permit under this bylaw, that the applicant comply with the mandatory set-asides and accompanying restrictions on affordability, including the execution of the deed rider noted in

Section H.3.i.1(b), above. The Building Commissioner/Inspector shall not issue an occupancy permit for any affordable unit until the deed restriction is recorded.

H.3.i Conflict with Other Bylaws/Ordinances:

The provisions of this bylaw/ordinance shall be considered supplemental of existing zoning bylaws. To the extent that a conflict exists between this bylaw and others, the more restrictive bylaw/ordinance, or provisions therein, shall apply.

H.3.j Severability:

If any provision of this bylaw is held invalid by a court of competent jurisdiction, the remainder of the bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this bylaw shall not affect the validity of the remainder of the zoning bylaw.

H.3.k Proof of Eligibility and Inclusion:

No special permit issued under this section shall be effective unless and until the applicant provides evidence that the approved affordable units are eligible for inclusion on the town's subsidized housing inventory as kept by the Department of Housing and Community Development.

H.4 Priority Development Site Permitting

This bylaw is established under M.G.L. Chapter 43D Expedited Permitting to specific Priority Development Sites (PDS) which have been designated by prior town meeting approval. The 43D statute requires the municipality to issue decisions on all PDS projects within 180 days of an application being deemed complete. This includes but is not limited to Orders of Conditions and wetland decisions issued by the Conservation Commission, Special Permits issued by the ZBA and/or Planning Board, Site Plan Review issued by the Planning Board, Flammable Materials license issued by the Fire Chief, Historic Commission decisions and title V and septic decisions by the Board of Health. Building permits and ANR plan approval and subdivisions under the subdivision control law are not affected by this statute.

H.4.1 Establish- There shall be established a Development Review Coordination Council (DRCC) consisting of members who reside in Norfolk or work for the Town of Norfolk who shall be sworn to the faithful performance of their duties. This Council will review 43D Priority Development Site (PDS) Applications.

H.4.2. The Committee – the Development Review Coordinating Council shall be comprised of the following:

Fire Chief or designee
Zoning Enforcement Officer
Police Chief or designee

Chairman of the Board of Health or designee
Chairman of the Conservation Commission or designee
Chairman of the Planning Board or designee
Chairman of the Zoning Board of Appeals or designee
Representative of the Board of Selectmen
DPW Director or designee
Town Administrator
43D Contact Person

At the discretion of the Town Administrator, other Town Boards/committees/departments/agencies including but not limited to Design Review Committee, Historical Commission, or their agents and the Town's Engineer and Planner, may also be represented.

H.4.3. The Mission Statement:
The Committee shall be available to meet with developers, businesses, property owners and/or their agents, who have submitted an application for a development project within a designated PDS. The Council shall review plans and applications to determine whether they are deemed complete to start the 180 day timeline. The goal is to encourage private investment in Norfolk by providing for more coordinated project review and permitting procedures.

H.4.4. Convened
The Council shall be convened by the 43D Contact Person or upon request of any council member based upon an application for development of a PDS.

H.4.5. Procedures
The Council may establish internal procedures and develop other tools to facilitate permitting review and coordination.

H.4.6. Operating Guidelines
The Council may establish its own operating guidelines relative to scheduling, participation and coordination.

I. B-1 DISTRICT (TOWN CENTER)

I.1. Purpose

The Master Plan of the Town of Norfolk (the Town) sets forth goals for the Town Center, Economic Development, Housing, Open Space, Circulation, Facilities and Community Vision in Parts A and B of the Master Plan. In order to implement these Master Plan goals, the Town establishes this section for the B-1 District. Graphic examples and illustrations of the provisions of this section are included in the Appendix of the Zoning Bylaw.

I.2. Local Standards

Section I shall supersede the following sections of the Zoning Bylaw: D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts, D.2. (Use Regulations), E.1.b. (Dimensional Requirements), E.1.c. (Lot Width, FRONTAGE and Setback), E.1.d. (YARD Requirements), E.1.e. (BUILD FACTOR), E.2. (Modification), F.4.a. (Alteration and Enlargement), and F.5. (ACCESSORY BUILDINGS) except F.5.e. (MOBILE HOMES). All other sections of the Zoning Bylaw, except where otherwise specifically stated herein, shall apply within the B-1 District.

I.3. District Boundaries

The B-1 District is further divided into two areas: (1) The BUSINESS CORE, which consists of that portion of the B-1 District which is west of "Carlson's Circle" (the access easement located 185 feet east of and parallel to Rockwood Road) and (2) Outside the BUSINESS CORE, which consists of all remaining areas of the B-1 District.

I.4. Lot and Yard Requirements and Standards

I.4.a. General B-1 District Requirements

I.4.a.1. Building Scale. No Building FOOTPRINT, other than a GROCERY STORE, Municipal BUILDING, or VARIETY STORE, shall exceed 15,000 square feet. No GROCERY STORE or VARIETY STORE FOOTPRINT shall exceed 50,000 square feet. No Municipal BUILDING FOOTPRINT shall exceed 30,000 square feet.

I.4.a.2. Planned Multi-Lot Development. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS as part of a common scheme by Special Permit by the Planning Board so that such LOTS need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

I.4.a.2.A. Membership in a Property Owners Association shall be mandatory for all property owners within a PMLD and shall be made a required covenant in all deeds issued or passed for property in a PMLD.

I.4.a.2.B. The APPLICANT shall prepare Property Owners Association documents for the Property Owners Association(s). The Property Owners Association documents shall require the association to accept title to any Common Property in the PMLD and that all Common Property shall be deeded by the APPLICANT to the Property Owners Association. The Property Owners Association documents shall further provide that every Owner in a PMLD shall be jointly and severally liable for the ongoing maintenance, operation and upkeep of all Common Property, and that the Town shall have the right, but not the obligation, to enforce these responsibilities against any Owner.

I.4.a.2.C. The Property Owners Association documents for a PMLD shall provide voting and use rights, shall provide the Property Owners Association with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the Property Owners Association from its members, and may also provide for the charge of dues, levies, or assessments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.

I.4.a.2.D. For the purposes of these subsections,"Common Property" shall mean all land areas used in common for septic, drainage, parking or other land uses. In addition, Common Property shall include, without limitation, such personal property as pumps, pump chambers, piping, valves, manholes, culverts, asphalt and other paving materials, and septic tanks as may be used by two or more units or BUILDINGS in a PMLD. Common Property may also include similar personal property such as septic tanks even if not used by more than one unit if such personal property is to be maintained as a part of the common scheme for the PMLD.

I.4.a.3. **Phased Development**. APPLICANTS shall be allowed to plan, plat and create proposed LOTS or BUILDING sites in anticipation of a known PLANNED MULTI-LOT DEVELOPMENT or other proposal which will furnish needed infrastructure for a particular property provided the Town is given surety or other binding assurance, in a form and amount acceptable to the Planning Board, that will insure that no construction occurs without the necessary infrastructure.

I.4.a.4. Pedestrian Ways and Street Trees. LOTS or BUILDING sites which are either newly developed from unimproved land or REDEVELOPED shall provide PEDESTRIAN WAYS and street trees in accordance with the Subdivision Regulations along the FRONTAGE SIDE(s) of the LOT.

I.4.a.5. Pedestrian Access. BUILDINGS shall generally be PEDESTRIAN WAY - oriented and shall be physically and visually accessible to pedestrians from the PEDESTRIAN WAY. BUILDINGS shall provide pedestrian entrances

that open to the front PEDESTRIAN WAY and may provide other entrances to the side or rear. Within the BUSINESS CORE, unless otherwise provided by Special Permit by the Planning Board, the FRONTAGE SIDE of each BUILDING, excepting a Municipal BUILDING, shall have not less than 70% of the length of its PEDESTRIAN WAY level street-side facade comprised of doorways which provide physical access, and windows or other transparent elements of walls which provide visual access. Municipal BUILDINGS shall have not less than 30% of the length of its PEDESTRIAN WAY level street-side facade comprised of doorways which provide physical access, and windows or other transparent elements of wall which provide visual access;

I.4.a.6. Building Height and Facade. Within the B-1 District BUILDING HEIGHT shall not be more than forty (40) feet in height to the peak of the roof unless otherwise provided for by the Planning Board through a site plan approval process. In such cases, BUILDING HEIGHT may be extended up to forty-six (46) feet to the peak of the roof for the purpose of accommodating pitched roof lines, but in no case shall the height exceed three (3) stories as measured from the street facing finish grade of the building or structure, including the third story within the pitched roof. All buildings shall have a pitched roof, or the look of a pitched roof (with a minimum of a 5:12 pitch) and consistent with architecture prevalent within Town Center. In the event that a flat roof is desired, the building shall have the look of a pitched roof, from the front, sides, and the rear, depending upon what may be visible from the street.

BUILDING HEIGHT shall not include any steeples, flag poles, weather vanes, or cupolas. The highest point of any such steeples, flag poles, weather vanes, or cupolas shall not exceed eighty (80') feet.

At least 60% of the vertical wall area of the FRONTAGE SIDE facade of a BUILDING shall be made up of vertical BUILDING wall, dormers, or a parapet or false facade to a minimum height of 20 feet;

> **I.4.a.6.a.** Notwithstanding the provisions of I.4.a.6. above, a TOWN HALL shall have at least ten percent (10%) of the vertical wall area of its FRONTAGE SIDE facade (excluding porches) parallel with and aligned to the BUILD-TO LINE, and at least sixty percent (60%) of its FRONTAGE SIDE facade shall be made up of vertical building wall, dormers, or a parapet or false facade to a height of at least twenty (20) feet but not more than thirty (30) feet.

I.4.a.7. **Accessory Buildings**. Minimum front YARD setback for ACCESSORY BUILDINGS and attached or detached garages shall be twenty feet from the front YARD of the Principal BUILDING, STRUCTURE or Use on that LOT.

I.4.a.8. Utilities. All utilities within the B-1 District shall be located underground. Utility outlets, service entrances, transformers and other utility

services shall generally be centrally clustered in a neat and orderly fashion and shall be located to the rear of BUILDINGS or screened from view.

I.4.a.9. Residential Use. Notwithstanding any contrary provisions of the zoning bylaw, Section F.11., Site Plan Approval, and Section F.12., Design Review, shall also apply to all Assisted Living Facilities and mixed-use BUILDINGS, STRUCTURES or uses within the B-1 District.

