

MASS. Y3. LPI: J15/8
Jacob's Ladder Trail Scenic Byway Study

Becket • Chester • Huntington • Lee • Russell

UMASS/AMHERST



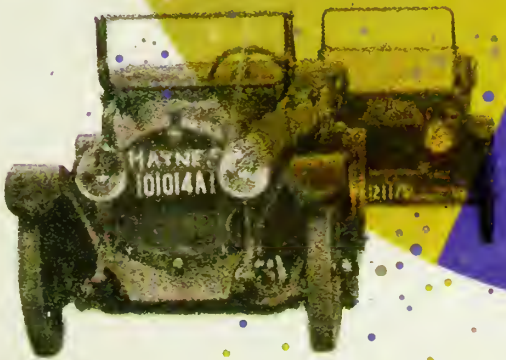
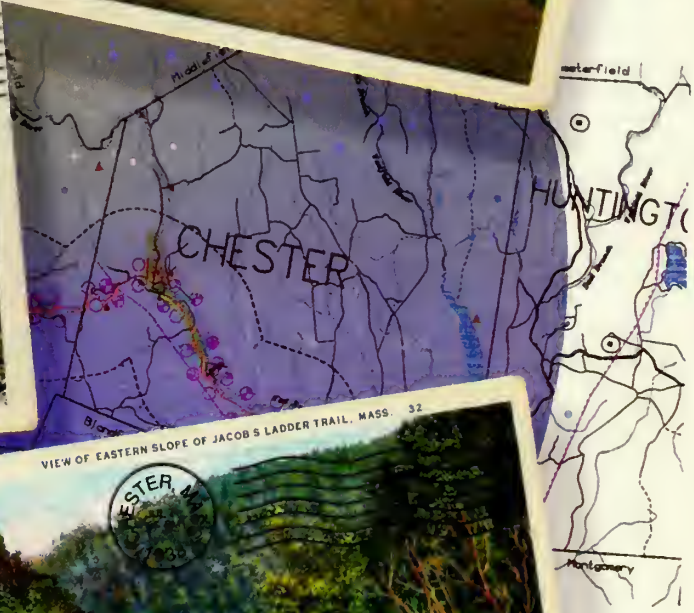
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Land Use Strategies

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JACOB'S LADDER TRAIL SCENIC BYWAY STUDY:

- EXECUTIVE SUMMARY
- CULTURAL RESOURCES INVENTORY
- HIGHWAY AND SAFETY ANALYSIS
- **LAND USE STRATEGIES**
- LANDSCAPE INVENTORY AND ASSESSMENT

Prepared by the
Pioneer Valley Planning Commission
under the direction of Timothy W. Brennan, Executive Director

February 1994

Prepared in cooperation with the Massachusetts Highway Department and the
United States Department of Transportation - Federal Highway Administration

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JACOB'S LADDER TRAIL SCENIC BYWAY PROJECT

Background

The Pioneer Valley Planning Commission (PVPC) received funding under the FY92 Interim Scenic Byways Program for the purpose of recognizing, preserving and interpreting the scenic beauty and historic properties along the Route 20 corridor from Russell to Lee, Massachusetts, commonly referred to as Jacob's Ladder Trail. This Jacob's Ladder Trail area, and in particular the stretch of Route 20 which runs from Russell to Lee, has been recognized even in these modern times as an area unspoiled by commercial franchises, flashy signs and grid development. Instead, the corridor is dotted with quaint little villages and shops, neatly kept historic houses and impressive natural beauty of rock and river. In addition, the project was to prepare the Jacob's Ladder Trail communities for an increase in participation by visitors in the various local cultural and recreational activities by providing adequate public facilities and access to natural and man-made places of interest. A final purpose was to put into effect local controls to provide the maximum protection for the natural and historic resources of the corridor through land use planning tools. The underlying principle of these objectives is to allow economic growth to occur without having a negative impact on the scenic and historic character of the Jacob's Ladder Trail Scenic Byway.

Overview Of Phase I

The FY92 Phase I Jacob's Ladder Trail Scenic Byway Program was initiated in February 1993 and consisted of four major components, historic preservation, transportation, land use and economic development/tourism. The historic preservation activities focused on completing historic resource inventories for the purpose of submission of sites and districts to the National Register of Historic Places. In addition, a landscape inventory was conducted along the corridor so as to assess the scenic and aesthetic qualities of the highway. The transportation assessment included an analysis of highway and safety conditions along Route 20 for both bicycle and motorist use. The land use assessment included a detailed review of the five communities zoning bylaws with suggested revisions to address potential development concerns along the highway. A tour book was published which promoted bicyclist and motorist use of the Jacob's Ladder Trail and its immediate area. In addition, much of the data which was collected was put into a series of GIS overlays and mylar base maps to be used in the ongoing assessment and management of the Byway.

A "Jacob's Ladder Trail Advisory Committee" was also created in Phase I and served to help oversee the project and its direction. This committee consisted of representatives from all five communities, the local business association, an area bicycle shop owner and cyclist, Massachusetts Highway Department officials, Berkshire County Regional Planning Commission and the Pioneer Valley Regional Planning Commission.

LAND USE AND ENVIRONMENTAL CONSTRAINTS

In order to gain a better understanding of land use and environmental issues in the Jacob's Ladder Corridor, PVPC prepared a series of computerized maps on its Geographic Information System. The resulting four maps assess the current land use and zoning in the Jacob's Ladder Corridor, identify environmentally sensitive areas such as wetlands and floodplains, and identify protected open space and registered historic districts. The maps are reproduced at a smaller scale here, and are summarized in the following sections.

Review of Land Uses

Forestland is the dominant land use for Jacob's Ladder Trail, as illustrated by 1985 Land Use Map. The second most important land use in the Jacob's Ladder Trail is single-family dwellings. These trends are consistent for all municipalities in the study area.

The 1985 Land Use Map highlights the village areas of Russell, Huntington, and Chester. Historically, each of these village areas developed as a result of mill industries coming to town and locating along the Jacob's Ladder Trail. Although the significance of the mills to each communities' recent economy is negligible, the physical development of the mill areas has had a long-lasting impact on the configuration of the village. The villages are dominated by single family dwellings. However, the village area still reflects its mill heritage by including commercial and industrial uses within the village area, typically abutting Route 20.

Although Russell, Huntington, and Chester had some single-family development as a result of the building booms in the early 1970's and mid-1980's, they have not had the intensity of single-family development that Becket has experienced. There are more single-family dwellings in Becket than in Russell, Huntington, or Chester. Becket is a small town with many ponds and lakes which are attractive to people as tourist or recreation areas. This has resulted in more housing for Becket. There is a large concentration of housing in the mid-point of the Becket portion of the Jacob's Ladder Trail, but housing also can be found interspersed in other areas in Becket.

Although there are some rural areas along the Jacob's Ladder Trail in Lee, Lee is less rural and more suburban than Russell, Huntington, Chester and Becket which are rural in nature. In the 1985 Land Use Map one-third of the area of Lee in the Jacob's Ladder Trail is heavily mixed with single-family dwellings, commercial uses, and industrial uses while the remaining two-thirds of the area of Lee in the Jacob's Ladder Trail is dominated by forestland.

Protected Open Space

As the Protected Open Space Map illustrates, there are many opportunities for the public to enjoy areas of open space within the Jacob's Ladder Trail Corridor. The largest amounts of protected open space are in Chester and Becket where there are state owned parks, while in Russell, Huntington, and Lee there are modest amounts of protected open space.

There are twenty-six parcels of open space in Russell, most of which are municipally owned (nineteen parcels). A majority of the protected open space parcels directly abut Route 20 in the Jacob's Ladder Trail Corridor and are small in size. The largest expanse of open space is the sixty-two acres of Strathmore Park located on Route 20.

In Huntington, there are twenty municipally owned parcels of protected open space. Most of the protected open space parcels are located on a major highway, either on Route 20, with seven parcels, or Route 112, with eight parcels, and are small in size. Five parcels of protected open space not located along a major highway.

Chester's parcels of protected open space are dominated by a large portion of Chester-Blandford State Forest (total of 4,000 acres) located with direct access from Route 20. There are seventeen parcels of protected open space (ten municipally-owned parcels, four non-profit owned parcels and two state-owned parcels) in the Jacob's Ladder Trail Corridor and half of these parcels are located directly along Route 20.

Becket has nine parcels of protected open space in the Jacob's Ladder Trail, the majority of which are state-owned (seven parcels). There are two state-owned parks that dominate the amount of protected open space in Becket's portion of the Jacob's Ladder Trail. They include: the Becket State Forest located on both sides of Route 20 and The October Mountain State Forest with limited access from Route 20. Becket does not own any municipal lands within the Jacob's Ladder Trail.

In Lee, the majority of protected open space lands is owned by the Federal government (eight parcels) as part of the Appalachian National Scenic Trail that directly abuts Route 20. The six remaining parcels are very small and are scattered along Route 20.

Town Zoning Districts

The Town Zoning Districts Map shows all the underlying zoning districts within the Jacob's Ladder communities. It does not include any overlay zoning districts (e.g. floodplain overlay districts).

There are two zoning districts in Becket - a single underlying district where any use is permitted and a floodplain overlay district.

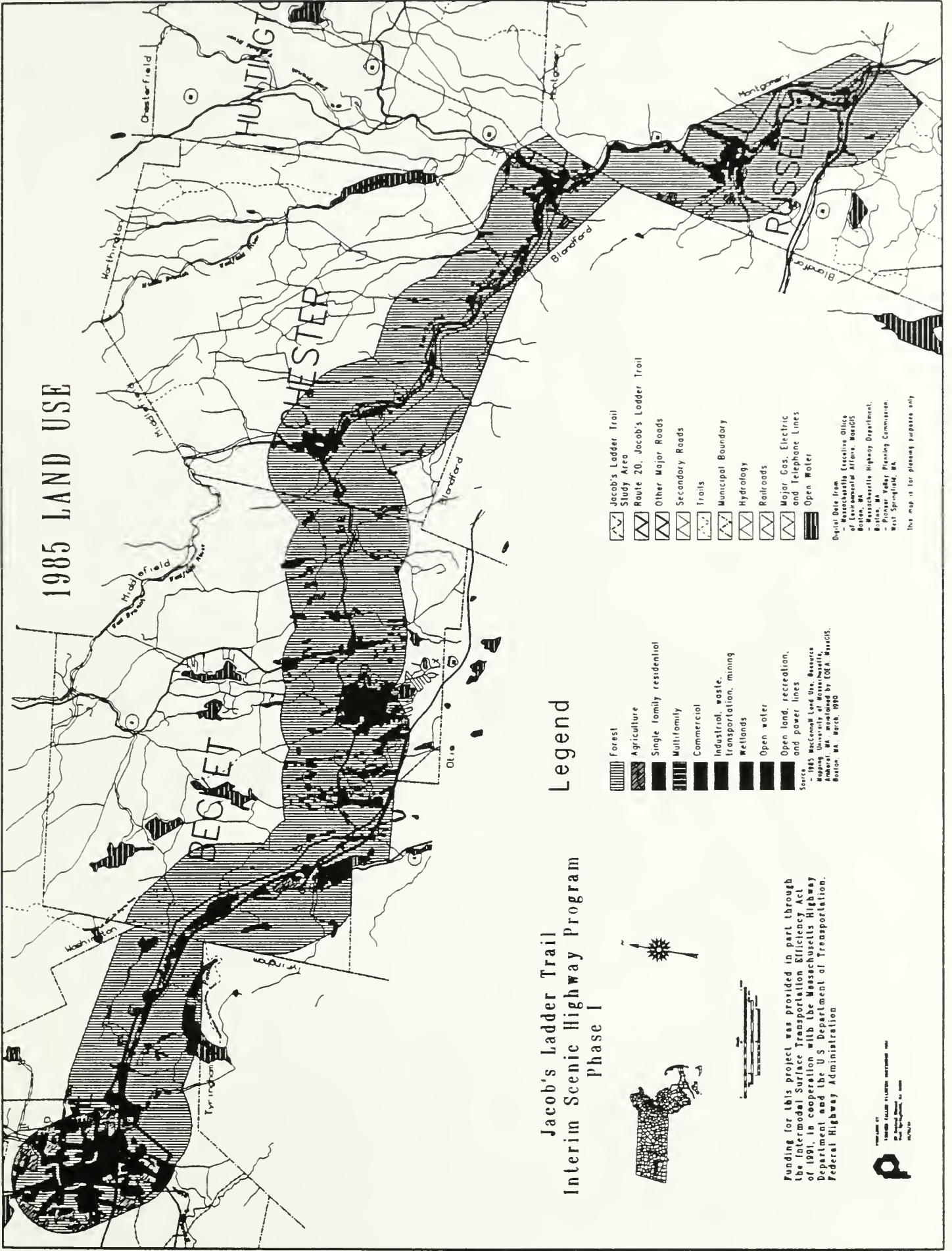
In Chester there are four permitted zoning districts - an Agricultural/Residential district, a Residential district that has a minimum lot size of 1/8 acre to 1/2 acre, a Commercial/Business District and an Industrial district - and one underlying district (a Westfield River Protection and Floodplain Overlay district). Most of the corridor is zoned as Agricultural/Residential. Village area appears on the zoning map as a four districts clustered together.

There are four underlying districts permitted in Huntington - a Residential district with a minimum lot size of greater than 2 acres, a Residential district with a minimum lot size of 1 to 2 acres, a Commercial/Business district and Industrial district - and two underlying districts (a Westfield River Protection and Floodplain Overlay district and an Aquifer Protection Overlay District). The Commercial/Business district almost follows the entire length of Route 20. One small industrial district is also along Route 20. The residential districts serve as an outer ring to the Commercial/Business district.

Since Lee is the most suburban community it permits the most zoning districts with eight districts. There are seven underlying districts - a Residential district with a minimum lot size of greater than 2 acres, a Residential district with 1 to 2 acres, a Residential district with a minimum lot size of 1/8 acre to 1/2 acre, a Multifamily district, a Commercial/Business district, and an Agricultural/Residential district. The floodplain overlay district is Lee's only overlay district. In the rural portion of Lee (from the Becket/Lee town line to the intersection of Route 20 and Route 90) a Commercial/Business district abuts Route 20 for most of this segment and is surrounded by large lot residential zoning. As Route 20 turns northward, the zoning map becomes more complex because this area leads to the center of town and there are many zoning districts. However, it is significant to note that a Commercial/Business district is also located in this area and is the heart of the commercial/business activity for Lee.

In Russell, there are four underlying districts - a Residential district with a minimum lot size of greater than two areas, a Residential district with a minimum lot size of 1/8 acre to 1/2 acre, a Commercial/Business district and an Industrial district and one overlay district (a Westfield River

1985 LAND USE



Jacob's Ladder Trail Interim Scenic Highway Program Phase I



Funding for this project was provided in part through the Intermodal Surface Transportation Efficiency Act of 1991, in cooperation with the Massachusetts Highway Department and the U.S. Department of Transportation, Federal Highway Administration



PROJECT NUMBER: 91-0000
 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 100 SOUTH ST., SUITE 100
 BOSTON, MA 02111
 617/552-2200

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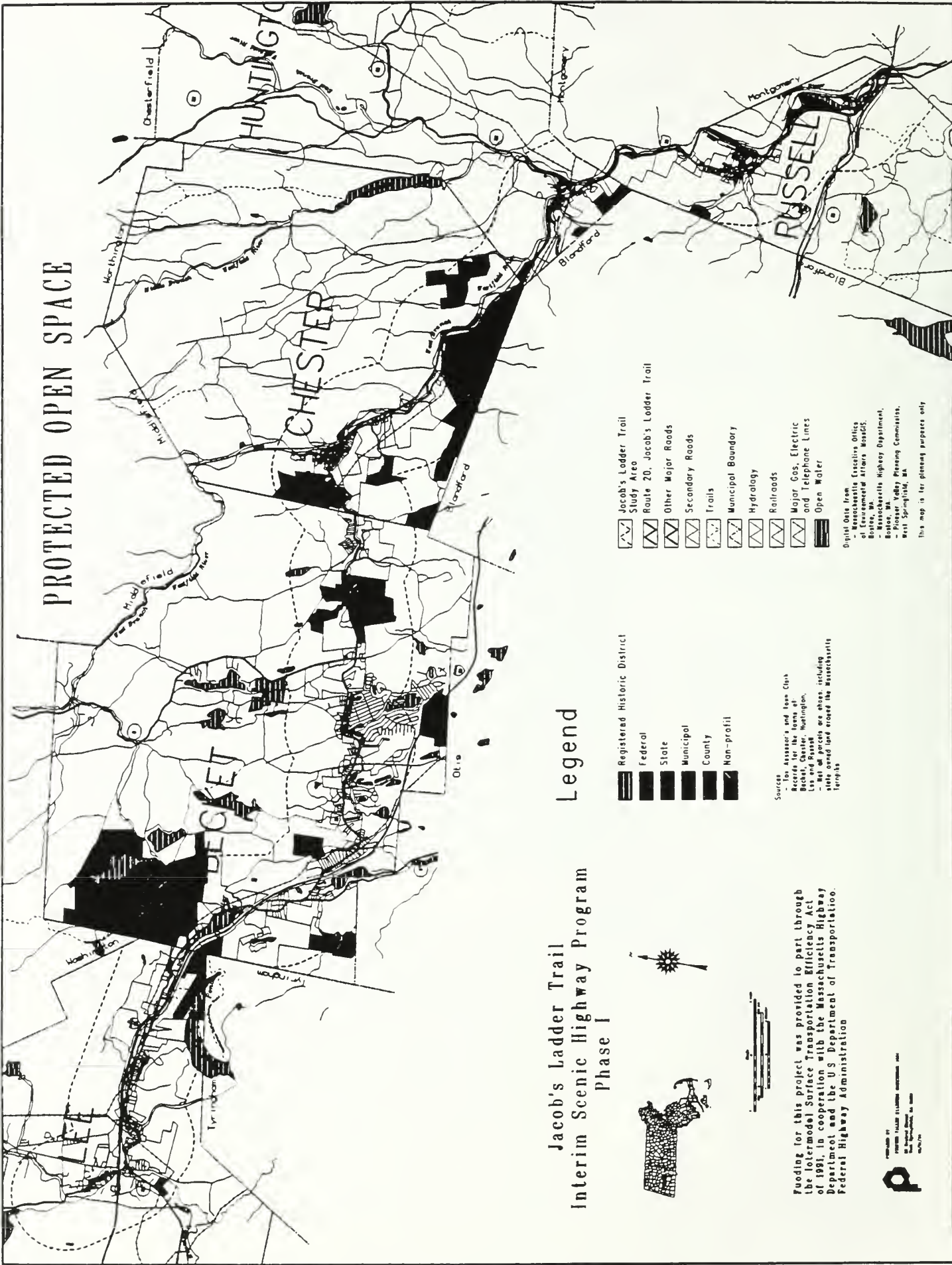
- Forest
 - Agriculture
 - Single family residential
 - Multifamily
 - Commercial
 - Industrial, waste, transportation, mining
 - Wetlands
 - Open water
 - Open land, recreation, and power lines
- Source: 1985 MacConnell Land Use, Resources and Environmental Inventory, Massachusetts, Boston, MA, March 1990.