I.4.a.10. Street Specifications. Notwithstanding any contrary provisions of the zoning bylaw, all STREETS and roads within the B-1 District shall conform to the specifications and construction details of the Town's subdivision regulations.

I.4.a.11. Residential Density. Residential DWELLING UNITS, except for ASSISTED LIVING FACILITIES, shall not have more than two bedrooms per unit. Residential densities, except for ASSISTED LIVING FACILITIES, shall not exceed the ratio of sixteen bedrooms for any single LOT or entire PMLD except by special permit. Residential densities for ASSISTED LIVING FACILITIES shall not exceed the ratio of 16 bedrooms per acre for any single LOT except by Special Permit by the Zoning Board of Appeals.

I.4.a.12. Residential Conversions. Residential uses shall not be commenced in BUILDINGS or STRUCTURES existing at the time of the adoption of this section of the zoning bylaw, except by Special Permit by the Zoning Board of Appeals.

I.4.a.13. Visual Corner Clearance. All unsignalized STREET intersections shall provide adequate sight distance in conformance with the requirements of the Town's subdivision regulations, except by Special Permit by the Planning Board.

I.4.a.14. REDEVELOPMENT. (Deleted)

I.4.a.15. Town Water. All new water connections for domestic supply or fire protection shall be connected to the Town water system. Any REDEVELOPMENT which uses water shall be required to connect to the Town water system. [Connection to the Town water system is not required unless the lot upon which building or redevelopment is proposed is located within a PLANNED MULTI-LOT DEVELOPMENT or yet to be proposed subdivision. In order to require that a connection be made to the Town's water system, the portion of the way which fronts such a lot must contain a municipal water main into which such a connection may be made.]

I.4.b. Lot and Building Requirements and Standards

I.4.b.1. General Requirements

I.4.b.1.A. No BUILDING, STRUCTURE, Use, PARKING AREA, driveway, vehicle circulation area, or other vehicle access way shall be located less than 50 feet from an adjacent parcel within a Residential Zoning District unless otherwise provided by Special Permit by the Zoning Board of Appeals.

I.4.b.1.B. All outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be screened from view with a solid fence STRUCTURE and located to the rear of the building to which it is accessory. The fence shall be of reasonable height, a minimum of 6 feet, and the enclosure shall not exceed 1,000 square feet in area except by Special Permit from the Planning Board.

I.4.b.1.C. A green belt shall be provided on any LOT that abuts a Residential District should any use on said LOT (including any BUILDINGS, STRUCTURES, PARKING AREAS, driveways, vehicle circulation areas or other vehicle access ways) be located less than 100 feet from the Residential District. Such green belt shall:

I.4.b.1.C.1. Be located on the non-residential LOT along the shared property line.

I.4.b.1.C.2. Have a minimum depth from the shared property line of 30 feet.

I.4.b.1.C.3. Be used for no purpose other than planting and/or sidewalks.

I.4.b.1.C.4. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section I.4.b.1.C., provided that the intent of Section I.4.b.1.C. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

I.4.b.1.D. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping unless otherwise provided by Special Permit by the Planning Board through a site plan approval process. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

I.4.b.2. Within the Business Core:

(A) BUILD-TO LINE: any distance from between six (6) feet and nineteen (19) feet from, and parallel with, the frontage line(s) of the lot as approved by the Planning Board unless otherwise provided by Special Permit by the Planning Board through a site plan approval process as part of a comprehensive streetscape plan based on existing or planned buildings on lots within the same block on both sides of the street.

(A)1. Notwithstanding the provisions of I.b.b.2.(A) above, the BUILD-TO LINE of a TOWN HALL shall be at least nineteen (19) feet and not more than one hundred twenty-five (125) feet from the FRONTAGE line of the LOT.

(A)2. Notwithstanding the provisions of I.4.b.2.(A) above, the BUILD-TO LINE of a MUNICIPAL BUILDING which is used as a Library, shall be at least ten (10) feet and not more than thirty-five (35) feet from the FRONTAGE line of the LOT.

(B) Minimum front YARD setback: none;

(C) Minimum LOT size: 4,000 square feet* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 80 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 20 feet* or 75 feet; and

(G) Minimum rear YARD setbacks: 5 feet.

*For PLANNED MULTI-LOT DEVELOPMENT

I.4.b.3. Outside the Business Core:

(A) BUILD-TO LINE: none;

(B) Minimum front YARD setback: 25 feet for principal BUILDINGS;

(C) Minimum LOT size: 8,000 square feet or 4000 square feet for one dwelling unit* or 30,000 square feet;

(D) Maximum LOT COVERAGE: 60 percent;

(E) Minimum side YARD setbacks: zero (0) feet;

(F) Minimum LOT FRONTAGE: 40 feet* or 100 feet; and

(G) Minimum rear YARD setbacks: 10 feet.

*For PLANNED MULTI-LOT DEVELOPMENT

I.4.c For PLANNED MULTI-LOT DEVELOPMENTS, the Planning Board may waive the dimensional requirements of Section I.4.b.2 and I.4.b.3 as part of the special permit approval process for a PMLD if it determines that APPLICANT has presented a comprehensive design concept meets all of the following standards:

The design fulfills the purpose of this Section I in terms of advancing the goals of the Master Plan.
The design addresses architectural detail, the location of buildings in relation to the access road and each other, general open space, local open space adjacent to buildings, pathways/sidewalks, any non-residential or common recreation or assembly facilities, and streetscape issues such as streetlights, street trees, sidewalks and landscaping,
All other requirements, including Residential Density, of Section I are met.
The comprehensive design concept provides greater quantifiable public benefits in terms of environmental and/or fiscal impacts or community amenities than a plan that meets the dimensional requirements. [e.g. less impervious surface, more public open space (perhaps with amenities), better vehicular and pedestrian access and circulation, energy consumption, use of sustainable materials, etc.]

I.5. Sign Regulations
All signs and advertising devices within the B-1 District shall be subject to Section F.9, Sign Regulations, of the zoning bylaw.

I.6. Parking
The requirements of Section F.7., Parking, of the zoning bylaw are modified by the following subsections. In the event of a conflict between Section F.7. and any of the following subsections, the following sections shall control.

I.6.a. Shared Parking. Where the APPLICANT demonstrates to the Planning Board through the Site Plan Approval process that parking spaces within the STREET within the B-1 District can be utilized by more than one use located within 500 feet of the entrance of the principal BUILDING, STRUCTURE, or use of the premises, such that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or the same day of the week, the immediate construction of up to 30% of a parking area may be postponed, provided: (i) adequate land area is reserved for additional parking should it be needed in the future, (ii) the area reserved for future parking is shown on the site plan, (iii) no BUILDING or STRUCTURE may be placed on any area

reserved for future parking, (iv) surety or other means of performance assurance in a form and amount acceptable to the Planning Board is given to the Town to insure that such additional parking area (including drainage and landscaping) will be constructed if needed, and (v) as a condition of postponing such construction, the Planning Board shall review the adequacy of the parking area every three years after endorsement of the site plan, or more frequently upon request of the Zoning Enforcement Officer, and certify that the number of parking spaces provided continues to be sufficient having regard for the actual uses of the site. The Planning Board shall be the determining authority regarding the future need of such parking.

I.6.b. Attribution of Parking Spaces. Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty. On-STREET parking, where allowed, may be considered as a part of the requisite parking allocated to a LOT in accordance with the provisions of Section I.6.a Shared Parking.

I.6.c. Bicycles. Not less than one Bicycle Parking or Storage Space shall be created for every twenty vehicular parking spaces created.

I.6.d. Linked Parking. PARKING AREAS of adjacent LOTS shall have reasonable and convenient off-STREET vehicular connections. Where adjacent property has not been developed, provision shall be made for future off-STREET connections with adjacent properties; "reserved" strips of land or other measures which preclude or are designed to prevent such off-STREET connections shall not be permitted.

I.7. Uses Permitted and Regulated in the B-1 District

No BUILDING, STRUCTURE or land in the B-1 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically listed in Section I.7.a. and I.7.b. is prohibited.

I.7.a. Allowed Uses

- ADULT DAY CARE ancillary to an ASSISTED LIVING FACILITY;
- Art Galleries and Studios;
- ASSISTED LIVING FACILITIES if on a LOT with an existing ground elevation at the proposed BUILDING
- at or above 255 feet elevation, mean sea level (1927) datum;
- Automatic teller machines;
- Bakeries;
- Banks;
- CHILD CARE FACILIY; (added 5/9/17)
- Coffee shops;
- Collection center for dry cleaning and laundry drop-off;

- CONVENIENCE STORES;
- CRAFT WORKSHOP;
- Cultural Center, symphony hall or other place for the Community's or the Public's enjoyment of indoor
- or outdoor musical, dramatic, or artistic performances; amphitheaters;
- Dance, exercise and aerobic studios, martial arts studio;
- Delicatessens;
- Electric Vehicle Recharger Facilities;
- FARMER'S MARKETS;
- Funeral home;
- GROCERY STORE;
- HARDGOOD sales stores;
- Historical or cultural society;
- JOB PRINTING;
- Laundromats;
- Licensed INN or HOTEL;
- LIMITED USED MOTOR VEHICLE SALES;
- Medical, Dental and Optical Clinics;
- Meeting Rooms or BUILDINGS Accessory to ASSISTED LIVING FACILITIES;
- Mixed use comprised of any of the Allowed uses;
- Municipal BUILDINGS;
- Offices and Office BUILDINGS;
- Open Space, village greens and squares;
- Parking lot as Principal Use as part of a Planned Multi-Lot development, except on corner LOTS;
- Post office;
- Private Schools (for profit);
- Public transit facilities including stations and platforms;
- Residential DWELLINGS UNITS as part of a commercial site plan where the square footage of residential dwelling units consists of 65% or less of the total combined square footage of the residential and commercial structures(s) and the footprint of residential structure(s) is equal to or less than the footprint of the commercial structure(s), provided that the commercial structure is constructed prior to residential occupancy.
- Residential DWELLING UNITS located above the ground floor of BUILDINGS provided that the ground floor is constructed for, and limited to, business or commercial uses prior to residential occupancy;
- RESTAURANTS;
- RETAIL SALES;
- RETAIL SERVICES;
- SOFTGOOD sales stores;
- TAKE OUT RESTAURANTS;
- Theaters; movie cinemas;

- VARIETY STORE;
- Video conferencing and/or conference facility.