- Jacob's Ladder Trail
- Study Area
- Route 20, Jacob's Ladder Trail
- Other Major Roads
- Secondary Roads
- Trails
- Municipal Boundary
- Hydrology
- Railroads
- Major Gas, Electric and Telephone Lines
- Open Water

Digitized Data from:
 - Massachusetts Executive Office
 - Massachusetts Office of Statewide Planning
 - Boston, MA
 - Massachusetts Highway Department,
 Boston, MA
 - Pioneer Valley Planning Commission,
 West Springfield, MA

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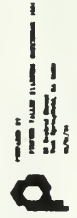
PROTECTED OPEN SPACE



Jacob's Ladder Trail Interim Scenic Highway Program Phase I



Funding for this project was provided in part through the Intermodal Surface Transportation Efficiency Act of 1991 in cooperation with the Massachusetts Highway Department and the U.S. Department of Transportation, Federal Highway Administration



Legend

- Registered Historic District
- Federal
- State
- Municipal
- County
- Non-profit
- Jacob's Ladder Trail
- Study Area
- Route 20, Jacob's Ladder Trail
- Other Major Roads
- Secondary Roads
- Trails
- Municipal Boundary
- Hydralogy
- Railroads
- Major Gas, Electric and Telephone Lines
- Open Water

Sources:
- Tax Assessor's and Town Clerk Records for the towns of Blandford, Chester, Huntington, Middlefield, and Russell.
- Town of Russell records including state owned land owned the Massachusetts Terraphis

Digital Data from:
- Massachusetts Executive Office of Transportation
- Massachusetts Office of Statewide Planning
- Massachusetts Highway Department
- Boston, MA
- Middlebury Planning Commission
- West Springfield, MA

This map is for planning purposes only

Protection and Floodplain Overlay district). The village area of Russell is located around a small Commercial/Business district on Route 20 and the residential district (minimum lot size 1/8 to 1/2 acre) that surrounds it. Russell is a community that still has an active industrial base (Strathmore Paper) is located to the north of Route 20 in two large industrial districts with access to Route 20.

Wetlands and 100-Year Floodplain

The Westfield River and some of its branches serve as the major floodplain and wetland areas in the Russell, Huntington, and Chester portions of the Jacob's Ladder Trail. Becket is not dominated by one body of water and the location of its floodplains or wetlands is dispersed along the Trail. The floodplain and wetlands areas in Becket follow a small series of brooks, ponds and lakes. While in Lee the floodplain area is dominated by the Housatonic River in the northwestern segment of the Lee's portion of the Jacob's Ladder Trail, while wetland areas are located in the eastern segment of Lee. See Wetlands and 100 Year Floodplain Map.

In Russell, the Westfield River floodplain area runs along the entire length of the Jacob's Ladder Trail Corridor, directly abutting Route 20 for three-quarters of its length. Some of the Westfield River floodplain is also to the west of the intersection of Pine Hill Road and Route 20 along Bradley Brook, Black Brook, Wigwam Brook, and Stage Brook areas. In addition, there is a small floodplain area to the west of the Intersection of Route 23 and Route 20 along Potash Brook. Most of the wetlands area in Russell is adjacent to the Westfield River which runs along the entire length of the Jacob's Ladder Trail Corridor. There are four small wetland areas scattered within the corridor and one mid-sized wetland in the northern portion of the corridor.

In Huntington, the West Branch and the East Branch of the Westfield River join the Westfield River in Huntington within the Jacob's Ladder Trail Corridor. As you travel westward on Route 20 from Russell into Huntington, the Westfield River is to the east of the Route 20. Before the intersection of Route 112 North and Route 20 in Huntington the Westfield River diverges into the East and West Branch of the Westfield River. As Route 20 continues westward, the West Branch of the Westfield River is to the east of the Route 20. The East Branch of the Westfield River continues northward along Route 112. The Westfield River Floodplain area in Huntington is found along the entire length of the Westfield River and the West Branch of the Westfield River and is only along a small segment of the East Branch of the Westfield. Most of the wetland areas of Huntington are adjacent to the Westfield River and the West Branch of the Westfield River.

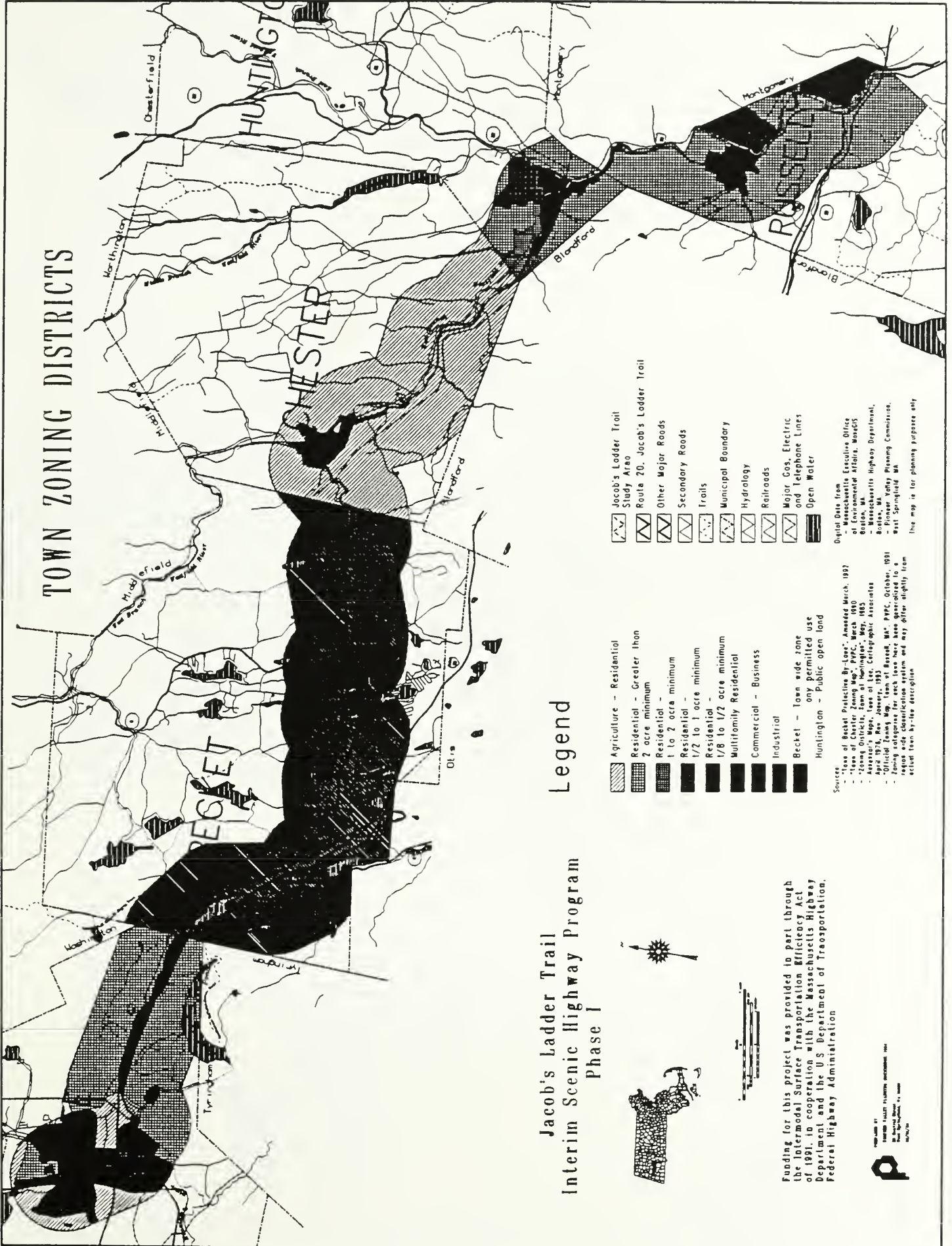
In Chester, the West Branch of the Westfield River follows the length of the Jacob's Ladder Trail corridor along Route 20 until the intersection of Middlefield Road and Route 20 in the northwest section of Chester's portion of the Jacob's Ladder Trail. At the intersection of Route 20 and Middlefield Road the West Branch of the Westfield River continues northward along Middlefield Road while Walker Branch follows Route 20 westward into Becket. All the floodplain areas in Chester's portion of the Jacob's Ladder Trail are along either the West Branch of the Westfield River or Walker Brook. Most of the wetlands in Chester are also found along the rivers. There are four mid-sized wetlands scattered along the edges of the corridor in Chester.

Unlike Russell, Huntington, and Chester, Becket's floodplain and wetland areas do not follow one source. Instead there are disjointed pockets of floodplain areas and wetlands along Route 20 in Becket's portion of the Jacob's Ladder Trail. Walker Brook runs from east to west from the Becket/Chester town line to the intersection of Route 20 and Bonnie Rigg Road. At that point, Walker Brook moves north along Bonnie Rigg Road. There is a floodplain area around Walker Brook. Other floodplain areas surround a series of lakes and small ponds to the south of Route 20. These areas include Robin Hood Lake, Silver Shield Lake and Long Bow Lake. Another floodplain runs from north to south in Becket's portion of the Jacob's Ladder Trail from Palmer into Ward Pond. Greenwater Pond and Shaw Pond are also surrounded by floodplain areas.

Wetlands are scattered throughout the corridor with the largest of the wetland areas to the south of Route 20.

There are three floodplain areas in Lee's portion of the Jacob's Ladder Trail Corridor. The first floodplain surrounds Goose Pond and Upper Goose Pond. Another floodplain is at the eastern most section of the Greenwater Brook near the Becket/Lee town line and is prominent again along the Greenwater Brook near the intersection of Route 90 and Route 20 until the Greenwater Brook meets the Housatonic River. The largest floodplain area in Lee's portion of the Jacob's Ladder Trail Corridor runs from north to south along Route 20 along the Housatonic River. There are three wetland areas in Lee. One wetland area surrounds the eastern most segment of the Greenwater Brook near the Becket/Lee town line. The other wetland areas are to the north of Route 20 in the eastern segment of the corridor along Coddington Brook.

TOWN ZONING DISTRICTS



Jacob's Ladder Trail Interim Scenic Highway Program Phase I



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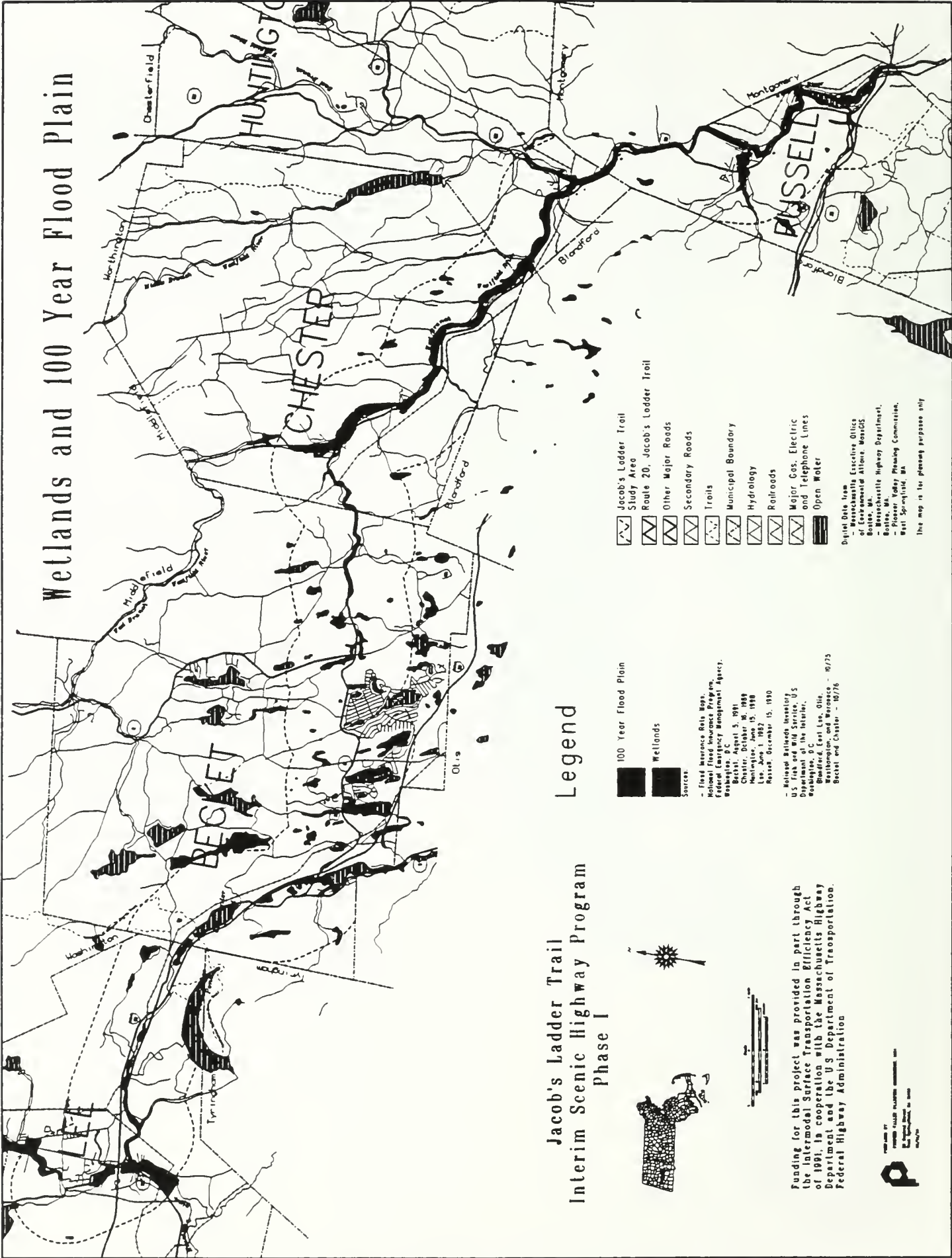
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|--|---|--|---|
| | Agriculture - Residential | | Jacob's Ladder Trail Study Area |
| | Residential - Greater than 2 acre minimum | | Route 20, Jacob's Ladder Trail |
| | Residential - 1 to 2 acre minimum | | Other Major Roads |
| | Residential - 1/2 to 1 acre minimum | | Secondary Roads |
| | Residential - 1/8 to 1/2 acre minimum | | Trails |
| | Multifamily Residential | | Municipal Boundary |
| | Commercial - Business | | Hydrology |
| | Industrial | | Railroads |
| | Bechel - Town wide zone any permitted use | | Major Gas, Electric and Telephone Lines |
| | Huntington - Public open land | | Open Water |

Source:
 - Town of Bechel, "Protective By-Law", Amended March, 1997
 - Town of Blanford, "Zoning Ordinance", P.V.C., March 1980
 - "Zoning Districts, Town of Huntington", May, 1985
 - Assessor's Map, Town of Lee, Cartographic Associates
 - Assessor's Map, Town of Westchester, 1981
 - "Official Town Map, Blanford, MA", P.V.C., October, 1991
 - "Official Town Map, Westchester, MA", P.V.C., October, 1991
 - Zoning categories for each town have been generalized to a regional classification system and may differ slightly from actual town-by-law description.

Digital Data from:
 - Massachusetts Executive Office of Environmental Affairs, GIS/RS
 - Boston, MA
 - Massachusetts Highway Department, Boston, MA
 - Massachusetts Planning Commission, West Springfield, MA

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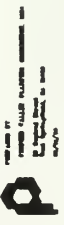
Wetlands and 100 Year Flood Plain



Jacob's Ladder Trail Interim Scenic Highway Program Phase I



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Legend

- 100 Year Flood Plain
- Wetlands
- Jacob's Ladder Trail
- Study Area
- Route 20, Jacob's Ladder Trail
- Other Major Roads
- Secondary Roads
- Trails
- Municipal Boundary
- Hydrology
- Railroads
- Major Gas, Electric and Telephone Lines
- Open Water

Digital Data from:
 - Massachusetts Executive Office of Environmental Affairs, WARDIS, Boston, MA.
 - Massachusetts Highway Department, Boston, MA
 - U.S. Army Corps of Engineers, West Springfield, MA

The map is for planning purposes only.

Sources:
 - Flood Insurance Rate Maps, National Flood Insurance Program, Washington, DC, April 5, 1991
 - Chester, October 16, 1989
 - Huntington, June 15, 1988
 - Russell, June 1, 1987
 - Blanford, December 15, 1990
 - Railroad Bedheads Inventory, U.S. Fish and Wild Service, US Department of the Interior, Washington, DC, 1987
 - Blanford, East Lee, Otis, Westhampton, and Berensco - 10/75
 - Blanford and Chester - 10/76

SURVEY OF INNOVATIVE LAND USE STRATEGIES FOR SCENIC BYWAYS

Articles, guidebooks, and ordinances from around the United States covering the subject of highway corridor land use management were collected and reviewed. The purpose of the review was to identify specific elements of each document that might be applied to the development of state-of-the-art bylaws for the corridor. Many of the identified elements were then used in the Design Review and Scenic Highway Overlay District Bylaws in the Appendix of this report. The following list of land use articles, guidebooks, and ordinances were reviewed and are followed by review notes.

List of Articles, Guidebooks and Ordinances

- The Loess Hills Scenic Byway, Western Iowa
- Visible Landscape Case Study, Chattanooga, TN
- Concept Plan for the Southwestern Pennsylvania Industrial Heritage Route
- Tools and Techniques for Managing Commercial Development
- Transportation and the Commercial Strip
- The Vermont Backroad
- Assessing the Impact of Development of Scenic Resources of the Hudson River
- Cincinnati Hillside Development Guidelines
- Designating Scenic Roads
- Highway 278 Corridor Special Overlay District Standards
- Austin, Texas, Hill Country Roadway Corridor Regulations
- Santa Fe, New Mexico, Highway Corridor Protection District Regulations
- San Rafael Hillside Residential Design Guidelines Manual.
- Town of Wellesley Design Guidelines Handbook
- Brookline 2: Guide to Environmental Design Review for New Construction
- Appearance Code, Libertyville, IL
- Old King's Highway Regional Historic District Commission
- Amherst Design Review Handbook
- Hilton Head Island Corridor Review Committee
- Site Plan Review Ordinance
- Strips & Centers: Growth and the Region's Radial Highway Corridors
- Transportation and the Commercial Strip
- Holden Massachusetts Corridor Study
- Village District Corridor Standards
- Wisconsin Administrative Code: Rules of Department of Transportation Rustic Roads Board
- Tri-County Regional Planning Commission Driveway Standards for Corridors
- Sign Ordinance, Lubbock, TX
- Sign Ordinance, Libertyville, IL
- Hilton Head Island Corridor Review Committee
- Ridgeline and Hillside Conservation Areas, Pomfret, VT
- Charleston County, South Carolina Scenic Highway Districts

Scenic Byways And Heritage Corridors

The Loess Hills Scenic Byway

Location:

Western Iowa

Regulation Tool or

Information Provided:

Background information on corridor establishment.

Where Tool is in Effect:

221 miles of highway in 7 counties in Iowa

Description:

This document is a recounting of the process of developing a scenic byway in seven counties in Iowa. The history of the initial route selection, landscape assessment, public preference testing, safety issues, and final route selection are described.

Specific Features:

Promotion and Interpretation - 35,000 copies of a two color brochure were produced that described highlights of the scenic route and located recreational, cultural and historical points of interest. There was also local and state coverage of the route for tourism.

The project took four years and took the following steps:

- 1990 - designated first segments and established a hospitality association
- 1991 - hired a Landscape Architect
- 1991 - expanded scenic highway
- 1992 - final routes established
- 1992 - planned, designed, and installed road signs
- 1992 - printed and distributed brochures

Visible Landscape Case Study

Location:

Chattanooga, Tennessee

Regulation Tool or

A summary report of recommendations for enhancing the visual quality of Chattanooga and the region.

Information Provided:

Hamilton County Region

Where Tool is in Effect:

Description:

The study listed 31 landscape impact projects including theme plantings, identification signs, and small parks. Landscape architectural drawings were developed to provide a consistent theme for regional identification.

For example, installing a coordinated system of signs and markers was recommended. Three sign types were proposed -- the route marker, the pathfinder (tells how to get to specific attraction), and identification signs (to be placed at major intersections and at entrances). Signs would be designed so that they could be grouped in sign centers.

Concept Plan for the Southwestern Pennsylvania Industrial Heritage Route

<i>Location:</i>	Several Counties in SW Pennsylvania
<i>Regulation Tool or Information Provided:</i>	A concept plan to establish a corridor theme of "Industrial Heritage".
<i>Description:</i>	This concept plan identified all of the areas of major historic sites and developed a theme for a heritage route. The theme of industrial heritage is defined. The plan suggests that design criteria be established for historic sites. Requires that each site have interpretative media appropriate to a "heritage route", provide adequate public services, and conserve historical resources. An official route brochure, handbook and audio tapes are also suggested.

Wisconsin Administrative Code: Rules of Department of Transportation Rustic Roads Board

<i>Location:</i>	Madison, Wisconsin
<i>Regulation Tool or Information Provided:</i>	Administrative State Code
<i>Where Tool is in Effect:</i>	Rustic Roads in Wisconsin
<i>Implementation:</i>	Municipality
<i>Description:</i>	The code describes qualifications for rustic road designation (outstanding natural features, low-volume traffic, no high density development, etc.). Describes the application procedure for road designation. Describes maintenance requirements (vegetation, drainage, signs)
<i>Specific Elements:</i>	<ul style="list-style-type: none">• The code suggests using a placard denoting the length, in miles of the rustic road at each terminus.• Land use protection:" Local authorities are encouraged to preserve the natural and scenic characteristics of land along rustic roads. Local zoning powers, building setback requirements, access control, sign control and other powers may be used to protect and preserve the rustic character of the road by discouraging industrial, high density residential and most commercial development and encouraging the development or the continued existence of commercial establishments compatible with a rustic road, such as antique shops, craft shops, rock shops and produce markets."• Encourages underground installation of utilities.• Encourages the development of local ordinances that restrict off-premise advertising.

Guidebooks For Protecting Scenic Corridors

Tools and Techniques for Managing Commercial Development

<i>Location:</i>	Woodstock, Vermont
<i>Regulation Tool or Information Provided:</i>	Workshop Information
<i>Description:</i>	<p>The paper covers the subject very broadly. The development management tools and techniques are grouped into four categories:</p> <ul style="list-style-type: none">• land acquisition (transfer of development rights).• public spending (capital improvements, development phasing) taxation, (special assessment)• development regulations (moratoria, conventional zoning, height restrictions, special exception/special use, conditional zoning, bonus and incentive zoning, floating zones, zoning by performance standard, PUD/Cluster zoning, subdivision regulations, annual permit limits, local impact ordinance, site plan review, sign control, and impact fees)

Transportation and the Commercial Strip

<i>Location:</i>	Woodstock, Vermont
<i>Regulation Tool or Information Provided:</i>	Case Study of Route 4 in Woodstock for rural roadside development. Sets out goals and policies, and objectives for land use pattern, transportation plan, public improvements, and protection of special features.
<i>Where Tool is in Effect:</i>	Recommends changing zoning in village area and outside of village.
<i>Special Features:</i>	<u>Land Use</u> <ul style="list-style-type: none">• In the village - higher zoning density, design review standards, site plan review standards, and sign control. General recommendations are made for building siting and design.• Outside of the village - agriculture, forestry, rural residential, conservation and outdoor recreation. Except for home occupations, commercial uses not permitted. General recommendations are made for building siting and design.

Transportation

- Access Control & Traffic Standards

Public Improvements

- Water Supply, Sewers, & Public Facilities

Special Features

- River Protection, Views, Historic Sites, Farmland

The Vermont Backroad

Location:

Regulation Tool or

Information Provided:

Where Tool is in Effect:

Description:

Specific Elements:

Vermont

A Guide for the Protection, Conservation, and Enhancement of Its Scenic Quality.

Applies to construction activities along Vermont's scenic roads.

The guidebook was developed by Northeast Environmental Design of Woodstock, Vermont. It has contrasting pictures of poor and good roadside practices that have an impact on scenic quality. It provides suggestions for road side planting, erosion control, aesthetic placement of roadside structures (guard rails, pipes, culverts, telephone poles and lines), and proper grading of banks affected by highway construction.

Guidelines for Design, Construction, and Maintenance.

- Alignment - alignment of road should blend with the terrain and be characterized by curving hillsides. When climbing a hillside, the roadway should bend to the crest, traversing the contours. When crossing a ridge, pick a saddle or low area to locate the road. (may be applicable to bike path design)
- Combining Horizontal and Vertical Alignments
- Cross Section - covers appropriate widths and elements (traveling surface, shoulders, ditches, proper grading to stabilize cut and fill slopes) of the cross-section.
- Paving
- Shoulder Contrast (suggest using gravel shoulders, turf, and natural vegetation).
- Shoulder Sections and Turnouts.

- Grading - on areas of extreme cut, the use of small landscaping benches is recommended. Larger benches can be used on long slopes. All slopes should be warped by flattening the ends of cut and fill areas.
- Roadside Structures
- Culverts should not protrude unnecessarily beyond the grade of slopes. The ends should be concealed with stones.
- Guard rails should have a minimum distance of two feet remaining behind them before shoulder breaks down.
- Avoid electric and telephone lines which cross the roadway on a long angle.
- Roadside Planting
- Protect against soil erosion
- Screen to reduce drifting snow
- Reinforce roadway alignment by emphasizing changes in direction.

Assessing the Impact of Development of Scenic Resources of the Hudson River

<i>Location:</i>	Scenic Hudson, Hudson River, New York
<i>Regulation Tool or Information Provided:</i>	Guidance document
<i>Description:</i>	An approach is outlined for identifying a project's visual impact before it is constructed. The visual magnitude is determined by a point system which accounts for distance, aspect, and slope. The steps taken are: <ul style="list-style-type: none"> • identify site location and project scope; • select viewpoints for visibility assessment (scenic areas, travel routes, high use areas); • determine the visibility of the project from each viewpoint; and • determine visual magnitude (from a formula). <p>A process using drawings and photographs to achieve a visual simulation is also described.</p>

Cincinnati Hillside Development Guidelines

<i>Location:</i>	Cincinnati, Ohio
<i>Regulation Tool or Information Provided:</i>	Development Guidelines
<i>Where Tool is in Effect:</i>	Hillside Environmental Quality Districts
<i>Implementation:</i>	Guidance document provided to all parties in reviewing development proposals.

Description:

The guidebook, developed in 1975, provides 49 guidelines to help the planning commission, developers, legislators, architects, and the public understand how development can be sited and designed without destroying the existing hillside characteristics. Some of the interesting guidelines include:

- plan buildings to reflect the scale and proportion of surrounding trees.
- maintain a clear sense of the hillside brow by siting buildings back from it.
- do not obscure the hillside foot at the end of basin streets.
- site and design structures along major roads to preserve driver views of the hillsides, especially at bends.
- maintain a sense of balance with the surroundings through choice of color, texture, and other exterior building treatments.

Designating Scenic Roads

Location:

Vermont

Regulation Tool or

A field guide

Information Provided:

The fieldguide provides background on Vermont's Scenic Road Law, and describes steps to be taken in an inventory of a roads features. There is an inventory sheet that is used for each mile of road inventoried. The guide suggests that a road have a net - positive elements minus negative elements - of at least ten scenic elements per mile to merit designation. The survey elements include vegetation, landscape features, road characteristics, waterbodies, buildings, and other man-made structures. There is a positive and negative column. Pictures are included to represent each of the scenic elements.

Description:

Scenic Corridor Zoning Overlay Districts

U.S. Highway 278 Corridor Special Overlay District Standards

Location:

Beaufort, South Carolina

Regulation Tool or

Zoning Overlay Districts

Information Provided:

Where Tool is in Effect:

Within 500 feet of the outer edges of the right-of-way of Highway 278

Special Features:

General Design Criteria

- Long, unbroken, flat roof lines, continually repetitive features, and bright colors are discouraged.
- Large work area doors or open bays should not open towards highway.
- Building heights are limited to 50 feet.
- Screening is required for heating, ventilating, air conditioning, duct work, trash receptacles, above-ground tanks, satellite dishes, antennas, and mobile homes.
- Large, unbroken parking lots (greater than 5,000 sf) are not permitted.
- Exterior lighting should be kept to a minimum.
- Indiscriminate clearing, excessive grading, and clear-cutting of forest are prohibited.

Site Design Standards

- Buffers - twenty feet from highway, ten feet along side yards.
- Set-backs - fifty foot minimum along highway for one story structure, add twenty feet for each additional story.
- Parking - maximum of eight spaces in a row, with a 9x20 space separating additional parking.
- Space required between parking lots and buildings (8 feet).

Landscape and Tree Standards

- Tree Protection/Removal - Development of land for different uses may require the removal of trees to accommodate roads, parking, buildings, and facilities. It is the expressed intent of this ordinance that every effort be made through the design, layout, and construction of development projects to incorporate and save as many trees as possible.
- No person shall cut or clear land of trees for the sole purpose of offering land for sale. Land may be underbrushed (bushhogged) in preparation for sale or development.
- Except for property classified for tree farming, the clear-cutting of trees is prohibited. Clear-cutting is defined as the removal of 75% of the trees six inches in trunk diameter or larger.

- Highway Vegetative Buffer - All parking or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2" caliper, planted at least every 50 feet along the road frontage) and dense medium height shrubs (three feet in height, to screen parked vehicles). All such plantings shall be maintained as an effective visual screen. Shrubs or trees which die shall be replaced within one growing season.
- Natural Area - The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Parking lots shall be landscaped with shrubbery along all lot lines.
- Landscaping Buffer Requirements - Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (a dense evergreen hedge 6 feet or more in height). All such plantings shall be maintained as an effective visual screen; plants which die shall be replaced within one growing season.

Texas Hill Country Roadway Corridor Regulations

<i>Location:</i>	Five major roadways on the eastern edge of the Texas Hill Country
<i>Regulation Tool or Information Provided:</i>	Special development controls written into an overlay zoning district.
<i>Where Tool is in Effect:</i>	Sites in the Hill Country Roadway Corridor (mapped). Within 1000 feet of the right-of-way. The city adopted a "principal roadway area" and "scenic arterial" zoning controls.
<i>Description:</i>	Regulations are an additional requirement of development in the corridor. The corridor regulations impose special site development, design, access, and sign controls on property located within the zone.

Special Features:

- Intensity zones (high, moderate, and low), defined by roadway use, have been established.
- All non-residential buildings are limited to a maximum floor-to-area ratio computed by reference to slope gradients and intensity levels. For example a proposed structure in a high intensity (all land within 1,000 feet of the right-of way of two intersecting state-maintained roadways....) area with a slope gradient of between 0 and 15% can have a maximum floor to area ratio of .30. Floor-to-area ratio is defined as the ratio of gross floor area (exclusive of parking structures and atriums) to site area within the appropriate slope class.
- No construction of roadways or driveways is allowed on slopes in excess of 15%.
- Height maximums are in relation to distance from roadway and by intensity area. Within 200 feet of the right-of-way, no building shall exceed 28 feet.
- Underground utilities are required. Building material should be compatible with Hill Country Environment (such as rock, stone, brick, and wood).
- A number of performance incentives are built into the regulations. Increased floor-to-area ratio increases, building height increases, and reduced setbacks can be approved as a bonus for meeting performance criteria. Examples of the performance criteria include reducing impervious cover by 15%, providing mixed-use development (residential and commercial), and consolidating small lots. There are 12 performance criteria and a developer must meet 50% of these to qualify for a bonus.
- Submission requirements for site plans
 - a) detailed survey of all trees located inside designated construction areas.
 - b) proposed location of all trash receptacles, heating, ventilating, and air-conditioning equipment; loading areas; and parking areas and lighting. Methods used in screening.
 - c) The height of all proposed structures, with cross-section drawings demonstrating compliance with the ordinance's special height controls.
 - d) The location and extent of existing or potential scenic vistas from public roadways or recreation areas.

Santa Fe, New Mexico, Highway Corridor Protection District Regulations

<i>Location:</i>	Santa Fe, New Mexico
<i>Regulation Tool or Information Provided:</i>	Zoning Ordinance
<i>Where Tool is in Effect:</i>	Within 600 feet of the edge of the right-of way of both sides of streets designated as special review districts in a general plan.
<i>Description:</i>	<p>The Regulations have general standards:</p> <ul style="list-style-type: none">• minimum setback 50 feet,• maximum building height 25 feet,• maximum density,• maximum coverage. <p>and specific standards:</p> <ul style="list-style-type: none">• landscaping (25 feet of the property line);• lighting (height requirements, candlepower maximum);• signs (no more than three colors and no more than two lettering styles, and at least one of the colors shall match the predominant colors in the building); and• architectural (flat roofs, stucco).