I.7.a.1: Special Permit Uses by Planning Board (Deleted 5/13/14 & Amended 11/18/14)

- DRIVE-UP WINDOWS;
- WIRELESS COMMUNICATIONS FACILITY Equipment Building limited to the Wireless Communications Overlay District 2 as provided for in Section F.13.

I.7.b: Special Permit Uses by the Zoning Board of Appeals

- Car Rentals;
- Conversion of a pre-existing SINGLE-FAMILY DWELLING to two-FAMILY DWELLING or to mixed business and residential use;
- Gasoline and diesel fuel filling stations;
- Massage Therapy Licensed by the Norfolk Board of Health;
- Research facilities;
- Small wastewater treatment facilities, as regulated by the Town Board of Health;
- TAKE OUT RESTAURANTS with vehicular drive-up or other in-vehicle patronage;
- TEMPORARY FAMILY APARTMENTS.

I.7.b.1 Special Permit Uses by the Planning Board (Deleted 11/18/14)

I.7.c. <u>Prohibited Uses</u> - except as expressly exempted from restriction by statute.

- ADULT BUSINESS;
- Aviation Field;
- Can and Bottle Redemption Centers;
- COMMERCIAL COMPOSTING;
- Commercial Parking Garages;
- DRY CLEANING OR POWER LAUNDRY;
- Hazardous Waste Treatment Facility;
- Massage Parlors;
- OUTDOOR BUSINESS;
- Outdoor Commercial Vehicle Storage;
- Poultry or Stock Raising;
- Radioactive Material Storage or Handing;
- Schools of Nursing, Schools of Laboratory Technician Skills, Schools of Physiotherapy,

- and Dormitory Facilities Ancillary Thereto;
- SCRAP YARDS;
- Truck terminal or motor freight station;
- Use of trailers, buses and mobile units for residence in excess of 30 days.
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J. C-1. DISTRICT (ROUTES 1A/115)

J.1. Purpose

The Master Plan of the Town of Norfolk (the Town) has identified the goal of promoting certain non-residential development and REDEVELOPMENT which can enhance the fiscal stability of the Town by providing additional opportunities for employment and opportunities for certain services as further described in Parts A and B of the Master Plan. In order to implement these Master Plan goals, the Town establishes this section for the C-1 District. Graphic examples and illustrations of the provisions of this Section are included in the Appendix of the Zoning Bylaw.

J.2. Local Standards

Section J shall supersede the following sections of the Zoning Bylaw: D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts, D.2. (Use Regulation), E.1.b. (Dimensional Requirements), E.1.c. (LOT Width, FRONTAGE, Setback Line), E.1.d. (YARD Requirements), E.1.e. (BUILD FACTOR), E.2. (Modifications) except E.2.e. (Visual Corner Clearance), F.4.a. (Alteration and Enlargement), and F.5. (ACCESSORY BUILDINGS) except F.5.e. (MOBILE HOMES). All other sections of the Zoning Bylaw, except where otherwise specifically stated herein, shall apply within the C-1 District.

J.3. District Boundaries

The C-1 District is further divided into two areas: (1) **On Highway**, which consists of that portion of the C-1 District which is located within 300 feet of the FRONTAGE line of Route 1A or 115, and (2) **Off-Highway**, which consists of that portion of the C-1 District which is located greater than 300 feet from the FRONTAGE line of Route 1A and 115. The Off-Highway District shall be further divided into the following four subareas: C-1a shall include that portion of the Off-Highway district in the southwest quadrant of the Route 1A/115 intersection; C-1b shall include that portion of the Off-Highway district in the northwest quadrant of the Route 1A/115 intersection; C-1-c shall include that portion of the Off-Highway district in the northeast quadrant of the Route 1A/115 intersection; and C-1d shall include that portion of the Off-Highway district in the southeast quadrant of the Route 1A/115 intersection**.** Within the C-1c Off Highway District there shall be an Adult Business Overlay District and a Medical Marijuana Treatment Center Overlay District, which shall be comprised of the following lots: Assessors' Map 19 Block 72, Lots 36, 37-1, 39.

J.4. Lot and Yard Requirements and Standards

J.4.a: General C-1 District Requirements:

J.4.a.1. Planned Multi-Lot Development. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS as part of a common scheme by Special Permit by the Planning Board so that such LOTS need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

J.4.a.2. Phased Development. APPLICANTS shall be allowed to plan, plat and create proposed LOTS or BUILDING sites in anticipation of a known Planned Multi-Lot Development or other proposal which will furnish needed infrastructure for a particular property provided the Town is given surety or other binding assurance, in a form acceptable to the Planning Board, that will insure that no construction occurs without the necessary infrastructure.

J.4.a.2.A. Membership in a Property Owners Association shall be mandatory for all property owners within a PMLD and shall be made a required covenant in all deeds issued or passed for property in a PMLD.

J.4.a.2.B. The APPLICANT shall prepare Property Owners Association documents for the Property Owners Association(s). The Property Owners Association documents shall require the association to accept title to any Common Property in the PMLD and that all Common Property shall be deeded by the APPLICANT to the Property Owners Association. The Property Owners Association documents shall further provide that every Owner in a PMLD shall be jointly and severally liable for the ongoing maintenance, operation and upkeep of all Common Property, and that the Town shall have the right, but not the obligation, to enforce these responsibilities against any Owner.

J.4.a.2.C. The Property Owners Association documents for a PMLD shall provide voting and use rights, shall provide the Property Owners Association with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the Property Owners Association from its members, and may also provide for the charge of dues, levies, or assessments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.

J.4.a.2.D. For the purposes of these subsections, "Common Property" shall mean all land areas used in common for septic, drainage, parking or other land uses. In addition, Common Property shall include, without limitation, such personal property as pumps, pump chambers, piping, valves, manholes, culverts, asphalt and other paving materials, and septic tanks as may be used by two or more units or BUILDINGS in a PMLD. Common Property may also include similar personal property such as

septic tanks even if not used by more than one unit if such personal property is to be maintained as a part of the common scheme for the PMLD.

J.4.a.3. **Town Water**. All new water connections for domestic supply or fire protection shall be connected to the Town water system. Any REDEVELOPMENT which uses water shall be required to connect to the Town water system. [Connection to the Town water system is not required unless the lot upon which building or redevelopment is proposed is located within a PLANNED MULTI-LOT DEVELOPMENT or yet to be proposed subdivision. In order to require that a connection be made to the Town's water system, the portion of the way which fronts such a lot must contain a municipal water main into which such a connection may be made.]

J.4.a.4. Location of Drives and Streets that Intersect Rt 1A or Rt 115. Proposed drives and STREET entrances to Rt 1A or Rt 115 shall not be located within 250 feet of another such entrance or intersection unless they are aligned directly across from an existing drive or STREET, or where practicable as determined by the Planning Board. Unless access to an individual lot is denied, other drives and STREETS shall be staggered across Rt 1A or Rt 115 by distances of 250 feet or more from centerline to centerline, or where practicable as determined by the Planning Board.

J.4.a.4.A. For the purposes of these subsections, "Major Entrance" shall mean an entry drive or STREET providing access to Route 1A and 115 (except for drives which service corner LOTS which front on both Routes 1A and 115) and which, based on accepted engineering estimates, will either: provide access to LOTS or BUILDINGS which will generate single lane peak hourly traffic volumes of 500 vehicles or more; or which meets one or more signal warrants in the Manual of Uniform Traffic Control.

J.4.a.4.B (Deleted)

J.4.a.4.C. **(Deleted)**

J.4.a.4.D (Deleted)

J.4.a.5. (Deleted)

J.4.a.6. (Deleted)

J.4.a.6.a. **(Deleted)**

J.4.a.7. **Street Trees**. Other than as needed for drives and entrances, a 20 foot wide grass strip adjacent and parallel to the FRONTAGE of any LOT On

Highway shall be landscaped with high canopy trees in accordance with the Town's subdivision regulations and low-lying plants which will not obstruct sight distances from entry drives. All LOTS Off Highway shall be landscaped with STREET trees as required by the Town's subdivision regulations.

J.4.a.8. Building Height. BUILDINGS shall not be more than forty feet in height by right or 46 feet in height by Special Permit from the Planning Board.

J.4.a.9. **Utilities**. All utilities shall be located underground. All utility outlets, service entrances, transformers and utility services shall generally be centrally clustered in a neat and orderly fashion and shall be located to the rear of BUILDINGS or screened from view.

During the Site Plan Approval process, the Planning Board may determine whether the requirements of Section J.4.a.9. (Underground Utilities) may be waived. In those circumstances where Site Plan Approval is not required, the Zoning Enforcement Officer may make that determination.

J.4.a.10. **REDEVELOPMENT**. (Deleted)

J.4.a.11. **Building Scale**. No BUILDING FOOTPRINT, other than MANUFACTURING or Offices, shall exceed 50,000 square feet except by Special Permit by the Zoning Board of Appeals.

J.4.b. Lot and Building Requirements and Standards:

J.4.b.1. General Requirements:

J.4.b.1.A. LOTS that abut a property with a residentially occupied BUILDING shall provide on the commercially used LOT a green belt buffer of evergreen trees or shrubs along the property line in a single row. The plants shall be no less than 6 feet in height at the time of planting, be located six feet on center and continuously maintained.

A green belt shall be provided on any LOT that abuts a Residential District. Such green belt shall:

J.4.b.1.A.1. Be located on the non-residential LOT along the shared property line.
J.4.b.1.A.2. Have a minimum depth from the shared property line of 30 feet.
J.4.b.1.A.3. Be used for no purpose other than planting and/or sidewalks.
J**.4.b.1.A.4**. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less

than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section J.4.b.1.A., provided that the intent of Section J.4.b.1.A. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

J.4.b.1.B. OUTDOOR STORAGE shall be permitted as follows:

1) Automobile and Light Truck Class 1 Sales displayed a minimum of 20 feet from the front LOT LINE and in no way obstructing vehicle sight lines.
2) RETAIL NURSERY plant stock displayed a minimum of 20 feet from the front LOT LINE and in no way obstructing vehicle sight lines.
3) All other outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be screened from view with a solid fence STRUCTURE and located to the side and/or rear of the BUILDING to which it is accessory. The fence shall be of reasonable height, a minimum of six (6) feet, and the enclosure shall not exceed 1,000 square feet in area except by Special Permit from the Planning Board.