Architectural and Landscape Design

San Rafael Hillside Residential Design Guidelines Manual

<i>Location:</i>	San Rafael, California
<i>Regulation Tool or Information Provided:</i>	Design guidelines.
<i>Where Tool is in Effect:</i>	All residential parcels in the city with slopes over 25 percent and all properties in the Hillside Resource Residential and Hillside Residential General Plan land use designations. Guidelines apply to new single family residences, and additions over 500 square feet or modifications that increase the height of the roofline; multi-family residential developments; subdivisions; and planned developments.
<i>Implementation:</i>	Design Review Board
<i>Description:</i>	<p>The guidelines address:</p> <ul style="list-style-type: none">• architecture;• planting;• site design;• preservation of trees and vegetation;• grading and drainage;• lot configuration and building setbacks;• street layout;• parking and driveway design; and• other design issues.

Town of Wellesley Design Guidelines Handbook

<i>Location:</i>	Wellesley, Massachusetts
<i>Implementation:</i>	Site Plan Approval
<i>Description:</i>	The handbook states the Intent, Policy, and Recommendations for each of the following design elements: <ul style="list-style-type: none">• Preservation and Enhancement of Landscaping• Relation of Buildings to Environment• Open Space• Signs• Heritage (historic structures <u>and</u> uses)
<i>Special Features:</i>	Provides a flow chart of procedures for approval. Differences in approval procedures between major and minor construction projects (distinguished by size and scale) are explained.

Brookline 2: Guide To Environmental Design Review for New Construction

<i>Location:</i>	Brookline, Massachusetts
<i>Implementation:</i>	Planning Board and Zoning Board of Appeals
<i>Description:</i>	Provides narrative of review process
<i>Special Features:</i>	<ul style="list-style-type: none">• Similar to Amherst Guidebook, but also requires protection of building arches.• Provides generic examples of pre and post renovation conditions, detailed treatment of facade improvements to three-story structures with residences over store fronts (i.e. Coolidge Corner and Beacon Street areas)• Provides specific design guidelines for gas stations

Appearance Code

<i>Location:</i>	Libertyville, Illinois
<i>Implementation:</i>	Advisory guidelines
<i>Description:</i>	Establishes criteria for Building Design, Relationship of Buildings to Site and to adjoining area, Landscaping, Signs, Lighting, Miscellaneous Structures and Street Hardware (i.e. lamp posts, utility poles, traffic signs, litter containers, mail boxes), and Materials Durability; and Continuing Maintenance

Special Features:

Building Design

- minimize the different types of exterior wall materials used;
- exterior components like windows, doors, eaves and parapets to be designed to have balanced proportions;
- discourage facades which are not architecturally related to the other building sides;
- screen the locations of any mechanical equipment or other utility hardware, loading zones, parking lots and service entrances, and waste storage areas;
- multiple building developments to have design variations between buildings;
- remove false, or add-on building facades to expose architectural detail;
- replacement elements to be of the same size, shape and proportion as the original material.

Relationship of Buildings to Adjoining Area

- adjacent buildings of different architectural styles to be made compatible by use of screens and sight breaks.

Landscape Plans

- to include environmental performance standards (also including wind barriers and dust control);
- if vegetation will not prosper in the area, use fences, walls, pavings of wood, brick, stone, gravel and cobbles;
- vegetative screening materials to attain screening effect within three years.

Old King's Highway Regional Historic District Commission

Location:

Cape Cod, Massachusetts

Regulation Tool or

Design Guidelines for Highway Regional Historic District.

Information Provided:

Where Tool is in Effect:

"Beginning at a point on the foreshores of Cape Cod Bay at the mean low water line, and on the boundary line between the Town of Bourne and the Town of Sandwichcenter line of the state highway known as Route 6 - Mid - Cape Highway the towns of Sandwich Barnstable, Yarmouth, and Dennis,... Eastham, and Orleans."

Implementation:

The Historic District Commission receives an application from proponent of any new building or reconstruction. The Commission issues either a certificate of appropriateness or a certificate of exemption. Certificate for demolition is also required. Certificates are required before a building permit can be issued.

Description:

The Commission reviews development for appropriate architectural features, demolition, signs and billboards.

Special Features:

Recommendations are provided for design, style, materials and methods, energy conscious design, and other specific features (roof pitch, dormers, etc.) and signs. The sign recommendations cover size, number, message, design character, materials, colors, placement, and illumination. Under each of the sign recommendations is a description of desirable and undesirable characteristics.

Desireable Sign Elements:

- size does not exceed existing signs; one well designed sign in number; message is that of a simple sign with the business name; design character is colonial in style; material background is wood; letters are separate and raised; warm colors; matching background color; placement is just above the eave line, free-standing and kept as low as possible; illumination consists of small spot lights.

Undesireable Sign Elements:

- size larger than 12 sq. ft.; disjointed, multiple number of signs; product ad signs; overly ornate design; material of bright chrome or stainless steel; colors of gloss black, stark white, hot orange, lemon, etc.; non-matching background color; placement on high poles, off-premises, signs projecting above roofline; flashing or moving signs.

Amherst Design Review Handbook

Location:

Amherst, Massachusetts

Regulation Tool or

Most stringent Design Review criteria required for buildings within 150 feet of town common.

Information Provided:

Regulates both new construction and exterior alterations to existing buildings.

Description:

Includes review of elements like surface materials, including sidewalks, light fixtures, and sign harnesses.

Special Features:

- The Handbook is conceptually similar to the Guidebook which PVPC prepared for Granby, except that the specific characteristics are more urban in nature.
- In downtown areas where buildings are closely situated, conformity to average building heights, building widths, and architectural elements.

- Consistent rhythm of voids (spacings between doors and windows) Consistency between shapes of rooftops and windows.

City of New Orleans Urban Corridor Zoning District

Location: New Orleans, Louisiana
Description: Contains provisions for signs (including removal and amortization), and Special Site Design Conditions for parking lot landscaping.
Special Features: Parking Lot Landscaping Standards:

- Specifies distance from Right of Way where trees will be planted.
- Requires parking lot planting islands to vary the height of planted trees in different planting islands; Also specifies the number of each type of tree for the various planting islands.
- Requires 10% of vehicular use area to be landscaped.
- Loading areas may not encroach on parking area.

Site Development Regulations

Hilton Head Island Corridor Review Committee

Location: Hilton Head, South Carolina
Regulation Tool or Information Provided: Regulations and Guidelines for roadside and waterfront development in a coastal community Overlay District.
Implementation: Corridor Review Committee
Description: To encourage and better articulate positive visual experiences along the Island's major existing and proposed highways and to provide for the continued safe and efficient utilization of these roadways.
Special Features: Site Development Regulations

- minimum requirement for 50-60 foot visual buffer;
- measurement excludes drainage swales when those structures occupy most of the buffer zone;
- measured from edge of present or planned road or utility rights of way ('r.o.w.s');
- limitations on removal and alteration of existing vegetation;
- may be enhanced w/ addition of trees or shrubs
- discourages disturbance of masses of native shrubs;
- may not cut branches lower than five feet from existing trees, unless to provide sunlight to lower lying plants, or visibility at an intersection;

- three foot minimum height of planted shrubs;
- pedestrian and bicycle paths may be constructed in the buffer zone, provided they do not reduce screening provided by the buffer.

Site Plan Review Ordinance

Location:

Framingham, Massachusetts

Description:

Framingham's ordinance was created to protect the health, safety, convenience and general welfare of inhabitants by reviewing developments which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values.

Special Features:

Impact Assessments are required for traffic, municipal and public services and utilities, environmental quality, and community economics.

Developments or Improvements Threshold:

- over 8,000 s.f. or 30 parking spaces (or 5,000 s.f. and 20 parking spaces if within 200 feet of a residential district),
- result in FAR greater than 0.32
- changes in use

Community Impact Standards:

- minimize visibility of visually degrading elements such as trash collectors, loading docks, etc.
- minimize earth removal and volume of cut and fill; any grade changes shall be in keeping with the general appearance of neighboring developed areas;
- minimize removal of existing vegetation; if established trees are to be removed, special attention shall be given to the planting of replacement trees.

Strips & Centers: Growth and the Region's Radial Highway Corridors

Location:

Metropolitan Boston

Implementation:

Advisory Document

Description:

Contains Development Strategies, Land Use Techniques and Site Design Techniques for Highway corridors. Purpose is for Traffic Control and Visual Aesthetics

Special Features: Provides Layout Design Schemes (with sketches) for planned commercial business areas. Includes alternative driveway alignments, cluster layouts, loop roads, margin control strips between properties and streets, shared driveways and parking areas, designs for driveways and vehicle turnaround lanes, alternative lighting and landscape designs, ideas for landscaped pedestrian ways as buffers between business and residential areas, suggestions for landscaped open spaces at intersections, basic design of setbacks from natural features, and sign envelopes. *Note:* The document is urban and suburban in context, and is also dated 1979. However, the concepts could be adjusted for a rural village context.

Transportation and the Commercial Strip by Boyle Associates, Burlington, VT.

Location: Woodstock, Vermont

Regulation Tool or Information Provided: Case Study of Route 4 in Woodstock for rural roadside development. Sets out goals and policies, and objectives for land use pattern, transportation plan, public improvements, and protection of special features.

Where Tool is in Effect: Recommends changing zoning in village area and outside of village.

Description: Provides guidelines for developing and implementing an integrated land use plan. Contains basic building siting, scale, and design criteria for different commercial areas, hamlets, and conservation areas. River Protection, Views, Historic Sites, Farmland.

Special Features: Land Use Recommendations
 Within planned commercial areas in the village and extending to the edge of the existing village the following areas of recommendations were made:

- higher zoning density;
- design review standards;
- site plan review standard ;
- sign control;
- require commercial P.U.D.s for parcels over a certain size;
- establish maximum building size for commercial and industrial uses based on the scale and intensity of use in that particular rural setting.

Within conservation areas outside of the village

- permitted uses included agriculture, forestry, rural residential, conservation and outdoor recreation. Except for home occupations, commercial uses not permitted.

- general recommendations are made for building siting and design.
 - 1) set back buildings from highway at the edges of fields and in the woods;
 - 2) cluster residential structures at the scale of existing farmsteads;
 - 3) do not permit multi-family dwellings outside of residential clusters.

Within Hamlets

- permit higher density and mixed uses;
- buildings to front on commercial streets in accordance with traditional village patterns;
- scale, bulk and density of buildings not to exceed what is already there.

Holden Massachusetts Corridor Study

Location:

Description:

Special Features:

Holden, Massachusetts

Contains parking lot standards for an urban corridor.

Parking Lot Standards (exceptional features):

- any enclosed loading space to be located at least 30 feet from any street line;
- any open loading space shall be designed so that trucks when loading or unloading will not project beyond any street line;
- parking areas and spaces are to be designed to permit safe access and exit of vehicles, and to prevent vehicles from backing onto accessways or streets;
- where vehicles will be located adjacent to sidewalks, fences, walls or required buffer strips, trees, landscaping, or similar constructions, a suitable bumper or curb of not less than five inches in height shall be provided so that the vehicle cannot overhang or otherwise damage said obstruction;
- all portions of all parking spaces and maneuvering aisles shall be set back a minimum of 5 ft. from any wall of a building, except in residential districts;
- additional standards for parking lot landscaping, perimeter and interior plantings, and access drives;
- paved portions of parking areas shall not to be constructed within minimum front yard, rear yard, or side yard setback areas;
- parking lots shall not contain single cells having more than 50 parking spaces, and having 30 feet between cells.

Village District Corridor Standards

Based on: "Designing & Managing The Commercial Strip
by Michael Southworth and Kevin Lynch

ACTION OR AMENITY	RESPONSIBLE PARTY	MECHANISM
Pedestrian Crossings w/ provision for blind, deaf, elderly, and handicapped	Municipality Business Association Commercial Developer > 2,500 s.f.	Memo of Agreement Voluntary Bylaw: Impact Fees
Provide Shade Trees along roadside for general aesthetics and to Control Glare from store front windows by planting shade trees along sidewalk or roadside	Municipality Business Association Commercial Developer	Memo of Agreement Voluntary Bylaw: Performance Std
Divert Hot Exhausts from air conditioners, etc. away from sidewalks Noise Control, from air conditioners, etc.	Commercial or Residential Developer Commercial or Residential Developer Government Office	Bylaw: Performance Std Bylaw: Performance Std
Public Restrooms, water fountains	Municipality	Memo of Agreement
Bicycle Racks	Municipality Business Association Commercial Developer > 2,500 s.f.	Memo of Agreement Voluntary Bylaw: Impact Fees
Public Seating	Municipality Business Association Commercial Developer > 2,500 s.f.	Memo of Agreement Voluntary Bylaw: Impact Fees
Street & Directional Signs	Municipality Business Association	Memo of Agreement Voluntary
Signs: Reservation of Public Information Zone or signing envelope @ height of 2-4 feet; all other signs @ 4-6 feet		Bylaw
Encourage stores to display products in windows instead of displaying signs	Business Association	Voluntary
Discourage Visual Obstruction of Landmarks and outstanding physical features, i.e. boulders, streams, mountains, hillsides		Design Review Standards
Lighting Standards		Design Review Standards
Parking: Slant-stripe parking in public ways, for safety (this may not work on Rt. 20 & narrow main streets, i.e. Chester)	Municipality	Public Works Policy

Driveway Construction Standards

Tri-County Regional Planning Commission Driveway Standards for Corridors

<i>Location:</i>	Lansing, Michigan
<i>Regulation Tool or Information Provided:</i>	Driveway Standards
<i>Where Tool is in Effect:</i>	Corridor
<i>Description:</i>	The standards include general performance standards.
<i>Special Features:</i>	<u>General performance standards</u> <ul style="list-style-type: none">• turning speed;• harmony with internal circulation;• on-site storage to avoid queuing;• joint parking lots;• loading and unloading;• sight distances;• standards for right-turn lanes;• driveway profiles;• driveway spacing; and• number of driveways per parcel.

Sign Regulations

Sign Ordinance

<i>Location:</i>	Lubbock, Texas and Libertyville, Illinois
<i>Implementation:</i>	City-wide ordinance.
<i>Description:</i>	Sign standards for location, materials, height.
<i>Special Features:</i>	<u>Signs</u> <ul style="list-style-type: none">• most signs require a permit• may not alter the copy face or lettering of a sign, except for signs with tracks or grooves for interchangeable letters;• no more than 2 sides of the sign may be used for message display;• trees, rocks, bridges, fences, windmill towers and dilapidated buildings shall not be used as sign supports;• signs w/ flashing, blinking or traveling lights shall have light bulbs which do not exceed 35 watts each;• abandoned signs shall be removed within 90 days from the date of abandonment; Damaged signs to be repaired within 90 days; Lien may be filed against the property for the cost of removal of an abandoned or damaged sign removed by public administrator of the ordinance;

- ordinance provides specific procedural requirements before public administrator may remove signs;
- removed signs other than those made of paper or cardboard will be stored and a \$5.00/day storage fee assessed for up to 14 days.
- minimum sign setbacks are 10 feet or 1.43 feet for each foot of sign height, whichever is greater;
- signs shall not be placed closer to side lot line than a measurement which equals 25% of the lot frontage;
- signs shall be at least 25 feet from any driveway curb cut, alley, or driveway-alley combination, unless the lot is a corner lot;
- corner lots: signs on corner lots shall not be located within the "visibility triangle." Frontage shall be that of the major or primary street;
- canopy signs are regulated by the provisions applicable to wall signs;
- minimize the number of sign colors and graphic elements on a single sign (Libertyville, IL);
- do not list individual services rendered or items offered for sale, and the use of telephone numbers, street addresses, arrows, and multiple logos on signs (Libertyville, IL);
- common sign scheme between adjacent uses.

Hilton Head Island Corridor Review Committee - Sign Standards

Location: Hilton Head, South Carolina
Implementation: Corridor Review Committee
Description: Regulations and Guidelines for roadside and waterfront development in a coastal community Overlay District. To encourage and better articulate positive visual experiences along the Island's major existing and proposed highways and to provide for the continued safe and efficient utilization of these roadways.

Special Features: Signs

- integrated sign system required for P.U.D.s, commercial and residential subdivisions, office complexes and shopping Centers.
- The sign system is reviewed for materials, colors, shapes, sizes, architectural compatibility, and design unity.

Ridgeline and Hillside Protection

Ridgeline and Hillside Conservation Areas

<i>Location:</i>	Pomfret, Vermont
<i>Regulation Tool or Information Provided:</i>	Amendment to Zoning Ordinance
<i>Where Tool is in Effect:</i>	"All land within 750' from specific lines connecting a series of the primary ridges in the Town of Pomfret, but in any event shall consist of those Ridgeline and Hillside Conservation Areas specifically depicted and set forth on a map entitled ...". Specifically excepts lands located within three hundred feet of the centerline of any public highway in the Town. When in doubt, developer pays for a survey.
<i>Description:</i>	The amendment requires site plan approval for new development. The general criteria call for no undue adverse effect on the scenic and natural beauty ...as viewed from significant viewpoints on Pomfret's public highways.
<i>Special Features:</i>	<ul style="list-style-type: none">• thirty-five foot building height maximum;• building placement;• landscaping, underground utilities;• grading; and• access roads (cannot exceed 15% except for runs not exceeding 250 feet in length).

Charleston County, South Carolina Scenic Highway Districts

<i>Location:</i>	Charleston County, South Carolina
<i>Regulation Tool or Information Provided:</i>	Planning Board authorization of Scenic Highway Districts.
<i>Where Tool is in Effect:</i>	County highways.
<i>Implementation:</i>	Planning Board report to the City Council
<i>Description:</i>	Authorization is given to the planning board to make amendments to the zoning map and to the text of the ordinance establishing Scenic Highway Districts. The authorization article describes the purpose of the district, criteria imposed on the district, and activities not normally permitted. The criteria imposed include a prohibition against freestanding outdoor advertising, dumps, salvage yards, used car lots, mobile home sales, and cutting of trees larger than six inches in diameter. Activities not normally permitted include manufacturing facilities, sewage disposal, stockyards, race tracks, amusement parks, mining, and agricultural processing.

Environmental Performance Standards

Amendments to Route One Zoning, Lot Size, Sign & Culvert Ordinances

Location: York, Maine

Regulation Tool or

Information Provided:

Where Tool is in Effect:

Special Features:

Environmental Performance Standards

A 300, 500, and 1,000 foot highway corridor.

Performance Standards

The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonable negative impact on the town road system, and shall assure safe interior circulation within its site. All exit driveways shall be designed according to the following standards of safe sight-distance:

Sight Distances:

Posted Speed Limit	Recommended	Minimum
25 mph	250'	175'
30 mph	300'	210'
35 mph	350	245'
40 mph	400'	280'
45 mph	450'	315'
50 mph	500'	350'
55 mph	550'	385'

This section shall not be used as the sole criterion for rejecting an application, unless all possible entrances and exits are deemed to be unsafe due to poor sight-distances. The Police Department shall be officially consulted on all Development Plans reviewed under this ordinance.

Other Environmental Performance Standards

- Noise Control
- Toxic or Noxious Fumes
- Glare
- Hazardous Materials Storage
- Dust, Fumes, Vapors, Gases

Lighting Standards

Hilton Head Island Corridor Review Committee

Location: Hilton Head, South Carolina
Implementation: Corridor Review Committee.
Description: Regulations and Guidelines for roadside and waterfront development in a coastal community Overlay District. To encourage and better articulate positive visual experiences along the Island's major existing and proposed highways and to provide for the continued safe and efficient utilization of these roadways.

Special Features:

Lighting

- Architectural lighting to be recessed under roof overhangs or generated from concealed, low-level light source;
- clear white light which does not distort colors;
- allows decorative, low-level intensity, non-concealed source lighting which defines vehicular/pedestrian ways, if part of a lighting master plan;
- spot lighting limited to (1) 150-watt bulb per sign side up to 40 square feet (2) 150-watt bulbs per sign side over 40 square feet;
- lighting not allowed for temporary signs.

ASSESSMENT OF EXISTING ZONING BYLAWS

Overview

The Pioneer Valley Planning Commission (PVPC) used three general questions as a guide for reviewing the zoning bylaws and other land use controls of the Jacob's Ladder communities. These questions are:

- A. Do the land use controls include the most up to date techniques to preserve Jacob's Ladder Corridor's scenic and historic character, maintain its environmental quality, and to facilitate rural business development ?
- B. Does the zoning bylaw text comply with the Massachusetts General Law Chapter 40A, the Zoning Act?
- C. How clearly are regulations, procedures and standards presented in the zoning bylaws ?

Innovative Local Land Use Techniques

PVPC has researched and recommended a series of zoning strategies and other land use controls which can be used effectively to manage growth and development in Jacob's Ladder Trail corridor, and to protect and enhance the corridor's scenic and historic character. The checklist which appears for each community in this chapter inventories the latest land use techniques. By including these techniques in a checklist local boards have the opportunity to review future developments for consistency with rural community character and for compliance with environmental protection standards. The first column of the checklist lists the land use technique. The second column indicates whether the technique may be adopted as a zoning bylaw, general bylaw or both. The third column indicates the degree to which the zoning or general bylaw adopted by the town includes important features recommended by the Pioneer Valley Planning Commission.

The land use techniques on the checklist are divided into the following eleven categories:

1. *Commercial Performance Standards*: These standards for commercial uses provide local governments with commercial development design guidelines that are consistent with rural character.
2. *Environmental Performance Standards*: These standards for commercial uses and multi-lot residential developments require that new development will not have adverse environmental impacts.
3. *Environmental Regulations*: These regulations protect specific resource areas (i.e. wetlands, floodplains), or set environmental standards or for earth removal or large development projects.
4. *Lot Area, Dimensional and Setback Requirements*: All of the Jacob's Ladder communities have adopted these zoning bylaw requirements which limit development density and regulate placement of structures on building lots.

Maximum setback distances will help maintain the village character in the Jacob's Ladder community business districts by requiring that new buildings be located at a distance from the street which is consistent with the existing structures in the business district or village areas. None of the Jacob's Ladder communities has adopted maximum setback requirements for village business districts.

5. *Accessory Uses and Structures:* These provisions regulate the sizes and materials used for signs; the placement of satellite dish antennas; and the sizes and locations of storage sheds.
6. *Multi-Lot Residential Developments:* Major development bylaws establish development standards which local boards may use to preserve agricultural lands, scenic views and other natural resources.

Phased growth bylaws provide towns with the time necessary to prepare for the possible impacts associated with large development projects.

7. *Alternative Development Formats:* Alternative development formats such as Open Space developments and Common Access Driveways encourage preservation of farmland, forestland, natural resources and open space.

Rural access zoning provisions allow development along certain designated rural routes without widening the roads and significantly detracting from the rural and scenic qualities of the areas.

8. *Scenic and Historic Preservation:* Scenic road and public shade tree bylaws allow communities to protect significant resources like stone walls and shade trees in public rights of way.

Local historic district designations provide an opportunity for public review of significant alterations to historic buildings and require that new development coincides with the already established architectural character of downtown areas.

9. *Economic Development Provisions:* Economic development provisions such as home occupation, cottage industry, or commercial recreation use bylaws should be permitted and could contribute to local economic development.
10. *Farmland and Forest Preservation:* These bylaws allow communities to require preservation of outstanding farmland and forestland resources to the greatest extent possible, as part of clustered residential developments.
11. *Enforcement:* These provisions facilitate enforcement of local bylaws by allowing the town to issue fines to landowners for violations.

Becket

Checklist Of Local Land Use Techniques

The following land use techniques may be used to preserve visual and historic character, and to facilitate rural business development. Many may be adopted as town Zoning bylaws, while others may be adopted as either Zoning bylaws (Z) or General bylaws (G). Individual techniques vary in complexity, ease of implementation and enforcement. A check appears in the box next to a technique if it has been adopted by the Town of Becket in a form which is substantially similar to that recommended by PVPC.

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
<u>Commercial Performance Standards</u>			
<input type="checkbox"/> Architectural Design Standards	(Z)	(Z)	Bylaw generally requires consistency w/adjacent buildings;
<input type="checkbox"/> Landscape Design and Fencing Standards	(Z)		
<input type="checkbox"/> Parking Lot Design Standards	(Z)	(Z)	Bylaw contains very general standards;
<input type="checkbox"/> Parking Lot Location Requirements	(Z)	(Z)	General safe & convenient standard
<input checked="" type="checkbox"/> Access Control Standards	(Z)	(Z)	Generally requires minimum curb cuts;
<input checked="" type="checkbox"/> Lighting	(Z)		
<input type="checkbox"/> Consistency with Corridor Design Theme	(Z)	(Z)	Bylaw requires consistency w/surrounding buildings
<u>Environmental Performance Standards</u>			
<input checked="" type="checkbox"/> Noise Control	(Z or G)		
<input checked="" type="checkbox"/> Toxic or Noxious Fumes	(Z or G)	(Z)	Applies only to certain offices & light industries
<input type="checkbox"/> Hazardous Materials Storage	(Z or G)		
<input type="checkbox"/> Explosive Materials	(Z or G)		
<input type="checkbox"/> Storm Water Runoff	(Z or G)	(Z)	Bylaw contains very general standard
<input type="checkbox"/> Erosion Control	(Z or G)	(Z)	Bylaw contains very general standard
<input checked="" type="checkbox"/> Screening and Buffer Zones	(Z)		
<u>Environmental Regulations</u>			
<input checked="" type="checkbox"/> Earth Removal Controls (prohibition or screening/restoration standards)	(Z or G)	(Z)	Section 4.907 prohibits processing (not removal) of earth materials
<input checked="" type="checkbox"/> Hillside and Ridgeline Protection Bylaws	(Z)	(Z)	Buildings shall be 60' lower than average height of tree canopies
<input type="checkbox"/> Steep Slopes Development Bylaw	(Z)		
<input checked="" type="checkbox"/> River Protection Bylaw	(Z or G)		
<input checked="" type="checkbox"/> Floodplain Bylaw	(Z or G)	(Z)	Only Ag, Forestry, Recreation Allowed
<input type="checkbox"/> Wetlands	(G)		
<input checked="" type="checkbox"/> Environmental Impact Statements (for large projects)	(Z or G)	(Z)	Traffic Impact Report (§ 7 454.5)
<u>Lot Area, Dimensional and Setback Requirements</u>			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Setback Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
<input type="checkbox"/> Number & Types of Zoning Districts	(Z)		One zoning district ; non-residential uses by Special Permit

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<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
<u>Accessory Uses and Structures</u>			
<input checked="" type="checkbox"/> Signs (height, area & materials restrictions)	(Z or G)	(Z)	Some materials restrictions; No design standards.
<input checked="" type="checkbox"/> Billboard Removal and Amortization	(Z or G)	(Z)	Prohibits Billboards, but allows non-conforming signs to remain
<input type="checkbox"/> Satellite Dish Antennas (limitations on height & placement)	(Z)		
<input type="checkbox"/> Storage Sheds (limitations on size & placement)	(Z)		
<u>Multi-Lot Residential Developments</u>			
<input checked="" type="checkbox"/> Major Development Controls	(Z)	(Z)	Six lot threshold
<input type="checkbox"/> Phased Growth Bylaw	(Z)		
<u>Alternative Development Formats</u>			
<input checked="" type="checkbox"/> Open Space/Cluster Development	(Z)	(Z)	Wetlands <u>not</u> eligible as open space
<input checked="" type="checkbox"/> Common Driveways	(Z)		
<input type="checkbox"/> Rural Access	(Z)		
<u>Scenic and Historic Preservation</u>			
<input type="checkbox"/> Scenic Road Bylaw	(G)		
<input type="checkbox"/> Local Historic Districts	(Z or G)		
<input type="checkbox"/> Historic Conservation Districts	(Z or G)		
<input type="checkbox"/> Local Historic Village Overlay (i.e. maximum setbacks)	(Z or G)		
<input checked="" type="checkbox"/> Tree Removal/Shade Tree Bylaw	(G)	(Z)	w/ respect to development of new houses
<u>Economic Development Provisions</u>			
<input checked="" type="checkbox"/> Provisions for Outdoor Recreation and related businesses	(Z or G)		
<input checked="" type="checkbox"/> Provisions for Home Occupations	(Z)		
<input checked="" type="checkbox"/> Provisions for Cottage Industries	(Z)		
<input checked="" type="checkbox"/> Provisions for tourism oriented business	(Z)	(Z)	Craft studios allowed by Special Permit
<input checked="" type="checkbox"/> Prohibition or regulation of Dog Tracks and Racetracks	(Z)	(Z)	Prohibited
<u>Farmland and Forest Preservation</u>			
<input type="checkbox"/> Farmland Preservation Overlay Zone	(Z or G)		
<input type="checkbox"/> Forestland Preservation Overlay Zone	(Z or G)		
<u>Enforcement</u>			
<input checked="" type="checkbox"/> Non-Criminal Disposition of Violations of Zoning and Non-Zoning Bylaws	(Z or G)	(Z)	\$100/day

Review Of The Becket Zoning Bylaws

Innovative Local Land Use Techniques

PVPC's review of the Becket Zoning Bylaws for consistency with Jacob's Ladder Trail goals indicates that the current bylaw contains several of PVPC's recommended land use strategies, including earth removal controls, distinctions between permitted uses, dimensional requirements, administrative procedures for the special permit process, and definitions.

PVPC recommends that the Town of Becket consider implementing the outlined innovative land use techniques by amending the Zoning Bylaw and General town bylaws as described below:

Single District Zoning vs. Multi-District Zoning

All of Becket is zoned for single family uses, with various small business uses also allowed with Site Plan Approval. Single district zoning may be adequate when there is not a lot of commercial development. Becket presently seems to be in this situation. However, when Becket experiences more commercial growth, the single-district zoning scheme allowing commercial uses connected with residential uses, will quickly become unworkable. Without multi-district zoning to segment commercial from residential uses, commercial growth tends to expand haphazardly along major roads. As this occurs, the road corridors turn into endless linear commercial strips, dotted with a mixture of residential uses, and, complete with traffic congestion, traffic and pedestrian safety problems, and uncontrolled proliferation of advertising signs. This commercial growth pattern, left uncontrolled, would undoubtedly undermine the rural character of Becket. Route 20 is a major road which could experience haphazard commercial growth.

Becket should consider adopting a multi-district zoning scheme which reserves specific sections of town for commercial uses. Becket may also want to avoid the problems associated with allowing commercial uses on all Route 20 frontage lots. If Becket residents choose to locate commercial zoning districts on or near Route 20, then they should consider orienting those commercial zones perpendicular to Route 20, instead of running commercial districts strictly parallel to the highway corridor. This type of commercial development has several advantages over the linear commercial strip which, without a zoning plan, Becket can expect to see in the future. By orienting commercial zoning districts perpendicular to Route 20, Becket can keep a strong separation between commercial centers and the outlying rural areas. The resulting village/commercial areas will provide a strong framework of public space for merchants, residents and commercial patrons.

In the conventional linear commercial strip, patrons usually drive from one store to the next, and leave the area after making their last planned stop. The planned commercial district on the other hand, is laid out in a rectangle and functions for everyone more as a cohesive unit. Patrons of retail and commercial establishments will be able to walk around and spend more time in the area because they will not have to get into their cars to reach the next store. The end result is that the commercial area is more pedestrian friendly, and the merchants do more business.

Accessory Uses and Structures

A zoning bylaw which distinguishes between Principal and Accessory Uses can serve as a short term substitute for a multi-district zoning scheme in that the limiting commercial uses to accessory uses reduces the amount of commercial development in residential areas. However, the Becket Zoning Bylaw allows retail, commercial, restaurant, and service uses as both principal and accessory uses. Commercial development may as easily prevail as residential development. Allowing commercial development anywhere in Becket could significantly diminish Becket's rural character, and may also give rise to traffic problems.

Environmental Performance Standards

- Section 7.4 Site Plan Approval

The existing bylaw contains review criteria for a variety of items including noise and erosion. The existing criteria for noise and erosion lack a measurable threshold standard. It would be difficult for applicants to know if they are meeting the review criteria for these items. The Planning Board should adopt more specific measurable standards for noise and erosion control. In addition, the Planning Board should include additional review criteria for hazardous materials storage and explosive materials storage.

Compliance with M.G.L. c. 40A and The Americans with Disabilities Act

Some areas of the existing zoning bylaws do not comply with recent revisions to M.G.L. c. 40A or the Americans with Disabilities Act. They include the following:

Non-Conforming Uses, Structures, and Lots (Section 7.13)

This section states that the Planning Board may issue a Special Permit for a change, extension or alteration of a non-conforming use provided that the Board finds that such change, extension or alteration is not substantially more detrimental to the neighborhood than the existing non-conforming structure.

This section follows the requirements of M.G.L. c. 40A, Section 6 as it was interpreted prior to 1991. However, a 1991 decision by the Massachusetts Supreme Judicial Court in *Rockwood v. The Snow Inn Corp* 409 Mass 361 (1991) significantly changed the requirements for Special Permits for non-conforming uses, structures and lots for all non-residential structures. Now, the Special Permit Granting Authority must follow a two step process in determining whether or not to grant a Special Permit for an alteration, extension or change to a non-conforming use or structure. In 1992, the Massachusetts Appeals Court concluded that the permitting board must review all proposed changes to existing non-conforming single-family or two-family structures. (See *Goldhirsch v. McNear* 32 Mass. App. Ct. 455,461 (1992) for details.)

The Planning Board should amend Section 7.13 on Non-Conforming Uses, Structures and Lots to address the issues raised by these recent court decisions. Regarding the extension, alteration or change of a single-family or two-family structure, the following proposed language should be adopted.

Non-Conforming Uses And Structures

1.0 Extension, Alteration or Change

1.01 Single-Family or Two-Family Residential Structures

- a. A pre-existing non-conforming single-family or two-family structure may not be extended, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA). The proposed extension, alteration, or change of a non-conforming single-family or two-family structure must meet the following criteria;
 - (1) The proposed single-family or two-family extension, alteration, or change should not intensify existing non-conformities nor result in additional non-conformities. Any alteration of the footprint of a single-family or two-family structure whether horizontal or vertical must be reviewed by the SPGA.
- b. If the SPGA finds that there is no intensification of an existing non-conforming single-family or two-family structure nor additional non-conformities, then the SPGA will issue a special permit.
- c. If the SPGA finds that there is an intensification of an existing non-conforming SPGA single-family or two-family structure or additional non-conformities result then the SPGA will require the applicant to show that the change will be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- d. If a special permit is issued for the non-conforming single-family or two-family extension, alteration or change, the applicant will not require a variance for the proposed extension, alteration or change.

Regarding the extension, alteration or change of a non-residential structure, the following language should be adopted.

1.02 Non-Residential Structures

- a. A pre-existing non-conforming non-residential structure may not be expanded, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA).
- b. A special permit will be granted if the SPGA finds
 - (1) That the proposed alteration, extension or change complies with the zoning bylaw standards or has received a variance for such proposed alteration, extension or change from the Zoning Board of Appeals (ZBA).