J.4.b.1.C. Any use, except those listed in Section D.1.c. of this zoning bylaw, FARMER'S MARKETS, and Open Space, Village Greens and Squares, shall have a BUILDING with a minimum FOOTPRINT of 2,000 square feet.

J.4.b.1.D. No BUILDING or STRUCTURE shall be located less than 50 feet from a Residential District and no use (including PARKING AREAS, driveways, vehicle circulation areas or other vehicle access ways) shall be located less than 50 feet from a**n** adjacent parcel within a Residential Zoning District.

J.4.b.1.E. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping unless otherwise provided by Special Permit by the Planning Board through a site plan approval process. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

J.4.b.2. For Buildings, Structures and Uses located within the On Highway area:

(A) Minimum front YARD setback: 70 feet, measured from the Frontage line of Route 1A or 115, and 35 feet measured from the Frontage line of

any STREET or road for corner LOTS and LOTS fronting on other than Route 1A or 115;

(B) Minimum LOT size: 8,000 square feet* or 30,000 square feet;

(C) Maximum LOT COVERAGE: 70 percent*, or 60 percent**;

(D) Minimum side YARD setbacks: zero (O) feet* between LOTS within a PLANNED MULTI-LOT DEVELOPMENT or 25 feet;

(E) Minimum LOT FRONTAGE: 40 feet* or 75 feet; and

(F) Minimum rear YARD setbacks: 10 feet* or 25 feet.

*For Planned Multi-Lot Development
**Non Planned Multi-Lot Development coverage may be increased from 60% up to 70% for lots required to provide a frontage road.

J.4.b.3. For Buildings, Structures or Uses located within the Off Highway area:

(A) Minimum front YARD setback: 15 feet* or 40 feet measured from the FRONTAGE line of the road or STREET on which the LOT fronts;

(B) Minimum LOT size: 8,000 square feet* or 30,000 square feet;

(C) Maximum LOT COVERAGE: 80 percent* or 60 percent;

(D) Minimum side YARD setbacks: 10 feet* between LOTS within a PLANNED MULTI-LOT DEVELOPMENT or 25 feet;

(E) Minimum LOT FRONTAGE: 40 feet* or 100 feet; and

(F) Minimum rear YARD setbacks: 10 feet* or 25 feet.

*For Planned Multi-Lot Development

J.5. Sign Regulations

All signs and advertising devices within the C-1 District shall be subject to Section F.9, Sign Regulations, of the zoning bylaw.

J.6. Parking Requirements

The requirements of Section F.7, Parking, of the zoning bylaw are modified by the following subsections. In the event of a conflict between Section F.7 and any of the following subsections, the following subsections shall control.

J.6.a. Shared Parking. Where the APPLICANT demonstrates to the Planning Board through the Site Plan Approval process that parking spaces on the same side of the STREET within the C-1 District can be utilized by more than one use located within 450 feet, such that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or the same day of the week, the immediate construction of up to 30% of a parking area may be postponed, provided: (i) adequate land area is reserved for additional parking should it be needed in the future, (ii) the area reserved for future parking is shown on the site plan, (iii) no BUILDING or STRUCTURE may be placed in any area reserved for future parking, (iv) surety or other means of performance assurance in a form and amount acceptable to the Planning Board is given to the Town to ensure that such additional parking area (including drainage and landscaping) will be constructed if needed, and (v) as a condition of postponing such construction, the Planning Board shall review the adequacy of the parking area every three years after endorsement of the site plan, or more frequently upon request of the Zoning Enforcement Officer, and certify that the number of parking spaces provided continues to be sufficient having regard for the actual uses of the site. The Planning Board shall be the determining authority regarding the future need of such parking.

J.6.b. Attribution of Parking. Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty. On-STREET parking, where allowed, may be considered as a part of the requisite parking allocated to a LOT where an on-STREET space abuts the FRONTAGE of that LOT. Where an on-STREET space abuts more than one LOT, said space may be allocated to a particular LOT only if more than 66% of the space abuts that LOT.

J.6.c. Linked Parking. PARKING AREAS of adjacent LOTS shall have reasonable and convenient off-STREET vehicular connections. Where adjacent property has not been developed, provision shall be made for future off-STREET connections with adjacent properties; "reserved" strips of land or other measures which preclude or are designed to prevent such off-STREET connections shall not be permitted.

J.7. Uses Permitted and Regulated in the C-1 District

J.7.a. Permitted and Regulated Uses:

No BUILDING, STRUCTURE or land in the C-1 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically listed in Sections J.7.a.1.A., J.7.a.1.B., J.7.a.2.A., and J.7.a.2.B. is prohibited.

J.7.a.1. For Buildings, Structures and Uses located within the On-Highway area:

J.7.a.1.A. Allowed Uses.

- ACCESSORY USE or BUILDING to an Allowed Use or BUILDING;
- Animal Hospitals and Clinics;
- AUCTION GALLERY;
- Automotive Parts and Accessories (new);
- Banks;
- Carwash Building;
- CHILD CARE FACILITY; (added 5/9/17)
- COMMERCIAL SERVICE;
- CONTRACTORS HEADQUARTERS;
- CONVENIENCE STORE;
- Electronic Sales/Service;
- Flooring Material Sale;
- Funeral Home;
- Furniture and Home Furnishings Stores;
- GROCERY STORE;
- HARDGOOD sales stores;
- Hardware stores;
- HOTEL;
- Household Appliance Stores;
- INDOOR COMMERCIAL RECREATION;
- Lawn and Garden Supplies;
- Lawn, Garden, Farm Equipment Sales/Service;
- LIMITED USED MOTOR VEHICLE SALES;
- Lumber and Building Supplies;
- MANUFACTURING;
- Medical, Optical and Dental Clinics;
- Mixed Use comprised of any of the Allowed Uses;
- Municipal Uses;
- Museums;
- Offices;
- Open Space, Village Greens and Squares;
- Public Transit Facilities, including stations and platforms;
- RESTAURANTS;
- Retail Nursery, Lawn and Garden Supplies;
- RETAIL SALES;
- RETAIL SERVICES;
- Schools, including business and trade schools;
- SOFTGOODS sales stores;
- VARIETY STORE;
- Mixed use comprised of any of the Allowed uses.

J.7.a.1.B. Special Permit Uses by Zoning Board of Appeals

- Automobile and Light Truck Class 1 Sales;
- FAST-FOOD RESTAURANTS;
- GARAGE REPAIR SHOPS;
- Gasoline and Diesel Fuel Filling Stations;
- Home Heating Fuel Sales and Service;
- Kennels, Commercial Boarding or Training;
  Kennels, Commercial Breeder;
- MOBILE HOME and Recreational Vehicle Sales;
- OUTDOOR STORAGE of More Than One Commercial Vehicle, Limited to the Rear YARD of a Minimum 30,000
- square foot land area;
- Parking Lots as a Principal Use, as part of a PLANNED MULTI-LOT DEVELOPMENT, except on Corner LOTS;
- Research and Laboratory Facilities;
- Sales (Retail or Wholesale) of Beer, Wine and Alcoholic Beverages for Off-Premises Consumption;
- TAKE-OUT RESTAURANTS;
- TEMPORARY FAMILY APARTMENTS (Deleted 10/26/04)

J.7.a.1.C Special Permit Uses by the Planning Board.

- DRIVE-UP WINDOWS

J.7.a.2. For Buildings, Structures and Uses Located Within the Off-Highway area:

J.7.a.2.A. Allowed Uses.

- All Uses Allowed in the On-Highway Area
- AGRICULTURAL, Horticultural and Floricultural Growing Facilities, other than GREENHOUSES;
- Commercial Riding Stable;
- FARMER'S MARKETS;
- GREENHOUSES;
- Home Heating Fuel Sales and Service;
- Kennels, Personal;
- Landscaping Businesses;
- Lumber and Building Supply Storage and Sales yard, Accessory to BUILDING with FOOTPRINT in excess of 10,000 square feet;
- Museum-type Storage Facilities;
- OUTDOOR COMMERCIAL RECREATION;
- Parking Lots as a Principal Use, as part of a PLANNED MULTI-LOT DEVELOPMENT, except on Corner LOTS;
- Self-Storage Facilities;

- Small Wastewater Treatment Facilities, as regulated by the Town Board of Health;
- Theaters, movie cinemas;
- WAREHOUSES;

J.7.a.2.B. Special Permit Uses by Zoning Board of Appeals

- ADULT BUSINESS limited to the Adult Business Overlay District;
- Can and Bottle Redemption Center;
- CONTRACTORS HEADQUARTERS;
- GARAGE REPAIR SHOPS;
- Gasoline and Diesel Fuel Filling Stations;
- OUTDOOR STORAGE of More Than Three Commercial Vehicles, limited to the rear YARD of a minimum 30,000
- square feet of land area;
- Research and Laboratory Facilities;

J.7.a.2.C Special Permit Uses by the Planning Board

- DRIVE-UP WINDOWS;
- Telecommunications and cellular towers consisting of a WIRELESS COMMUNICATIONS FACILITY limited to the Wireless Communications District 4, as provided for in Section F.13

J.7.a.2.D Special Permit Uses by Zoning Board of Appeals in Off-Highway C-1b

- AUTO FREIGHT STORAGE FACILITY located on a site that is fully screened by an opaque fence at 6' 0" high.

J.7.a.2.E Special Permit Uses by the Planning Board in Off-Highway C-1d

- Residential DWELLINGS at a density of not less than 4 units per 30,000 square foot or greater lot and not more than 1 unit per 5000 square feet of land.

J.7.a.3. Prohibited Uses in the C-1 District - except as expressly exempted from restriction by statute.

- Aviation Field;
- Class 3 Operations or Sales;
- COMMERCIAL COMPOSTING;
- DRY CLEANING OR POWER LAUNDRY;
- Massage Parlors;
- Foundation or Cellar Hole for Residence;
- Hazardous Waste Treatment Facility;
- Noncommercial Riding Stable;

- Nonprofit General Acute Care Hospital Including, Facilities for the Evaluation and Treatment of Acutely ill Alcoholic or Drug Dependent Patients and for Persons Suffering from Mental Illness Who do not Appear to be Dangerous to Others at the Time of Admission in the Opinion of the Attending Physician; Other Hospitals, Convalescent Home, Sanitarium, Camp; NURSING HOME, HOSPICE, RESPITE FACILITY, LIFE CARE CENTER, PHYSICAL THERAPYAND REHA-BILITATION FACILITY, ASSISTED LIVING FACILITY;
- Outdoor Storage of Commercial Vehicles in the Front YARD;
- Poultry or Stock Raising;
- Radioactive Material Storage or Handling;
- Schools of Nursing, Schools of Laboratory Technician Skills, Schools of
- Physiotherapy and any Dormitory Facilities Ancillary Thereto;
- SCRAP YARDS;
- Truck Terminal or Motor Freight Station.

K. C-4 Mixed-Use District (Routes 115 and Holbrook Street)

K.1. Purpose

The Master Plan of the Town of Norfolk has identified the goal of promoting the development within the B-1, C-1, and C-4 Districts which can enhance the fiscal stability of the town and provide additional opportunities for employment and services as further described in Parts A and B of the Master Plan. In order to implement these goals, the Town establishes this section for the C-4 Mixed-Use District.

K.2. Local Standards

Section K shall supersede the following sections of the Zoning Bylaw: Section D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts, D.2. (Use Regulation), E.1.b. (Schedule of Dimensional Requirements), E.1.c. (LOT Width, FRONTAGE, Setback Line), E.1.d. (YARD Requirements), E.1.e. (BUILD FACTOR), E.2. (Modifications) except E.2.e. (Visual Corner Clearance), F.4.a. (Alteration and Enlargement), and F.5. (ACCESSORY BUILDINGS) except F.5.e. (MOBILE HOMES). All other sections of the Zoning Bylaw, except where otherwise specifically stated herein, shall apply within the C-4 Mixed-Use District.

K.3. District Boundaries

The C-4 District has as its non-road boundaries the gas and electric utility easement as its southern limit. It is also within the limits of Zones I and II of the Gold Street Well aquifer (see Aquifer and Water Supply and Interim Wellhead Protection, Section D.4.) which may impact some forms of development. The district boundaries are more specifically shown on the Norfolk Zoning Map as most recently amended.

K.4. Lot and Yard Requirements and Standards

K.4.a. General C-4 District Requirements:

K.4.a.1. PLANNED MULTI-LOT DEVELOPMENT. PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of COMMERCIAL BUILDING sites on one or more LOTS as part of a common scheme by Special Permit by the Planning Board so that such LOTS or BUILDING sites need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

K.4.a.1.A. Membership in a Property Owners Association shall be mandatory for all property owners within a PMLD and shall be made a required covenant in all deeds issued or passed for property in a PMLD.

K.4.a.1.B. The APPLICANT shall prepare Property Owners Association documents for the Property Owners Association(s). The Property Owners Association documents shall require the association to accept title to any Common Property in the PMLD and that all Common Property shall be deeded by the APPLICANT to the Property Owners Association. The Property Owners Association documents shall further provide that every Owner in a PMLD shall be jointly and severally liable for the ongoing maintenance, operation and upkeep of all Common Property, and that the Town shall have the right, but not the obligation, to enforce these responsibilities against any Owner.

K.4.a.1.C. The Property Owners Association documents for a PMLD shall provide voting and use rights, shall provide the Property Owners Association with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the Property Owners Association from its members, and may also provide for the charge of dues, levies, or assessments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.

K.4.a.1.D. For the purposes of these subsections, "Common Property" shall mean all land areas used in common for septic, drainage, parking or other land uses. In addition, Common Property shall include, without limitation, such personal property as pumps, pump chambers, piping, valves, manholes, culverts, asphalt and other paving materials, and septic tanks as may be used by two or more units or BUILDINGS in a PMLD. Common Property may also include similar personal property such as septic tanks even if not used by more than one unit if such personal property is to be maintained as a part of the common scheme for the PMLD.

K.4.a.2. Complex sites with mixed and residential uses: Where a single site is proposed to have AGE-RESTRICTED residential and non-residential uses, a comprehensive plan must first be approved by the Planning Board. This engineered plan must indicate the total circulation concept for both vehicles and pedestrians, the types of uses proposed to be adjacent to the residential uses and the buffer locations between the residential and non-residential uses. The plan must also include a comprehensive design concept that addresses architectural detail; the location of buildings in relation to the access road, general open space, local open space adjacent to buildings, pathways/sidewalks, and any non-residential or common recreation or assembly facilities; and streetscape issues such as streetlights, street trees, sidewalks and landscaping.

K.4.a.3. Phased Development. APPLICANTS shall be allowed to plan, plat and create proposed LOTS or BUILDING sites in anticipation of a known Planned Multi-Lot Development or other proposal which will furnish needed infrastructure

for a particular property provided the Town is given surety or other binding assurance, in a form acceptable to the Planning Board, that will insure that no construction occurs without the necessary infrastructure.

K.4.a.4. Town Water. All new water connections for domestic supply or fire protection shall be connected to the Town water system. [Connection to the Town water system is not required unless the lot upon which the building or development is proposed is located on a public way or dedicated easement that permits a connection to the Town's water system. The public way which fronts such a lot or easement must contain a municipal water main into which such a connection may be made.]

K.4.a.5. Location of Drives and Streets. Major street or site entrances shall not be located within 250 feet of each other. Sites whose uses will generate a single daily peak traffic volumes of 150 vehicles or more must provide a second emergency accessway onto the site. Such access may be for emergency vehicles only and need not be a functioning roadway other than maintained for emergency vehicle usability.

K.4.a.6. Street Trees. Other than as needed for drives and entrances, a 30 foot wide grass strip adjacent and parallel to the FRONTAGE of any LOT On Highway shall be landscaped with high canopy trees in accordance with the Town's subdivision regulations and low-lying plants which will not obstruct sight distances from entry drives. All LOTS or building sites Off Highway shall be landscaped with a 20 foot grass strip and with STREET trees as required by the Town's subdivision regulations.

On Highway shall be defined to be a LOT or site with FRONTAGE on a public way or STREET. Off Highway shall be defined on a LOT or STREET with FRONTAGE on a site or LOT road that is not a public way or STREET.

K.4.a.7. Building Height. Non-residential buildings shall not be more than 40 feet in height.

K.4.a.8. Building Scale. No BUILDING FOOTPRINT, other than MANUFACTURING or Offices, shall exceed 50,000 square feet except by Special Permit by the Zoning Board of Appeals.

K.4.a.9. Utilities. All utilities shall be located underground. All utility outlets, service entrances, transformers and utility services shall generally be centrally clustered in a neat and orderly fashion and shall be located to the rear of BUILDINGS or if at a non-rear location shall be screened from view.

K.4.a.10. Street Lights. The applicant shall be responsible for furnishing and erecting streetlights at locations approved by the Planning Board. Street light fixtures and standards shall conform to fixtures and standards as most recently

installed in the town of Norfolk as of the time of application. In the alternative, such fixtures and standards may be approved by the Planning Board as part of a comprehensive plan submitted under K.4.a.2.

K.4.b. Lot and Building Requirements and Standards

K.4.b.1. General Requirements

K.4.b.1.A. No Commercial BUILDING, STRUCTURE, use, PARKING AREA, driveway, vehicle circulation area or other vehicle access way shall be located within 50 feet of a residentially occupied BUILDING'S property or LOT line or within 50 feet of a**n** adjacent parcel within a Residential Zoning District.

K.4.b.1.B. OUTDOOR STORAGE shall be permitted as follows:

1) RETAIL NURSERY plant stock displayed a minimum of 20 feet from the front LOT line and in no way obstructing vehicle sight lines.

2) All other outdoor facilities for the storage of fuel, refuse, materials and/or equipment shall be screened from view with a solid fence STRUCTURE and located to the side and/or rear of the BUILDING to which it is accessory. The fence shall be of reasonable height, a minimum of six (6) feet, and the enclosure shall note exceed 1,000 square feet in area except by Special Permit from the Planning Board.

K.4.b.1.C. Any use, except those listed in Section D.1.c. (public, religious, educational, etc.) of this zoning bylaw, FARMER'S MARKETS, Open Space, Village Greens and Squares, shall have a BUILDING with a minimum FOOTPRINT of 1,000 square feet.

K.4.b.1.D. A green belt shall be provided on any commercially used LOT that abuts a Residential District or a LOT with a residentially occupied BUILDING. A green belt shall be provided on any LOT having an ASSISTED LIVING FACILITY. Such green belt shall:

K.4.b.1.D.1. Be located on the LOT along the shared property line.

K.4.b.1.D.2. Have a minimum depth from the shared property line of 50 feet.

K.4.b.1.D.3. Be used for no purpose other than planting and/or sidewalks.

K.4.b.1.D.4. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section K4.b.1.D., provided that the intent of Section K.4.b.1.D. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

K.4.b.1.E. All YARD setbacks are to be measured from the LOT lines.

K.4.b.1.F. Landscaping Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section K4.b.1.D., provided that the intent of Section K.4.b.1.D. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

K.4.b.2. Highway Oriented Buildings (along Route 115 and Holbrook Street)

Lots and Yard Requirements and Standards for On Highway Oriented Buildings				
	Planned Multi-Lot Commercial Development	Commercial	Planned Multi-Lot Residential Development	Residential
Minimum front YARD setback	50 feet	50 feet	50 feet	50 feet
Minimum LOT size	8,000 square feet	30,000 square feet	8,000 square feet	30,000 square feet
Maximum LOT COVERAGE	70 percent	60 percent	60 percent	60 percent
Minimum side YARD setbacks	0 feet*	25 feet	0 feet*	25 feet
Minimum LOT FRONTAGE	40 feet	75 feet	40 feet	150 feet
Minimum rear YARD setback (from lot line)	10 feet	25 feet	50 feet	50 feet

*Except end buildings which shall have the SIDEYARD setbacks for commercial or residential development.