- (2) That the proposed alteration, extension or change will not be substantially more detrimental to the neighborhood than the existing non-conforming structure(s).

Site Plan Approval (Section 7.4)

- Site Plan Approval permits the reviewing Board to determine if a project has satisfied the purposes which the zoning bylaw regulates and "fits" into the site and community. Site Plan Approval does not give a local Board the ability to disapprove a project based on failure to comply with criteria contained in the Site Plan Approval section of the zoning bylaw. The scope of the process is limited to insuring that the proposed site development plan complies with the requirements set forth in parts of the zoning bylaw **other** than the Site Plan Approval section. A Board may only withhold Site Plan Approval if the proposed project does not comply with the **other** sections of the Zoning Bylaw and may modify a plan to ensure compliance where the plan does not meet site plan standards. Becket's zoning bylaw conflicts with court decisions by giving the SPA Board the authority to deny the site plan altogether.

The Planning Board should amend the Site Plan Approval bylaw to remove the SPA Board's ability to deny site plans.

- A community may not enforce criteria contained in Site Plan Review or any other section of a zoning bylaw which are vague or overly broad because those criteria delegate uncontrolled discretionary authority to a local review board. Some of the review criteria in the Site Plan Approval bylaw in Becket is vague. The Planning Board should adopt specific measurable standards where appropriate.

The Americans with Disabilities Act (ADA) requires that all parking areas provide handicapped accessible parking spaces. Although the Becket Zoning Bylaw does not contain a minimum parking requirement, the bylaw should include a provision which requires that new developments and changes in use comply with all ADA parking and accessibility requirements.

Issues for Clarification in the Becket Zoning Bylaws

PVPC and BCRPC recommend that Becket clarify the following sections of the Zoning Bylaw

Family Day Care Homes

M.G.L. c. 40A § 3 allows towns to prohibit or require a special permit for "family day care homes." However, unless the zoning bylaw specifically states whether they shall be permitted, allowed by special permit, or prohibited, family day care homes are presumed to be permitted by right. Becket should consider how it wants to treat these facilities in the zoning bylaw.

In any case, Becket should also adopt a definition of family day care home. A complete definition of "family day care home" is provided in the following section.

Definitions:

The adoption of the following definitions would provide additional clarity in the Becket Zoning Bylaw. Some of the definitions provided below pertain to lot dimensional requirements. The provision of explanatory diagrams in the Zoning Bylaw make these definitions easier to understand for the general reader. The changes recommended include:

In construing this bylaw, the following words shall have the meaning herein given unless a contrary intention clearly appears:

In this bylaw, the plural number shall include the singular. Terms not defined in this section shall be defined as in the State Building Code, Article 2, as amended, or, if they are not defined there, they shall be defined as in the (Merriam) Webster's Third New International Dictionary. The word "lot" includes "plot;" the word "building" includes "structure;" the word "occupied" includes "designed, arranged or intended to be occupied;" and the word "used" includes "designed, arranged or intended to be used."

Agriculture: The production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals, trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program.

Alteration: A change in or addition to a structure.

Attached: Connected to or united with.

Attic: The space between the ceiling of the top story of a building and its roof and not used for living, sleeping or eating quarters.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall be construed where the context requires as though followed by the words "or part or parts thereof." A porch is to be considered as part of a building when considering setbacks.

Building, Accessory: See definition of *Accessory Building* in this Section.

Building, Principal: See definition of *Principal Building* in this Section.

Building Lot: See definition of *Lot, Building* in this Section.

Business: The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit, or for livelihood.

Child Care Facility: Any facility operated on a regular basis, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school,

child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven years of age or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parents. "Child care facility" shall not include: any part of a public school system, any part of a private, organized educational system, any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Convalescent or Nursing Home: A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Corner Lot: A lot bounded on two (2) or more sides by streets. In any corner lot, the street line setback must be maintained from all street lines forming boundaries of a lot.

Detached: Separated from.

Family Day Care Home: Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for informal cooperative arrangements among neighbors or relatives, or the occasional care of children with or without compensation therefor.

Frontage: The linear distance of a lot fronting on a street measured continuously along one line between its side lot lines and their intersection with the street line.

Junk: Articles such as old iron, brass, copper, tin, lead, or other base metals, cordage, old bags, rags, waste paper, paper clippings, scraps, clips, rubber, glass, empty bottles, empty cans, and all other articles or property discarded or abandoned.

Lot: A parcel of land. In order to be used for building purposes, it must meet the criteria of a building lot.

Lot, Building: A parcel of land in one ownership meeting the dimensional requirements of this Bylaw in which such land is situated, and if occupied by a principal building and its accessory building, meeting the minim lot area requirement of this bylaw, meets Massachusetts state health requirement specified in Title V, and which is defined on a plan or a deed recorded in the Registry of Deeds.

Lot Line, Front: The line separating a lot from a street right-of-way."

Lot Line, Rear: The lot line opposite the street line, except that in case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is numbered or would be numbered.

Lot Line, Side: The line dividing one lot from another.

Principal Building: The main or most important building lot.

Principal Use: The primary or predominant use of any lot.

Professional Engineer: A person employed in a practice of Engineering as defined in General Laws, Tercentenary Edition, Chapter one hundred twelve, Section eighty-one D, and acts amendatory thereto.

Rear Lot Line: See definition of *Lot Line, Rear* in this section.

Service: The performance of any act for the benefit of another with a view to profit, or for a livelihood. The act of conducting a service enterprise. The performance of any act for the convenience, service, or benefit of an ultimate customer or patron.

Side Lot Line: See definition for *Lot Line, Side* in this section.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Special Permit: Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings.

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

Variance: A departure from the provisions of a zoning bylaw relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use of the structure. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

Chester

Checklist Of Local Land Use Techniques

The following land use techniques may be used to preserve visual and historic character, and to facilitate rural business development. Many may be adopted as town Zoning bylaws, while others may be adopted as either Zoning bylaws (Z) or General bylaws (G). Individual techniques vary in complexity, ease of implementation and enforcement. A check appears in the box next to a technique if it has been adopted by the Town of Chester in a form which is substantially similar to that recommended by PVPC.

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
Commercial Performance Standards			
<input type="checkbox"/> Architectural Design Standards	(Z)		
<input type="checkbox"/> Landscape Design and Fencing Standards	(Z)		
<input type="checkbox"/> Parking Lot Design Standards	(Z)		
<input type="checkbox"/> Parking Lot Location Requirements	(Z)		
<input type="checkbox"/> Access Control Standards	(Z)		
<input type="checkbox"/> Lighting	(Z)		
<input type="checkbox"/> Consistency with Corridor Design Theme	(Z)		
Environmental Performance Standards			
<input type="checkbox"/> Noise Control	(Z or G)		
<input type="checkbox"/> Toxic or Noxious Fumes	(Z or G)		
<input type="checkbox"/> Hazardous Materials Storage	(Z or G)		
<input type="checkbox"/> Explosive Materials	(Z or G)		
<input type="checkbox"/> Storm Water Runoff	(Z or G)		
<input type="checkbox"/> Erosion Control	(Z or G)		
<input type="checkbox"/> Screening and Buffer Zones	(Z)		
Environmental Regulations			
<input type="checkbox"/> Earth Removal Controls (prohibition or screening / restoration standards)	(Z or G)		
<input type="checkbox"/> Hillside and Ridgeline Protection Bylaws	(Z)		
<input type="checkbox"/> Steep Slopes Development Bylaw	(Z)		
<input checked="" type="checkbox"/> River Protection Bylaw	(Z or G)	(Z)	Only Agriculture, Forestry, Recreation, Conservation, & Wildlife Management Uses Permitted by Right; All other uses by Special Permit
<input checked="" type="checkbox"/> Floodplain Bylaw	(Z or G)	(Z)	Only Agriculture, Forestry, Recreation, Conservation, & Wildlife Management Uses Permitted by Right; All other uses by Special Permit
<input type="checkbox"/> Wetlands	(G)		
<input type="checkbox"/> Environmental Impact Statements (for large projects)	(Z or G)		
Lot Area, Dimensional and Setback Requirements			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Frontage Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
Number & Types of Zoning Districts			(4): Residential, Ag-Residential, Business & Industrial; Sign Overlay District Drafted and Recommended

Chester

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
Accessory Uses and Structures			
<input checked="" type="checkbox"/> Signs (height, area & materials restrictions)	(Z or G)	(Z)	New Standards Drafted & Recommended by Zoning Bylaw Study Committee
<input type="checkbox"/> Billboard Removal and Amortization	(Z or G)		
<input type="checkbox"/> Satellite Dish Antennas (limitations on height & placement)	(Z)		
<input type="checkbox"/> Storage Sheds (limitations on size & placement)	(Z)		
Multi-Lot Residential Developments			
<input type="checkbox"/> Major Development Controls	(Z)		
<input type="checkbox"/> Phased Growth Bylaws	(Z)		
Alternative Development Formats			
<input type="checkbox"/> Open Space/Cluster Development	(Z)	(Z)	Drafted & Recommended by Zoning Bylaw Study Committee
<input type="checkbox"/> Common Driveways	(Z)	(Z)	Drafted & Recommended by Zoning Bylaw Study Committee
<input type="checkbox"/> Rural Access	(Z)		
Scenic and Historic Preservation			
<input type="checkbox"/> Scenic Road Bylaw	(G)	(Z)	Drafted & Recommended by Zoning Bylaw Study Committee
<input type="checkbox"/> Local Historic Districts	(Z or G)		
<input type="checkbox"/> Local Historic Conservation Districts	(Z or G)		
<input checked="" type="checkbox"/> Local Historic Village Overlay (i.e. maximum setbacks)	(Z or G)		
<input type="checkbox"/> Tree Removal/Shade Tree Bylaw	(G)	(G)	Drafted & Recommended by Zoning Bylaw Study Committee
Economic Development Provisions			
<input type="checkbox"/> Provisions for Outdoor Recreation and related businesses	(Z or G)		
<input type="checkbox"/> Provisions for Home Occupations	(Z)		
<input type="checkbox"/> Provisions for Cottage Industries	(Z)		
<input type="checkbox"/> Provisions for tourism oriented business	(Z)	(Z)	Bed breakfast uses allowed by Special Permit.
<input type="checkbox"/> Prohibition or regulation of Dog Tracks and Racetracks	(Z)		
Farmland and Forest Preservation			
<input type="checkbox"/> Farmland Preservation Overlay Zone	(Z or G)		
<input type="checkbox"/> Forestland Preservation Overlay Zone	(Z or G)		
Enforcement			
<input checked="" type="checkbox"/> Non-Criminal Disposition of Violations of Zoning and Non-Zoning Bylaws	(Z or G)	(Z)	\$20 per violation per day

Review Of The Chester Zoning By-Laws

Innovative Local Land Use Controls

In October 1992, the Town of Chester was awarded a Strategic Planning Grant from the Massachusetts Executive Office of Communities and Development in order to upgrade Chester's existing zoning bylaws and maps, to identify rural character and to investigate innovative zoning strategies to encourage new business development while maintaining rural character. The Chester Board of Selectmen appointed a Zoning Bylaw Study Committee who worked with the PVPC to solicit comments from Chester residents. The Committee was comprised of one Selectwoman, all of the members of the Planning Board, local business people, and other Chester residents.

The Chester Zoning Bylaw Study Committee and PVPC made strategic planning recommendations dealing with economic development and the preservation of rural character. The Zoning Bylaw Study Committee and PVPC drafted and recommended the following bylaws, which will be proposed for Town Meeting adoption in 1994:

Commercial Performance Standards

- A local zoning bylaw titled "Development Standards For Business and Industrial Uses" was drafted. This bylaw requires commercial and industrial developments to be planned and developed as an integral unit, minimizing negative environmental impacts of the development on adjacent lands. The proposed bylaw includes provisions for traffic, stormwater runoff, erosion control, water supply protection, hazardous materials storage, air quality, site design and screening/landscaping requirements.
- A local zoning bylaw titled "Driveway Standards" was drafted. This proposed bylaw ensures that new driveways are constructed to minimize erosion and washout, and to ensure that driveway locations and designs do not create traffic hazards.

Accessory Uses and Structures

- A "Sign Standards" bylaw has been proposed which regulates the size, type, and placement of advertising or commercial signs in order to encourage use of signs at a scale and design which is appropriate for the community. Design criteria can be specified in the sign bylaw, and use of signs may be permitted with a special permit.

Alternative Development Formats

- A "Creative Development Bylaw" will be considered at a Town meeting in March, 1994. This bylaw offers an alternative to standard Approval-Not-Required (ANR) or roadside lot development. It is a form of residential development where the options of common driveways and flexible area and frontage requirements are used to create permanent open space while offering an alternative to standard roadside development.
- A "Common Driveways Bylaw" will be considered at a Town meeting in March, 1994. The use of common driveways retains existing frontage and acreage requirements, but allows lots on an existing road to be reached by shared driveways or adjacent drives. This

technique provides that scenic character can be retained. Limits on the number of curb cuts and traffic entry points reduces construction costs and increases safety. By permitting shared or common driveways for two to four single residential homes with design standards and guidelines for road construction, small developments that are not subject to the subdivision process because all frontage and lot size requirements are met, can be appropriately controlled.

- A Scenic Roads Bylaw will be considered at a Town meeting in March, 1994. This proposed bylaw is usually used in conjunction with a Public Shade Tree bylaw. It allows the town to designate certain roads as scenic roads following a recommendation made by the Planning Board, Conservation Commission or Historical Commission. The idea is to prevent straightening, widening or other alteration of historic stone walls, views, etc., by requiring that improvements to these roads adhere to strict guidelines. Once designated by Town Meeting as scenic roads, alterations to the specified scenic nature cannot be made without approval of the Planning Board or Board of Selectmen.

Compliance of the Chester Zoning Bylaw with M.G.L. Chapter 40A and with the Americans with Disabilities Act

Prior to the amendments adopted on June 18, 1993, the Chester Zoning Bylaw had not been revised since 1968. Overall it was a very good bylaw, but there were some areas which conflicted with M.G.L. Chapter 40A. These following areas were identified and revised in the reformatted Zoning Bylaw:

Definitions

The following new definitions were added in accordance with recent judicial interpretations of M.G.L. Chapter 40A: "agriculture," "child care facility," "family day care home," "horticulture," "riding school," and "viticulture."

The existing definitions of "family," "frontage," and "street," "nursery," "farm stand," and "riding stable" were revised to reflect recent judicial interpretations of M.G.L. Chapter 40A.

The existing definitions of "lot" and "mobile home" were amended for clarity.

Definitions for existing uses or terms "building lot," "parking area," "principal use," "sign," "use," "use variance," "variance" and "yard" were added for clarification.

The definition of the term "street" was amended to reflect more accurately the standards established in M.G.L. Chapter 41, sections 81K-81GG, the Subdivision Control Law.

• Uses, Requirements, and Procedures

The following amendments were adopted in order to comply with M.G.L. Chapter 40A:

The regulation of farms or other agricultural uses. According to state law, agricultural uses on more than five acres are permitted by right in all zoning districts. The Zoning Bylaw was revised to regulate agricultural uses on parcels with 5 acres or less.

Floor areas requirements for residential uses in the intensity regulations. The Zoning Act states that no zoning bylaw can regulate or restrict the interior area of a single-family dwelling. The bylaw established minimum floor area requirements for dwellings in several districts. This provision was deleted from the Chester Zoning Bylaw.

The special permit procedures. The Chester Zoning Bylaw's section on special permits was incomplete because it did not delineate special permit regulations nor did it specify any special permit criteria. This made the Special Permit Granting Authority vulnerable to legal challenges for "arbitrarily" granting special permits at their discretion. Chester adopted complete special permit regulations, including special permit criteria.

Zoning Board of Appeals. The section of the zoning bylaw that describes the Zoning Board of Appeals' duties was expanded to include the meeting and procedural requirements of the Zoning Board of Appeal, as governed by the Zoning Act, for appeals and variances. Most residents are not familiar with M.G.L. Chapter 40A, where these procedures are delineated, and will benefit from having meetings requirements and procedures directly incorporated in the zoning bylaw.

Zoning Map. Since the adoption of the Chester Zoning Bylaw in 1968, Chester has a zoning map for the purpose of illustrating all the zoning districts in town. However, the town officials and residents had found it difficult to interpret the boundaries of some of the zoning districts. It wasn't clear in some instances which parcels were included in certain zoning districts. Also in 1992, the Chester Zoning Bylaw was amended to include a Floodplain and Westfield River Protection District. An overlay map at an appropriate scale was necessary. As a result of these needs, the Planning Board revised the Chester Zoning Map to delineate clearly district boundaries and to delineate the new Floodplain and Westfield River Protection District overlay map.

Issues for Clarification in the Chester Zoning Bylaw

The following organizational/format improvements recommended by the Zoning Bylaw Study Committee and PVPC, were incorporated into a comprehensive revision of the Chester Zoning Bylaw. The reformatted Zoning Bylaw was adopted by a Chester Special Town Meeting on June 18, 1993 and has been approved by the Massachusetts Attorney General's Office.