K.4.b.3. Non-Highway Oriented Buildings and Standards for Off Highway Oriented Buildings

Lots and Yard Requirements and Standards for Off Highway Oriented Buildings				
	Planned Multi-Lot Commercial Development	Commercial	Planned Multi-Lot Residential Development	Residential
Minimum front YARD setback	15 feet	40 feet	50 feet	50 feet
Minimum LOT size	8,000 square feet	30,000 square feet	8,000 square feet	30,000 square feet
Maximum LOT COVERAGE	80 percent	60 percent	60 percent	60 percent
Minimum side YARD setbacks	0 feet*	25 feet	0 feet*	25 feet
Minimum LOT FRONTAGE	40 feet	100 feet	40 feet	150 feet
Minimum rear YARD setback (from lot line)	10 feet	25 feet	50 feet	50 feet

*Except end buildings which shall have the SIDEYARD setbacks for commercial or residential development.

K.4.b.4. Residential Buildings and AGE RESTRICTIVE HOUSING

(A) Location: AGE RESTRICTED HOUSING shall be configured pursuant to the requirements of Section K.7.a. ASSISTED LIVING FACILITIES shall be defined with a property/site limit (boundary).

(B) Landscape Requirements: For each foot of FRONTAGE the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

(C) Road and Circulation Requirements. AGE RESTRICTED HOUSING shall have a through access road providing two points of access to these residential buildings from a public way. Such access road shall comply with the Planning Board Rules and Regulations for a residential STREET. Dwellings configured on a cul de sac must comply with the Planning Board Rules and Regulations for

subdivision road/drive layout and this road/drive must connect directly to the through road.

(D) Building Height: AGE RESTRICTED HOUSING units shall not exceed two (2) Stories and shall not exceed a height of 35 feet. ASSISTED LIVING FACILITIES shall not exceed three (3) stories and shall not exceed a height of 45 feet.

(E) AGE-RESTRICTED housing developments with 50 or more units shall include a common building or interior space to serve as a place of assembly and recreation for residents of the development and their guests.

K.5. Sign Regulations

All signs and advertising devices within the C-4 Mixed-Use District shall be subject to Section F.9. Sign Regulations of the Zoning Bylaws.

K.6. Parking Requirements

The requirements of Section F.7., Parking, of these zoning bylaw are modified by the following subsections. In the event of a conflict between Section F.7. and any of the following subsections, the following subsections shall control.

K.6.a. Shared Parking. Where the APPLICANT demonstrates to the Planning Board through the Site Plan Approval process that parking spaces on the same side of the STREET within the C-4 District can be utilized by more than one use located within 450 feet, such that vehicles occupying a particular number of spaces are unlikely to require the use of those spaces at the same time of day or the same day of the week, the immediate construction of up to 30% of a parking area may be postponed, provided: (i) adequate land area is reserved for additional parking should it be needed in the future, (ii) the area reserved for future parking is shown on the site plan, (iii) no BUILDING or STRUCTURE may be placed in any area reserved for future parking, (iv) surety or other means of performance assurance in a form and amount acceptable to the Planning Board is given to the Town to ensure that such additional parking area (including drainage and land-scaping) will be constructed if needed, and (v) as a condition of postponing such construction, the Planning Board shall review the adequacy of the parking area every three years after endorsement of the site plan, or more frequently upon request of the Zoning Enforcement Officer, and certify that the number of parking spaces provided continues to be sufficient having regard for the actual uses of the site. The Planning Board shall be the determining authority regarding the future need of such parking.

K.6.b. Attribution of Parking. Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are

entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty on another lot.

K.6.c. Linked Parking. PARKING AREAS of adjacent LOTS shall have reasonable and convenient off-STREET vehicular connections. Where adjacent property has not been developed, provision shall be made for future off-STREET connections with adjacent properties; "reserved" strips of land or other measures which preclude or are designed to prevent such off-STREET connections shall not be permitted.

K.6.d. Residential Parking Requirements. ASSISTED LIVING FACILITY parking shall have one off street parking space per two residential units adjacent to the building plus one space per each four units provided within the shared or attributed parking provisions of the C-4 District. AGE RESTRICTED HOUSING shall have a minimum of two off street spaces per unit.

K.7. Allowed and Special Permit Allowed Regulated Uses in the C-4 District

No BUILDING, STRUCTURE or land in the C-4 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically enumerated herein shall be deemed prohibited.

All residential uses herein permitted shall be subject to Section F.11 Site Plan Approval and Section F.12 Design Review.

K.7.a. Allowed Uses

- AGRICULTURAL, GREENHOUSE, Retail Nursery;
- ADULT DAY CARE;
- AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio of four units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations:
    - (1) Detached one Family dwelling;
    - (2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two stories in height.;
- ANIMAL HOSPITAL AND CLINIC;
- Banks;
- CHILD CARE FACILITY;
- Community Gardens
- Dance or Gymnastics School;
- Day Care, Family Home;
- EXERCISE/AEROBICS STUDIO;
- Facility for Physical Therapy, Rehabilitation, Health Club, Sports Medicine;
- General office where clients or customers are seen, met or dealt with or without appointment; business offices
- existing other than ancillary to a permitted use;

- INDOOR COMMERCIAL RECREATION (operated for profit);
- Meeting rooms or buildings accessory to AGE RESTRICTED Housing;
- Mixed use comprised of any of the Allowed uses;
- Municipal, County, State or Federal;
- Off-street parking of vehicles as provided for in Section F.7.;
- OUTDOOR COMMERCIAL RECREATION operated for profit except Golf Course, Driving Range, miniature golf, and par 3 golf;
- OUTDOOR STORAGE (See K.4.b.1.);
- Professional office where patients and clients are seen, such as the office of a physician, psychiatrist, physiotherapist, speech therapist, or other licensed health professionals occupied by practitioners not resident on the premises;
- Public Educational;
- Religious;
- RESTAURANT permitting the take out of prepared food as an accessory use to a RESTAURANT use and occurring only from within the RESTAURANT facility;
- Retail Stores or establishments offering primarily retail services;
- ROADSIDE STAND selling produce the major part of which is raised on the premises;
- Signs as provided for in Section F.8.;
- Variety Store;
- Mixed use comprised of any of the Allowed uses

K.7.b. Special Permit Uses by the Zoning Board of Appeals

- ASSISTED LIVING FACILITIES not exceeding a density of 16 bedrooms per acre for single lot or an entire PMLD with Adult Day Care (drop-in center) as an ancillary use and Meeting Rooms or Buildings accessory to ASSISTED LIVING FACILITIES;
- DRIVE-UP WINDOWS;
- Dry Cleaning Establishments;
- Garaging of commercial vehicles ancillary to an allowed or special permit use;
- Golf Course, Driving Range, miniature golf, par 3 golf;
- Licensed INN;
- Telecommunications consisting of WIRELESS COMMUNICATION FACILITIES limited to the Wireless Communications Overlay District 1 as provided for in Section F.13 WIRELESS COMMUNICATIONS FACILITY Equipment Building limited to the Wireless Communications Overlay District 1 as provided for in Section F.13.;
- Small wastewater treatment facilities as regulated by the Town Board of Health to serve allowed or special permit uses within the C-4 district.

K.7.c. Prohibited Uses in the C-4 District except as expressly exempt from restriction by Statute.

- Aviation Field;
- ADULT BUSINESS;
- Class 3 Operations or Sales;
- COMMERCIAL COMPOSTING;
- DRY CLEANING OR POWER LAUNDRY;
- Massage Parlors;
- Foundation or Cellar Hole for Residence;
- Hazardous Waste Treatment Facility;
- Noncommercial Riding Stable;
- Nonprofit General Acute Care Hospital;
- OUTDOOR BUSINESS;
- Outdoor Commercial Vehicle Storage;
- SCRAP YARDS;
- Truck Terminal or Motor Freight Station.

L. C-6 RESIDENTIAL/COMMERCIAL USE DISTRICT (Route 1A, Dedham Street)

L.1. Purpose

The Master Plan of the Town of Norfolk has identified the goal of promoting development which can enhance the fiscal stability of the town and provide additional opportunities for employment and services as further described in Parts A and B of the Master Plan. In order to implement these goals, the Town establishes this section for the C-6 Residential/Commercial Use District.

L.2. Local Standards

Section L shall supersede the following sections of the Zoning Bylaw:

- Section D.1.e. Buffer/Green Belt/Landscaping Requirements in Non-Residential Districts, D.2. (Use Regulation),
- E.1.b. (Schedule of Dimensional Requirements),
- E.1.c. (LOT Width, FRONTAGE, Setback Line),
- E.1.d. (YARD Requirements),
- E.1.e. (BUILD FACTOR),
- E.2. (Modifications) except E.2.e. (Visual Corner Clearance),
- F.4.a. (Alteration and Enlargement), and F.5. (ACCESSORY BUILDINGS) except F.5.e. (MOBILE HOMES).

All other sections of the Zoning Bylaw, except where otherwise specifically stated herein, shall apply within the C-6 Residential/Commercial District.

L.3. District Boundaries

The C-6 District has as its non-road boundaries the Norfolk/Walpole Town Line at its northeast limit, the limits of the current R-3 District denoted by the centerline of the New York/New Haven Railroad rail bed at the southeastern limit, and the C-1 District to the southwest. The district boundaries are more specifically shown on the Norfolk Zoning Map as most recently amended.

L.4. Lot and Yard Requirements and Standards

L.4.a. General C-6 District Requirements:

L.4.a.1. PLANNED MULTI-LOT DEVELOPMENT.

PLANNED MULTI-LOT DEVELOPMENT ("PMLD") is the development of not less than 80,000 square feet of land into a formally associated group of LOTS or BUILDING sites as part of a common scheme by Special Permit by the Planning Board so that such LOTS or BUILDING sites need not be self-sustaining and adequate common provisions are made for parking, drainage, septic disposal and other infrastructure needs of the LOTS, BUILDINGS or STRUCTURES so accommodated.

L.4.a.1.A. Membership in a Property Owners Association shall be mandatory for all property owners within a PMLD and shall be made a required covenant in all deeds issued or passed for property in a PMLD.

L.4.a.1.B. The APPLICANT shall prepare Property Owners Association documents for the Property Owners Association(s). The Property Owners Association documents shall require the association to accept title to any Common Property in the PMLD and that all Common Property shall be deeded by the APPLICANT to the Property Owners Association. The Property Owners Association documents shall further provide that every Owner in a PMLD shall be jointly and severally liable for the ongoing maintenance, operation and upkeep of all Common Property, and that the Town shall have the right, but not the obligation, to enforce these responsibilities against any Owner.

L.4.a.1.C. The Property Owners Association documents for a PMLD shall provide voting and use rights, shall provide the Property Owners Association with the authority to acquire a lien upon the property of any of its members in order to secure collection of any amounts due to the Property Owners Association from its members, and may also provide for the charge of dues, levies, or assessments to cover expenses which include, but are not limited to, tax liabilities, maintenance and municipal or State assessments.

L.4.a.1.D. For the purposes of these subsections, "Common Property" shall mean all land areas used in common for septic, drainage, parking or other land uses. In addition, Common Property shall include, without limitation, such personal property as pumps, pump chambers, piping, valves, manholes, culverts, asphalt and other paving materials, and septic tanks as may be used by two or more units or BUILDINGS in a PMLD. Common Property may also include similar personal property such as septic tanks even if not used by more than one unit if such personal property is to be maintained as a part of the common scheme for the PMLD.

L.4.a.2. Complex sites with mixed and residential uses.

Where a single site is proposed to have age-restricted residential and/or nonresidential uses, a comprehensive plan must be approved by the Planning Board. This engineered plan must indicate the total circulation concept for both vehicles and pedestrians, the types of uses proposed to be adjacent to the residential uses and the buffer locations between the residential and non-residential uses. The plan must also include a comprehensive design concept that addresses architectural details; the location of buildings in relation to the access road, general open space, local open space adjacent to buildings, pathways/sidewalks, and any non-residential

or common recreation or assembly facilities; and streetscape issues such as streetlights, street trees, sidewalks and landscaping.

L.4.a.3. Phased Development.

APPLICANTS shall be allowed to plan, plat and create proposed LOTS or BUILDING sites in anticipation of a known Planned Multi-Lot Development or other proposal which will furnish needed infrastructure for a particular property provided the Town is given surety or other binding assurance, in a form acceptable to the Planning Board, that will insure that no construction occurs without the necessary infrastructure.

L.4.a.4. Town Water.

All new water connections for domestic supply or fire protection shall be connected to the Town water system. [Connection to the Town water system is not required unless the lot upon which the building or development is proposed is located on a public way or dedicated easement that permits a connection to the Town's water system. The public way which fronts such a lot or easement must contain a municipal water main into which such a connection may be made.]

L.4.a.5. Location of Drives and Streets.

Major street or site entrances shall not be located within 250 feet of each other. Sites whose uses will generate a single daily peak traffic volumes of 150 vehicles or more must provide a second emergency accessway onto the site. Such access may be for emergency vehicles only and need not be a functioning roadway other than maintained for emergency vehicle usability.

L.4.a.6. Street Trees.

Other than as needed for drives and entrances, a 30 foot wide grass strip adjacent and parallel to the FRONTAGE of any LOT On Highway shall be landscaped with high canopy trees in accordance with the Town's subdivision regulations and low-lying plants which will not obstruct sight distances from entry drives. All LOTS or building sites Off Highway shall be landscaped with a 20 foot landscaped area and with STREET trees as required by the Town's subdivision regulations.

On Highway shall be defined to be a LOT or site with FRONTAGE on a public way or STREET. Off Highway shall be defined to be a private access road that is not a public way or street.

L.4.a.7. Building Height.

Buildings shall not be more than 45 feet in height as of right, and not more than 100’ by special permit from the Planning Board. However, for each foot above 45 feet, the setback distance from the lot lines shall also be increased by a foot, unless this requirement is waived by the Planning Board.

L.4.a.8. Building Scale.

No BUILDING FOOTPRINT, other than Offices, shall exceed 50,000 square feet except by Special Permit by the Zoning Board of Appeals.

L.4.a.9. Utilities.

All utilities shall be located underground. All utility outlets, service entrances, transformers and utility services shall generally be centrally clustered in a neat and orderly fashion and shall be located to the rear of BUILDINGS or if at a non-rear location shall be screened from view.

L.4.a.10 Street Lights.

The applicant shall be responsible for furnishing and erecting street lights at locations approved by the Planning Board. Street light fixtures and standards shall conform to fixtures and standards as most recently installed in the Town of Norfolk at the time of application. In the alternative, such fixtures and standards may be as approved by the Planning Board as part of a comprehensive plan submitted under L.4.a.2.

L.4.b. Lot and Building Requirements and Standards

L.4.b.1. General Requirements

L.4.b.1.A. No Commercial BUILDING, STRUCTURE, use, PARKING AREA, driveway, vehicle circulation area or other vehicle access way shall be located within 50 feet of a residentially occupied BUILDING'S property or LOT line or within 50 feet of a**n** adjacent parcel within a Residential Zoning District.

L.4.b.1.B. Any use, except those listed in Section D.1.c. (public, religious, educational, etc.) of this zoning bylaw, FARMER'S MARKETS, Open Space, Village Greens and Squares, shall have a BUILDING with a minimum FOOTPRINT of 1,000 square feet.

L.4.b.1.C. A green belt shall be provided on any commercially used LOT that abuts a Residential District or a LOT with a residentially occupied BUILDING. A green belt shall be provided on any LOT having an ASSISTED LIVING FACILITY. Such green belt shall:

L.4.b.1.C.1. Be located on the LOT along the shared property line.

L.4.b.1.C.2. Have a minimum depth from the shared property line of 50 feet.

L.4.b.1.C.3. Be used for no purpose other than planting and/or sidewalks.

L.4.b.1.C.4. Constitute a screen of evergreen trees and/or shrubs not more than 15 feet apart planted in two or more staggered rows. The distance between each row shall not be more than 10 feet. Plants shall be no less than 6 feet in height at the time of planting and shall be continuously maintained.

In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section L.4.b.1.D., provided that the intent of Section L.4.b.1.D. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

L.4.b.1.D. All YARD setbacks are to be measured from the LOT lines.

L.4.b.1.E. Landscaping Requirements: For each foot of FRONTAGE and each linear foot of private access road, the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT. In those circumstances where an effective screen of existing plantings already provides an appropriate buffer, the Planning Board has the discretion, during the Site Plan Approval process, to waive strict compliance with Section L.4.b.1.C., provided that the intent of Section L.4.b.1.C. is met. If such a waiver is granted, the Planning Board shall, in its Site Plan Approval, require that the green belt be maintained and replanted where necessary to provide an effective screen throughout the life of the site and the STRUCTURE.

L.4.b.2. Highway Oriented Buildings (along Route 1A and Dedham Street)

Lots and Yard Requirements and Standards for On Highway Oriented Buildings				
	Planned Multi-Lot Commercial Development	Commercial	Planned Multi-Lot Residential Development	Residential
Minimum front YARD setback	50 feet	50 feet	50 feet	50 feet
Minimum LOT size	8,000 square feet	30,000 square feet	8,000 square feet	30,000 square feet
Maximum LOT COVERAGE	70 percent	60 percent	60 percent	60 percent
Minimum side YARD setbacks	0 feet*	25 feet	0 feet*	25 feet
Minimum LOT FRONTAGE	40 feet	75 feet	40 feet	150 feet
Minimum rear YARD setback (from lot line)	10 feet	25 feet	50 feet	50 feet

*Except end buildings which shall have the SIDEYARD setbacks for commercial or residential development.

L.4.b.3. Non-Highway Oriented Buildings and Standards for Off-Highway Oriented Buildings

Lots and Yard Requirements and Standards for Off Highway Oriented Buildings				
	Planned Multi-Lot Commercial Development	Commercial	Planned Multi-Lot Residential Development	Residential
Minimum front YARD setback	15 feet	40 feet	50 feet	50 feet
Minimum LOT size	8,000 square feet	30,000 square feet	8,000 square feet	30,000 square feet
Maximum LOT COVERAGE	80 percent	60 percent	60 percent	60 percent
Minimum side YARD setbacks	0 feet*	25 feet	0 feet*	25 feet
Minimum LOT FRONTAGE	40 feet	100 feet	40 feet	150 feet
Minimum rear YARD setback (from lot line)	10 feet	25 feet	50 feet	50 feet

*Except end buildings which shall have the SIDEYARD setbacks for commercial or residential development.

L.4.b.4. Residential Buildings and AGE RESTRICTIVE HOUSING

(A) Location: AGE RESTRICTED HOUSING shall be configured pursuant to the requirements of section L.7.a. ASSISTED LIVING FACILITIES shall be defined with a property/site limit (boundary).

(B) Landscape Requirements: For each foot of FRONTAGE and each linear foot of private access road, the LOT shall contain 40 square feet of landscaping. This requirement shall not be conditioned to require landscaping of more than 20% of the LOT.

(C) Road and Circulation Requirements. AGE RESTRICTED HOUSING shall have a through access road providing two points of access to those residential buildings from a public way. Such access road shall comply with the Planning Board Rules and Regulations for a residential STREET. Dwellings configured on a cul de sac must comply with the Planning Board Rules and Regulations for subdivision road/drive layout and this road/drive must connect directly to the through road.

(D) Building Height: AGE RESTRICTED HOUSING units shall not exceed two and one half (2 1/2) Stories and shall not exceed a height of 35 feet. ASSISTED LIVING FACILITIES shall not exceed three (3) stories and shall not exceed a height of 45 feet.

(E) AGE RESTRICTED HOUSING developments with 50 or more units shall include a common building or interior space to serve as place of assembly and recreation for residents of the development and their guests.

L.5. Sign Regulations

All signs and advertising devices within the C-6 Residential/Commercial District shall be subject to Section F.9. Sign Regulations of the Zoning Bylaws.

L.6. Parking Requirements

The requirements of Section F.7., Parking, of these zoning bylaw are modified by the following subsections. In the event of a conflict between Section F.7. and any of the following subsections, the following subsections shall control.

L.6.a. Shared Parking.