- Adopted a new numbering system. The Zoning Bylaw now uses a decimal-alpha system for the organizational format of the bylaw instead of the previous Roman numeral, alpha-numeric system. This makes bylaw subsections easier to locate and also makes the bylaw easier to amend.
- Amended the table of intensity regulations. There were two tables of intensity regulations - one for residential dwellings and another for all other uses. These were combined into one easy-to-read table, making the document more user-friendly.
- There were six new uses added - boarding kennel, child care facility, family day care home, bed and breakfast home, bed and breakfast establishment, and bus shelter for public school. Child care facility and family day care home were added to comply with M.G.L. Chapter 40A.

Boarding kennel and bus shelter for public school were added to clarify existing practices while bed and breakfast uses were added to replace an existing use, "lodging."

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Checklist Of Local Land Use Techniques

The following land use techniques may be used to preserve visual and historic character, and to facilitate rural business development. Many may be adopted as town Zoning bylaws, while others may be adopted as either Zoning bylaws (Z) or General bylaws (G). Individual techniques vary in complexity, ease of implementation and enforcement. A check appears in the box next to a technique if it has been adopted by the Town of Huntington in a form which is substantially similar to that recommended by PVPC.

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE IN HUNTINGTON)</u>	<u>NOTES</u>
<u>Commercial Performance Standards</u>			
<input type="checkbox"/> Architectural Design Standards	(Z)		
<input type="checkbox"/> Landscape Design and Fencing Standards	(Z)		
<input type="checkbox"/> Parking Lot Design Standards	(Z)		
<input type="checkbox"/> Parking Lot Location Requirements	(Z)		
<input type="checkbox"/> Access Control Standards	(Z)		
<input type="checkbox"/> Lighting	(Z)		
<input type="checkbox"/> Consistency with Corridor Design Theme	(Z)		
<u>Environmental Performance Standards</u>			
<input type="checkbox"/> Noise Control	(Z or G)		
<input type="checkbox"/> Toxic or Noxious Fumes	(Z or G)		
<input type="checkbox"/> Hazardous Materials Storage	(Z or G)		
<input type="checkbox"/> Explosive Materials	(Z or G)		
<input type="checkbox"/> Storm Water Runoff	(Z or G)		
<input type="checkbox"/> Erosion Control	(Z or G)		
<input type="checkbox"/> Screening and Buffer Zones	(Z)		
<u>Environmental Regulations</u>			
<input checked="" type="checkbox"/> Earth Removal Controls (prohibition or screening/restoration standards)	(Z or G)	(Z) SP required; Surety/Performance bond required for restoration.	
<input type="checkbox"/> Hillside and Ridgeline Protection Bylaws	(Z)		
<input type="checkbox"/> Steep Slopes Development Bylaw	(Z)		
<input checked="" type="checkbox"/> River Protection Bylaw	(Z or G)	(Z) Single family & Secondary uses by Special Permit	
<input checked="" type="checkbox"/> Floodplain Bylaw	(Z or G)	(Z) Mobile homes prohibited; No net increase in water levels;	
<input type="checkbox"/> Wetlands	(G)		
<input type="checkbox"/> Environmental Impact Statements (for large projects)	(Z or G)		
<u>Lot Area, Dimensional and Setback Requirements</u>			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Setback Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
<input checked="" type="checkbox"/> Number & Types of Zoning Districts	(Z)	(8): 3 Residential, 2 Business, Industrial, Conservation, Open Public Land, & 3 Environmental Protection Overlay Districts	

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<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
<u>Accessory Uses and Structures</u>			
<input checked="" type="checkbox"/> Signs (height, area & materials restrictions)	(Z or G)		(Z) No Maximum Height Limit.
<input checked="" type="checkbox"/> Billboard Removal and Amortization	(Z or G)		(Z) Off-premises signs allowed for directional purposes only.
<input checked="" type="checkbox"/> Satellite Dish Antennas (limitations on height & placement)	(Z)		
<input type="checkbox"/> Storage Sheds (limitations on size & placement)	(Z)		
<u>Multi-Lot Residential Developments</u>			
<input type="checkbox"/> Major Development Controls	(Z)		
<input type="checkbox"/> Phased Growth Bylaws	(Z)		
<u>Alternative Development Formats</u>			
<input checked="" type="checkbox"/> Open Space/Cluster Development	(Z)		(Z) 5 acre minimum, open space excludes wetlands & steep slopes; gross density = 45,000 s.f. min. lot size.
<input checked="" type="checkbox"/> Common Driveways	(Z)		(Z) Maximum 4 lots on one driveway;
<input type="checkbox"/> Rural Access	(Z)		
<u>Scenic and Historic Preservation</u>			
<input type="checkbox"/> Scenic Road Bylaw	(G)		
<input type="checkbox"/> Local Historic Districts	(Z or G)		
<input type="checkbox"/> Historic Conservation Districts	(Z or G)		
<input type="checkbox"/> Local Historic Village Overlay (i.e. maximum setbacks)	(Z or G)		
<input type="checkbox"/> Tree Removal/Shade Tree Bylaw	(G)		
<u>Economic Development Provisions</u>			
<input checked="" type="checkbox"/> Provisions for Outdoor Recreation and related businesses	(Z or G)		(Z) Non-commercial recreational uses only.
<input checked="" type="checkbox"/> Provisions for Home Occupations	(Z)		
<input checked="" type="checkbox"/> Provisions for Cottage Industries	(Z)		(Z) Allowed w/single family use barber shop, bakery, dressmakers, some types of repair shops
<input type="checkbox"/> Provisions for tourism oriented business	(Z)		
<input checked="" type="checkbox"/> Prohibition or regulation of Dog Tracks and Racetracks	(Z)		(Z) All commercial racetracks prohibited;
<u>Farmland and Forest Preservation</u>			
<input type="checkbox"/> Farmland Preservation Overlay Zone	(Z or G)		
<input type="checkbox"/> Forestland Preservation Overlay Zone	(Z or G)		
<u>Enforcement</u>			
<input checked="" type="checkbox"/> Non-Criminal Disposition of Violations of Zoning and Non-Zoning Bylaws	(Z or G)		

Review Of The Huntington Zoning Bylaw

Innovative Local Land Use Techniques

PVPC's review of the Huntington Zoning Bylaw for consistency with Jacob's Ladder Trail goals found that the current bylaw contains several of PVPC's recommended land use strategies, including earth removal controls, a river protection bylaw, a floodplain protection bylaw, division of the town into separate zoning districts, sign control, open space and common driveway provisions, and provisions for cottage industries, and non-criminal disposition of bylaw violations.

PVPC recommends that the Town of Huntington consider implementing the outlined innovative land use techniques by amending the Zoning Bylaw and General town bylaws as described below:

Economic Development

- The Huntington Zoning Bylaw does not allow commercial recreational uses which could contribute to economic development. Huntington should consider amending the Zoning Bylaw to allow commercial recreational uses.
- The existing Zoning Bylaw could also facilitate economic development by adding guidelines for home occupations and cottage industries in residential zones.

Accessory Uses and Structures

- Section IV H - Off-Street Parking
 - a. Currently residential land near the business district may be used by a commercial or business use to meet its parking requirements. A large parking lot in a residential district would detract from the residential character of the neighborhood. The Huntington Zoning Bylaw should be amended to specify that off-street parking for non-residential uses are prohibited in all residential districts.
 - b. The Americans with Disabilities Act (ADA) requires that all parking areas provide handicapped accessible parking spaces. The Huntington Zoning Bylaw should be amended to include a provision which requires parking areas to comply with all ADA requirements.

The Zoning Bylaw allows the Special Permit Granting Authority to waive parking requirements. The absence of parking facilities would mean that no handicapped parking would be provided. This may conflict with the ADA requirements for handicapped parking. Huntington may want to set aside a municipal parking area where parking spaces are allocated to each commercial or business use, enabling businesses to comply with ADA without requiring a parking lot to be constructed on each business lot.

- Section IV I.- Signs
 - a. This section regulates maximum sign size, height, and number. Free-standing signs can be located near the roadway and can obstruct the views of other attractive buildings and natural features along the byway. For business and industrial districts, the bylaw should encourage

sign placement closer to buildings than to roads. Huntington can accomplish this by establishing a minimum distance that a sign should be placed from the lot line.

- b. The sign bylaw does not set a maximum sign height. The Huntington Planning Board should consider adopting a height limitation between six and eight feet in the business and commercial business districts, and four feet in residential districts.
- c. Huntington may want to consider adopting different standards and limitations for Permanent than for Temporary signs. This would establish the limit of time that temporary signs could remain standing.
- d. The sign bylaw does not limit the number of signs permitted per lot in cases where there are both business and residential uses on the lot. The Planning Board may want to consider adopting a one sign per lot limitation for all lots used for residential purposes.
- e. The bylaw allows moveable signs. In some areas moveable signs are frequently mounted on a modified automobile chassis and chained to trees or other formidable objects. The Planning Board should consider allowing limiting the use of moveable signs for temporary uses such as special events, display by building trades contractors, and for the advertisement of property for sale, rent or lease. This would limit the possible circumstances where the car chassis type of sign could be used.
- f. The Town may want to include a provision specifying that signs do not dominate building facades or obscure any architectural details, (including, but not limited to arches, sills, moldings, and cornices).
- g. The Town may want to consider more stringent sign standards and regulations in an overlay district which includes properties along Route 20. A sign overlay district would be conducive to the implementation of a Jacob's Ladder Trail sign design theme.

- **Satellite Receiving Systems**

The Zoning Bylaw specifies that satellite dishes must be located in the rear yards whenever such placement provides adequate reception.

Like signs, satellite dishes can obstruct views. PVPC recommends that for lots which abut or can be seen from Route 20, that satellite dishes be placed in the rear yard, or when rear yard placement does not provide adequate reception, then side yard locations be permitted only on the side furthest from Route 20. Huntington may also want to require vegetative screening between the satellite antenna and Route 20. Screening on the side will not interfere with reception because reception is only affected by obstructions which are located between the upper curved surface of the dish and the sky.

Environmental Regulations

- **Earth Removal**

Sand and gravel pits tend to be visually unattractive and also generate many trips by heavy vehicles. This land use may be inappropriate for a scenic highway. Under the current

Zoning Bylaw, earth removal is only prohibited in the Aquifer District. Huntington should consider the prohibition of earth removal in an overlay district at the Jacob's Ladder Trail. This would require an amendment to Huntington Zoning Bylaw, Section IV J. Legal authority for this prohibition is clarified in Toda v. Board of Appeals of Manchester, 18 Mass. App. Ct. 317, 320 (1984), which affirms that earth removal may be allowed or prohibited in certain zoning districts.

Issues for Clarification in the Huntington Zoning Bylaw

The Huntington Zoning Bylaw should be amended in order to clarify the following sections.

Conversion of Single-Family Dwelling

Section III B (3)(a) allows by Special Permit, conversion of single family homes to two family houses on lots which do not meet dimensional requirements for two family houses. The Bylaw requires that the house has been in existence and had at least eight rooms since 1930, and that the lot has been configured in its present form since 1974.

This criterion is difficult to enforce and may be confusing to town residents who do not know what constitutes a "room." Room size cannot be defined legally because M.G.L. c. 40 A § 3 prohibits zoning regulation of the interior floor area of a structure. To specify minimum number of rooms may be legally construed as regulating the interior floor area of a structure.

Also, the Special Permit Granting Authority (SPGA) does not have the authority, at the application stage, to enter and inspect a premises. This makes it difficult for the SPGA to verify the accuracy of plan showing present and past room configurations.

The Planning Board should amend the Zoning Bylaw to allow conversions of single-family dwelling to two-family dwellings based on minimum lot size requirements.

Definitions

M.G.L. c. 40 A § 3 does allow towns to prohibit or require a special permit for "family day care homes." Unless the zoning bylaw specifically states whether they shall be permitted, allowed by special permit, or prohibited, family day care homes are presumed to be permitted by right.

"Family day care homes" are defined as:

any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

In order to comply with M.G.L. c. §40A the Planning Board should delete the term "day care center" and amend its zoning bylaw to permit "child care facilities" in all zoning districts. The

Planning Board should consider whether "family day care homes" should be permitted by right, by special permit, or prohibited and amend the zoning bylaw accordingly. Definitions for both "child care facility" and family day care home" should be adopted. In addition, the Planning Board may consider adopting reasonable dimension regulations for "child care facilities" regarding bulk, height, yard sizes, lot area, setbacks, open space, maximum building coverage and minimum parking requirements.

Addition of the following definitions will make the Zoning Bylaw easier to interpret. The addition of diagrams would make it easier for the general reader to understand dimensional definitions (e.g. frontage yard). (Note: Additions to the text of the Huntington Zoning Bylaw are underlined.)

Alteration: A change in or addition to a structure.

Attached: Connected to or united with.

Attic: The space between the ceiling of the top story of a building and its roof and not used for living, sleeping or eating quarters.

Building: A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. The word "building" shall be construed, where the context requires as though followed by the words "or part or parts thereof." A porch is to be considered as part of a building when considering setbacks.

Building, Accessory: See definition of Accessory Building in this Section.

Building, Principal: See definition of Principal Building in this Section.

Building Lot: See definition of Lot, Building in this Section.

Business: The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit, or for livelihood.

Corner Lot: A lot bounded on two (2) or more sides by streets. In any corner lot, the street line setback must be maintained from all street lines forming boundaries of a lot.

Detached: Separated from.

Frontage: The linear distance of a lot fronting on a street measured continuously along one line between its side lot lines and their intersection with the street line. (See Diagram 1)

Junk: Articles such as old iron, brass, copper, tin, lead, or other base metals, cordage, old bags, rags, waste paper, paper clippings, scraps, clips, rubber, glass, empty bottles, empty cans, and all other articles or property discarded or abandoned.

Lot, Building: A parcel of land in one ownership meeting the dimensional requirements of this Bylaw in which such land is situated, and if occupied by a principal building and its accessory building, meeting the minimum lot area requirement of this bylaw, meets Massachusetts state

health requirement specified in Title V, and which is defined on a plan or a deed recorded in the Registry of Deeds.

Lot Line, Rear: The lot line opposite the street line, except that in case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is numbered or would be numbered.

Principal Building: The main or most important building lot.

Principal Use: The primary or predominant use of any lot.

Rear Lot Line: See definition of *Lot Line, Rear* in this section.(See Diagram.)

Service: The performance of any act for the benefit of another with a view to profit, or for a livelihood. The act of conducting a service enterprise. The performance of any act for the convenience, service, or benefit of an ultimate customer or patron.

Side Lot Line: See definition for *Lot Line, Side* in this section.

Sign: Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images.

Special Permit: Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings.

Street: A public way, a private way shown on a plan approved under the Subdivision Control Law, or a way in existence when the Subdivision Control Law became effective in Huntington, having sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic.

Note: A clear definition of street is necessary to avoid misunderstanding regarding street standards. This definition should reflect the standards established in M.G.L. Chapter 41 81K-81GG, the Subdivision Control Law.

Variance: A departure from the provisions of a zoning bylaw relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use of a structure. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

Yard: A portion of a lot located within a required setback area which must remain unobstructed artificially from the ground to the sky, except as may be allowed by specific provisions of this by-law.

Yard, Front: The portion of a lot lying between the front lot line and any structure.

Yard, Rear: The portion of a lot lying between the rear lot line and any structure.

Yard, Side: The portion of a lot lying between a side lot line and any structure.
(see Diagram on page 8)

Special Permit Criteria

This section requires that the SPGA make a finding that the non-residential use "be complementary to the residential use and not inappropriate to the neighborhood."

This requirement allows too much latitude to the arbitrary discretion of the Special Permit Granting Authority. If the operator of the business lives on the premises, then the SPGA could not possibly make a finding that a proposed use is not "complementary to" the residential use. In such a case, a finding by the SPGA that the non-residential use is not complementary could be legally challenged and would be overturned for being arbitrary.

In order to limit businesses in these residential districts to those businesses where the entrepreneur lives on the premises, the bylaw should require that the SPGA make this a condition included in any Special Permits issued business uses in residential districts.

Minimum Lot Size Requirements

Minimum lot sizes in R-90 & R-135 Zoning Districts are greater than 2 acres and could be interpreted as exclusionary zoning, unless there is scientific evidence or technical data to support this standard. An example of sufficient scientific evidence or technical data would be a hydrogeologic study which demonstrates that the areas so zoned are particularly vulnerable to pollution from residential uses. This standard does not affect the Jacob's Ladder Trail because there are not any R-135 lots adjacent to Route 20.

If Huntington does not have supporting technical evidence of hydrogeologic sensitivity, the minimum lot sizes in the R-90 and R-135 Districts should be decreased to 86,000 square feet (2 acres).

Table of Use Regulations - Protected Uses

The Table of Use Regulations require special permits for day care centers in various zoning districts, and prohibit day care centers in residential multi-family uses. With respect to "*child care facilities*," as defined below, this is **in direct conflict with M.G.L. c. 40 A §3** which requires that child care facilities be permitted as of right in any zoning district. However, M.G.L. c. 40 A §3 does allow towns to adopt reasonable regulations which limit the bulk, height, yard sizes, lot area, setbacks, open space, building coverage, and prescribe minimum parking requirements.

Child Care Facility:

any facility operated on a regular basis, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven years of age or under sixteen years of age if such children have

special needs, for non-residential custody and care during part or all of the day separate from their parents. "Child care facility" shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Huntington may also choose to adopt additional reasonable requirements for "child care facilities" permitted as of right.

Appeals of Manchester, 18 Mass. App. Ct. 317, 320 (1984, which affirms that earth removal may be allowed or prohibited in certain zoning districts.