Where the APPLICANT demonstrates to the Planning Board through the Site Plan Approval process that parking spaces on the same side of the STREET within the C-6 District can be utilized by more than one use located within 450 feet, such that vehicles occupying a particular number of spaces are unlikely to require the use of

those spaces at the same time of day or the same day of the week, the immediate construction of up to 30% of a parking area may be postponed, provided: (i) adequate land area is reserved for additional parking should it be needed in the future, (ii) the area reserved for future parking is shown on the site plan, (iii) no BUILDING or STRUCTURE may be placed in any area reserved for future parking, (iv) surety or other means of performance assurance in a form and amount acceptable to the Planning Board is given to the Town to ensure that such additional parking area (including drainage and landscaping) will be constructed if needed, and (v) as a condition of postponing such construction, the Planning Board shall review the adequacy of the parking area every three years after endorsement of the site plan, or more frequently upon request of the Zoning Enforcement Officer, and certify that the number of parking spaces provided continues to be sufficient having regard for the actual uses of the site. The Planning Board shall be the determining authority regarding the future need of such parking.

L.6.b. Attribution of Parking.

Parking spaces may be considered as a part of the requisite parking allocated to a particular LOT or use, if those spaces are entirely on that LOT or the use of the spaces has been assured by assignment through easement or other legal guaranty on another lot.

L.6.c. Linked Parking.

PARKING AREAS of adjacent LOTS shall have reasonable and convenient off-STREET vehicular connections. Where adjacent property has not been developed, provision shall be made for future off-STREET connections with adjacent properties; "reserved" strips of land or other measures which preclude or are designed to prevent such off-STREET connections shall not be permitted.

L.6.d. Residential Parking Requirements.

ASSISTED LIVING FACILITY parking shall have one off street parking space per two residential units adjacent to the building plus one space per each four units provided within the shared or attributed parking provisions of the C-6 District. AGE RESTRICTED HOUSING shall have a minimum of two off street spaces per unit.

L.7. Allowed and Special Permit Allowed Regulated Uses in the C-6 District

No BUILDING, STRUCTURE or land in the C-6 District shall be used for any purpose or in any manner other than as set forth in this section. Any use not specifically enumerated herein shall be deemed prohibited.

All residential uses herein permitted shall be subject to Section F.11 Site Plan Approval and Section F.12 Design Review.

L.7.a. Allowed Uses

AGRICULTURAL, GREENHOUSE, Retail Nursery;

- ADULT DAY CARE;
- AGE RESTRICTED DWELLINGS shall not exceed two bedrooms per dwelling unit and shall not exceed a ratio -of three units per acre on a single lot or an entire PMLD with the following Permitted Dwelling Configurations: (1) Detached one Family dwelling; (2) Attached one-family dwellings in a Town house style building not exceeding six; (6) Dwellings units per building and not exceeding two and one half stories in height.;
- ANIMAL HOSPITAL AND CLINIC;
- Banks;
- BIOTECHNOLOGY;
- CHILD CARE FACILITY (added 5/9/17)
- Community Gardens;
- Dance or Gymnastics School;
- ~~Day Care, Family Home~~; (deleted 5/9/17)
- Exercise/aerobics studio;
- Facility for Physical Therapy, Rehabilitation, Health Club, Sports Medicine;
- General office where clients or customers are seen, met or dealt with or without appointment; business offices existing other than ancillary to a permitted use;
- INDOOR COMMERCIAL RECREATION (operated for profit);
- Medical/Veterinary Research facility, and/or Medical/Veterinary Treatment facility;
- Meeting Rooms or Buildings accessory to AGE RESTRICTED HOUSING;
- Mixed use comprised of any of the Allowed uses;
- Municipal, County, State or Federal;
- Off-street parking of vehicles as provided for in Section F.7.;
- OUTDOOR COMMERCIAL RECREATION operated for profit.
- Professional office where patients and clients are seen, such as the office of a physician, psychiatrist, physiotherapist, speech therapist, or other licensed health professionals occupied by practitioners not resident on the premises;
- RESTAURANT permitting the take out of prepared food as an accessory use to a RESTAURANT use
- and occurring only from within the RESTAURANT facility;
- Retail Stores or establishments offering primarily retail services;
- ROADSIDE STAND selling produce the major part of which is raised on the premises;
- Signs as provided for in Section F.8.;
- Variety Store;
- Mixed use comprised of any of the Allowed uses.

L.7.b. Special Permit Uses by the Zoning Board of Appeals

- ASSISTED LIVING FACILITIES not exceeding a density of 16 bedrooms per acre for single lot or an entire PMLD with Adult Day Care (drop-in center) as an ancillary use and Meeting Rooms or Buildings accessory to ASSISTED LIVING FACILITIES;
- Dry Cleaning Establishments;
- Garaging of commercial vehicles ancillary to an allowed or special permit use;
- Licensed INN;
- Small wastewater treatment facilities as regulated by the Town Board of Health to serve allowed or special permit uses within the C6 district;
- Telecommunications consisting of WIRELESS COMMUNICATIONS FACILITIES limited to the Wireless Communications Overlay District 3 as provided for in Section F.13.WIRELESS COMMUNICATIONS FACILITY Equipment Building limited to the Wireless Communications Overlay District 3 as provided for in Section F.13.

L.7.c. Prohibited Uses in the C-6 District

(except as expressly exempt from restriction by Statute.)

- Aviation Field;
- ADULT BUSINESS;
- Class 3 Operations or Sales;
- COMMERCIAL COMPOSTING;
- DRY CLEANING OR POWER LAUNDRY;
- Massage Parlors;
- Foundation or Cellar Hole for Residence;
- Hazardous Waste Treatment Facility;
- Noncommercial Riding Stable;
- Nonprofit General Acute Care Hospital;
- OUTDOOR BUSINESS;
- Outdoor Commercial Vehicle Storage;
- SCRAP YARDS;
- Truck Terminal or Motor Freight Station.

Section M: Solar Energy Overlay Zone.

M.1 Purpose

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, minimize impacts on scenic, natural and historic resources and to provide adequate financial assurance for the eventual decommissioning of such installations.

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

M.1.a Applicability

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.

M.2 Definitions-(moved to Section B. Definitions)

M.3 General Requirements for all Large-scale Solar Power Generation Installations

The following requirements are common to all solar photovoltaic installations to be sited in designated locations.

M.3.a Compliance with Laws, Ordinances and Regulations

The construction and operation of all large-scale ground-mounted solar photovoltaic installations shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

M.3.b Building Permit and Building Inspection

No large-scale ground-mounted solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

M.3.c Site Plan Review

Large-scale ground-mounted solar photovoltaic installations with 250 kW or larger of rated nameplate capacity shall undergo site plan review by the Site Plan Review Authority prior to construction, installation or modification as provided in this section.

M.3.c.1 General

All plans and maps shall be prepared, stamped and signed by a Professional Engineer licensed to practice in Massachusetts.

M.3.c.2 Required Documents

Pursuant to the site plan review process, the project proponent shall provide the following documents:

- A site plan showing:
  - Property lines and physical features, including roads, for the project site;
  - Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures
- One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- Name, address, and contact information for proposed system installer;
- Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- The name, contact information and signature of any agents representing the project proponent; and
- Documentation of actual or prospective access and control of the project site (see also Section M.4);
- An operation and maintenance plan (see also Section M.5);
- Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
- Proof of liability & Workers Compensation insurance; and
- Description of financial surety that satisfies Section M.11.c.

The Site Plan Review Authority may waive documentary requirements as it deems appropriate.

M.4.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 solar photovoltaic installation.

M.5. 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, storm water controls, as well as general procedures for operational maintenance of the installation.

M.6. Utility Notification

No large-scale ground–mounted solar photovoltaic installation shall be constructed until evidence has been given to the Site Plan Review Authority that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

M.7. Dimension and Density Requirements

M.7.a Setbacks

For large-scale ground-mounted solar photovoltaic installations, front, side and rear setbacks shall be at least 100 feet from a residential property line.

M.7.b 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 (see M.7.a), 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. All structures shall be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

M.8 Design Standards

M.8.a Lighting

Lighting of solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties.

M.8.b Signage

Signs on large-scale ground-mounted solar photovoltaic installations shall comply with Section F.9. A sign consistent with the requirements of Section F.9 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

M.8.c Utility Connections

Reasonable efforts, as determined by the Site Plan Review Authority, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

M.9 Safety and Environmental Standards

M.9.a 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. 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 throughout the life of the installation.

M.9.b 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.

M.10 Monitoring and Maintenance

M.10.a Solar Photovoltaic Installation Conditions

The large-scale ground-mounted solar photovoltaic installation owner or operator shall maintain the facility 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 and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

M.11 Abandonment or Decommissioning

M.11.a Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned or discontinued consistent with Section M.11.b 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 Site Plan Review Authority by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

1. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
2. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
3. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Site Plan Review Authority may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
4. Acquire all permits required from Federal, State, and local authorities prior to any work.

M.11.b Abandonment or Discontinuance

Absent notice of a proposed date of decommissioning and removal or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned or discontinued when it fails to operate for more than one year without the written consent of the Site Plan Review Authority. 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 discontinuance, or the proposed date of decommissioning, the town may enter the property and physically remove the installation. As a condition of approval, an applicant shall bind itself to grant the necessary license or easement to the Town to allow entry to remove the installation. The Town shall have the right, but not the obligation to remove the installation.

M.11.c Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Site Plan Review Authority, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

M.12 Expedited Permitting

All local permitting decisions - formal determinations, orders of conditions, licenses, certificates, authorizations, registrations, plan approvals, or other approvals or determinations with respect to the siting and construction of clean energy facilities within the Solar Energy Overlay District shall be issued within 180 days of submission of a completed application.

Section N: RECREATIONAL ESTABLISHMENT(S).

Recreational Establishment(s), as defined in Massachusetts General Laws Chapter 94G, Section 1 and as may otherwise be defined by Massachusetts law or regulation, to include, without limitation, all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers, on-site consumption of marijuana at a marijuana retailer location, any other types of licensed marijuana-related businesses, and the conducting of any such activity for commercial purposes by whichever name used, shall be prohibited within the Town of Norfolk. This prohibition shall not be construed to affect the medical use of marijuana as expressly authorized by the provisions of Chapter 369 of the Acts of 2012 and 105 CMR 725.000 (as the same may be amended from time to time).

Appendix to Norfolk Zoning Bylaws