Environmental Performance Standards

- Section IV D Non Residential Uses On Lots Not Also Used For Residence

Subsection 4a requires a special permit for larger scale manufacturing, warehouse and service establishments. These establishments would also be subject to the general requirement that they have "no adverse effect on existing or expectable uses on adjacent lots."

The Planning Board should adopt more specific environmental performance standards for excessive noise, potential electromagnetic interference with radio and television reception, air quality (odor and dust control), erosion control, management stormwater runoff, and the handling and storage of hazardous materials. The Special Permit Granting Authority could review compliance with these standards during the Special Permit process.

Lot Area, Dimensional and Setback Requirements:

- b. Appendix A Table of Dimensional Requirements--Building Heights

The Huntington Zoning By-law does not limit building heights. The community should develop height limitations which reflect the current character of the town, and which also insure that new development does not obstruct views of tree lines.

Enforcement:

- Section VII Officers, Powers, and Enforcement

The fine of \$100 per day for zoning violations could be increased to \$300. The Huntington Zoning Bylaw should specifically provide for non-criminal disposition of violations pursuant to M.G.L. c. 40 §21D, which allows that a fine may be assessed without a complaint being filed in the Superior Court, and that appeals by party held to be in violation can be heard by the Clerk of the District Court.

Under state law, a town must adopt a general bylaw which allows for the non-criminal disposition of violations of specific town bylaws. A provision to this effect must also be included in the zoning by-law itself.

Compliance of the Existing Huntington Zoning Bylaws with M.G.L. c. 40A with The Americans Disabilities Act

There are a few areas in the existing zoning by-laws, which do not comply with recent statutory revisions to M.G.L. c. 40A. They include the following:

Non-Conforming Uses, Structures, and Lots

Prior to 1991, a Special Permit Granting Authority could grant a Special Permit for the alteration, extension, or change to a non-conforming use after finding that the proposed project would not be substantially more detrimental to the neighborhood than the existing use or structure. This section of the Huntington Zoning Bylaw follows this 1991 requirement, but has not been updated to be consistent with recent case law.

A 1991 decision by the Massachusetts Supreme Judicial Court in Rockwood v. The Snow Inn Corp. 409 Mass 361 (1991) significantly changed the requirements for Special Permits for non-conforming uses, structures and lots for non-residential structures. Now, the Special Permit Granting Authority must follow a two step process in determining whether or not to grant a Special Permit for an alteration, extension or change to a non-conforming use or structure. In 1992, the Massachusetts Appeals Court concluded that the permitting board must review all proposed changes to non-conforming single-family or two-family structures. (See Goldhirsch v. McNear 32 Mass. App. Ct. 455, 461 (1992) for details.)

The Planning Board should amend Section 7.13 on Non-Conforming Uses, Structures and Lots to address the issues raised by these recent court decisions. Regarding the extension, alteration or change of a single-family or two-family structure, the following proposed language should be adopted.

Non-Conforming Uses And Structures

1.0 Extension, Alteration or Change

1.01 Single-Family or Two-Family Residential Structures

- a. A pre-existing non-conforming single-family or two-family structure may not be extended, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA). The proposed extension, alteration, or change of a non-conforming single-family or two-family structure must meet the following criteria:
 - (1) The proposed single-family or two-family extension, alteration, or change should not intensify existing non-conformities nor result in additional non-conformities. Any alteration of the footprint of a single-family or two-family structure whether horizontal or vertical must be reviewed by the SPGA.

- b. If the SPGA finds that there is no intensification of an existing non-conforming single-family or two-family structure nor additional non-conformities, then the SPGA will issue a special permit.
- c. If the SPGA finds that there is an intensification of an existing non-conforming SPGA single-family or two-family structure or additional non-conformities result then the SPGA will require the applicant to show that the change will be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- d. If a special permit is issued for the non-conforming single-family or two-family extension, alteration or change, the applicant will not require a variance for the proposed extension, alteration or change.

Regarding the extension, alteration or change of a non-residential structure, the following language should be adopted.

1.02 Non-Residential Structures

- a. A pre-existing non-conforming non-residential structure may not be expanded, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA).
- b. A special permit will be granted if the SPGA finds
 - (1) That the proposed alteration, extension or change complies with the zoning bylaw standards or has received a variance for such proposed alteration, extension or change from the Zoning Board of Appeals (ZBA).
 - (2) That the proposed alteration, extension or change will not be substantially more detrimental to the neighborhood than the existing non-conforming structure(s).

Lots Not Also Used For Non-Residential Uses On Residence

The title of Section IV D. (Lots Not Also Used for Non-Residential Uses on Residence) can be confusing for Huntington residents. This section was designed to address any permitted business, commercial and industrial uses. In order to make the bylaw more "user friendly" the Planning Board should change the title of this section to:

Business, Commercial and Industrial Uses

Section IV C sets the conditions for any customary home occupation. This is vague and subjective. What is defined as "customary" depends on individual interpretation.

The Planning Board should delete this standard and allow the existing "Category 2" to specifically list those uses which the community deems appropriate to combine with a residential use.

Variety Use

Section IV D 3f allows a "variety use" by special permit, and refers the reader to the definitions section for variety use. Variety use is missing from the definitions section of the zoning bylaw. The Planning Board should develop a definition of variety use to include in the Zoning Bylaw or delete the use from Section IV d 3f.

Signs

Although the sign bylaws are comprehensive, they could be made clearer and easier to interpret for Huntington residents by converting the present narrative text into a table like the one on the following page and adopting sign definitions. A table format for sign information contains the same information provided in the existing narrative, but distinguishes more clearly the limitations for each sign type by district and use. Sign definitions make sign dimensional standards easy to interpret and would also clearly distinguish between the types of signs permitted. Sample sign definitions follow.

PERMITTED SIGN TYPES

	Residential Districts		Business and Industrial Districts-- With A Residential Use On the Same Lot		Business and Industrial Districts-- With No Residential Uses On the Same Lot	
	Attached Flush To A Building	Not Attached Flush To A Building	Attached Flush To A Building	Not Attached Flush To A Building	Attached Flush To A Building	Not Attached Flush To A Building
On-Premises Signs	Y	Y	Y	Y	Y	Y
Max. Size	9 sq. ft.	6 sq. ft.	9 sq. ft.	6 sq. ft.	12 sq. ft.	9 sq. ft.
Max. Height	?	?	?	?	?	?
Number of Signs Permitted Per Property	1	1	?	?	2	2

Y = Permitted

N = Prohibited

	Residential Districts	Residential Districts
	Attached To A Building	Not Attached To A Building
Off-Premises Directional Signs		
Max. Size	4 sq. ft.	4 sq. ft.
Max. Height	No Higher Than Height of Building	4 ft.
Number of Signs Permitted Per Property	?	?

Sign Definitions

Property: A lot or contiguous lots owned by a single ownership entity.

Sign: Any permanent or temporary structure, device, letter, word, model, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of an advertisement, announcement, or direction, or is designed to attract the eye by means including intermittent or repeated motion or illumination.

Sign, Accessory: Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained, or the businesses transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, Area of:

- i. The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing which causes the sign to be elevated from the ground.
- ii. The area of a sign consisting of individual letters or symbols attached to or painted on a surface building, wall or window, shall be considered to be that of the smallest quadrangle or a triangle which encompasses all of the letters and symbols.
- iii. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
- iv. In computing the area of signs, one side of back-to-back signs shall be included.

Sign, Construction: A temporary sign of an architect, engineer, or contractor, erected during the period such person is performing work on the premises on which such sign is erected.

Sign, Directional: An off-premises sign which indicates the direction or distance to a geographic area, but does not identify or advertise any particular commercial or non-commercial enterprise or group of commercial or non-commercial enterprises.

Sign, For Sale, Rent or Lease: A temporary sign advertising real property for sale or lease.

Sign, Free-Standing: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include moveable or trailer type signs.

Sign, Movable: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

Sign, Off-Premises: Any sign that advertises, or indicates someone other than the person occupying the premises on which the sign is erected or maintained, or some business or businesses other than that transacted thereon, or advertises another property or any part thereof as for sale or rent.

Sign, Political: A **Non-Commercial Sign**, erected to show support for a candidate for public office.

Sign, Projecting: Any sign that is not a free-standing sign; and extends over or into a public road or sidewalk right of way.

Sign, Roof: A sign which is located above, or projected above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.

Sign, Special Event: A temporary sign used in connection with a circumstance, situation, or event (i.e. church bazaar, grand opening, fair, circus, festival, performance, or competition) that is expected to be complete within a reasonably short or definite period.

Sign, Temporary: Any sign, including its support structure, intended to be maintained for a continuous period of not more than thirty (30) days in any calendar year.

Sign, Wall: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

Lee

Checklist Of Local Land Use Techniques

The following land use techniques may be used to preserve visual and historic character, and to facilitate rural business development. Many may be adopted as town Zoning bylaws, while others may be adopted as either Zoning bylaws (Z) or General bylaws (G). Individual techniques vary in complexity, ease of implementation and enforcement. A check appears in the box next to a technique if it has been adopted by the Town of Lee in a form which is substantially similar to that recommended by PVPC.

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPE</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
Commercial Performance Standards			
<input type="checkbox"/> Architectural Design Standards	(Z)		
<input type="checkbox"/> Landscape Design and Fencing Standards	(Z)	(Z) ONLY in Office Park/Light Industry District (Outside of JLT)	
<input type="checkbox"/> Parking Lot Design Standards	(Z)		
<input type="checkbox"/> Parking Lot Location Requirements	(Z)	(Z) Office Park District only	
<input checked="" type="checkbox"/> Access Control Standards	(Z)		
<input checked="" type="checkbox"/> Lighting	(Z)		
<input type="checkbox"/> Consistency with Corridor Design Theme	(Z)		
Environmental Performance Standards			
<input type="checkbox"/> Noise Control	(Z or G)	(Z) Generally refers to state regulations	
<input type="checkbox"/> Toxic or Noxious Fumes	(Z or G)	(Z) Generally refers to state regulations	
<input type="checkbox"/> Hazardous Materials Storage	(Z or G)		
<input type="checkbox"/> Explosive Materials	(Z or G)	(Z) Generally refers to state regulations	
<input type="checkbox"/> Storm Water Runoff	(Z or G)	(Z) Generally refers to state regulations	
<input type="checkbox"/> Erosion Control	(Z or G)	(Z) Generally refers to state regulations	
<input type="checkbox"/> Screening and Buffer Zones	(Z)	(Z) Office Park District only	
Environmental Regulations			
<input checked="" type="checkbox"/> Earth Removal Controls (prohibition or screening/restoration standards)	(Z)	(Z) Vegetative Screening/Buffering not required.	
<input type="checkbox"/> Hillside and Ridgeline Protection Bylaws	(Z)		
<input type="checkbox"/> Steep Slopes Development Bylaw	(Z)		
<input type="checkbox"/> River Protection Bylaw	(Z or G)		
<input checked="" type="checkbox"/> Floodplain Bylaw	(Z or G)	(Z) Ag, Forestry, Recreation, Conservation uses by right; all other allowed by SP;	
<input type="checkbox"/> Wetlands	(G)		
<input checked="" type="checkbox"/> Environmental Impact Statements (for large projects)	(Z or G)	(Z) For Multi-family Developments	
Alternative Development Formats			
<input checked="" type="checkbox"/> Open Space/Cluster Development	(Z)	(Z) 10 acre threshold; Wetlands may be included as open space; gross density calculation limits # of lots;	
<input checked="" type="checkbox"/> Common Driveways	(Z)		
<input type="checkbox"/> Rural Access	(Z)		
Lot Area, Dimensional and Setback Requirements			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Frontage Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
<input checked="" type="checkbox"/> Number & Types of Zoning Districts	(Z)	(Z) 10; 2 Residential, Residential-Agricultural, Bus. Multiple Dwelling, Conservation-Residential, Business, Rural Business, Office Park & Light Industry, Industrial	

Lee

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPE</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
Lot Area, Dimensional and Setback Requirements			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Frontage Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
<input checked="" type="checkbox"/> Number & Types of Zoning Districts	(Z)		(Z) 10; 2 Residential, Residential-Agricultural, Bus. Multiple Dwelling, Conservation-Residential, Business, Rural Business, Office Park & Light Industry, Industrial
Accessory Uses and Structures			
<input checked="" type="checkbox"/> Signs (height, area & materials restrictions)	(Z or G)		(Z) Some materials restrictions; No design standards; Signs up to 50 s.f. in I and RB Districts; 25' maximum height; Tabular form would be easier to read;
<input checked="" type="checkbox"/> Billboard Removal and Amortization	(Z or G)		(Z) Prohibits Billboards; No amortization--allow non-conforming signs to remain;
<input checked="" type="checkbox"/> Satellite Dish Antennas (limitations on height & placement)	(Z)		
<input checked="" type="checkbox"/> Storage Sheds (limitations on size & placement)	(Z)		
Multi-Lot Residential Developments			
<input type="checkbox"/> Major Development Controls	(Z)		
<input type="checkbox"/> Phased Growth Bylaws	(Z)		
Scenic and Historic Preservation			
<input type="checkbox"/> Scenic Road Bylaw	(G)		
<input type="checkbox"/> Local Historic Districts	(Z or G)		
<input type="checkbox"/> Historic Conservation Districts	(Z or G)		
<input type="checkbox"/> Local Historic Village Overlay (i.e. maximum setbacks)	(Z or G)		
<input type="checkbox"/> Tree Removal/Shade Tree Bylaw	(G)		
Economic Development Provisions			
<input checked="" type="checkbox"/> Provisions for Outdoor Recreation and related businesses	(Z or G)		(Z) Golf courses, Resort
<input checked="" type="checkbox"/> Provisions for Home Occupations	(Z)		
<input checked="" type="checkbox"/> Provisions for Cottage Industries	(Z)		
<input checked="" type="checkbox"/> Provisions for tourism oriented business	(Z)		(Z) "Resort" must have a minimum of 50 rental units.
<input type="checkbox"/> Prohibition or regulation of Dog Tracks and Racetracks	(Z)		
Farmland and Forest Preservation			
<input checked="" type="checkbox"/> Farmland Preservation Overlay Zone	(Z or G)		
<input type="checkbox"/> Forestland Preservation Overlay Zone	(Z or G)		
Enforcement			
<input type="checkbox"/> Non-Criminal Disposition of Violations of Zoning and Non-Zoning Bylaws	(Z or G)		

Review Of The Lee Zoning Bylaw

Innovative Local Land Use Techniques

The Lee Planning Board should consider developing and adopting land use provisions from the following checklist.

Compliance with M.G.L. c. 40A and Other Legal Requirements

Dimensional Requirements (Section 4.1)

The following text is from Section 4.1 Dimensional Requirements:

"b. No lot minimum will be given for non-residential buildings in Business Districts. However, these dimensions will be left up to the administrators of this Bylaw after consultation with the parties concerned. The type of business and the inclusion of adequate parking facilities, etc. would be an important factor in this decision in each individual case."

"c. No height maximums will be given for buildings in Industrial Districts. However, these heights will be decided by the administrators of this Bylaw after consultation with the parties concerned."

Flexibility for business and industrial uses is probably a good idea and should be retained in this section. However, height and setback requirements can not be left to the discretion of the administrators of the zoning bylaw. The purpose of a zoning bylaw is to codify community land use standards. The role of the administrators is to apply those standards. A community may not allow the administrators of the zoning bylaw broad or loosely defined discretion to establish these community standards. The guidelines which govern flexible dimensional requirements must be approved by the community at large in the form of amendments to the zoning bylaw.

In order to institute these flexible dimensional requirements properly, the Town of Lee should specify maximum and/or minimum setback requirements and maximum height requirements and then state in the text of the Zoning Bylaw the conditions or circumstances when those particular dimensional standards may be relaxed, and by how much.

Political Signs (Section 5.6.6k)

Subsection 1. limits posting of political signs to "no earlier than twenty (20) days prior to a voting day, and shall be removed within five (5) days after a voting day." Restrictions on the placement of political signs run afoul of constitutional free speech requirements. The Massachusetts Attorney General's Office recently disapproved a zoning bylaw which prohibited the posting of political signs to forty-five (45) days prior to an election. PVPC recommends that political signs be allowed up to sixty (60) days prior to an election or political event, and removed within seven (7) days after an event. See also Tauber v. Town of Longmeadow, 695 F. Supp. 1358 (1988).

Off-Street Parking

The Americans with Disabilities Act (ADA) requires that all parking areas provide handicapped accessible parking spaces. The Lee Zoning Bylaw should include a provision which requires parking areas to comply with all ADA requirements.

Issues for Clarification in the Lee Zoning Bylaws

The following areas of the Lee Zoning Bylaw could be enhanced with additional clarification.

Table of Uses

Section 3 of the Zoning Bylaw lists the uses regulated in narrative form for each zoning district. The zoning bylaw would be easier to read and understand if the Zoning Bylaw listed the uses permitted by right, uses allowed by special permit, and uses prohibited in tabular or matrix form.

Child Care Facilities and Family Day Care Homes

M.G.L. c. 40 A §3 requires that child care facilities be permitted as of right in any zoning district. M.G.L. c. 40 A §3 does allow towns to adopt reasonable regulations which limit the bulk, height, yard sizes, lot area, setbacks, open space, building coverage, and prescribe minimum parking requirements. The Lee Zoning Bylaw should specify any requirements with which child care facilities should comply. The Bylaw should also define child care facilities. The following sample definition, taken from M.G.L. c. 28A §9, distinguishes child care facilities from schools, and also complies with M.G.L. c. 40 A §3 .

Child Care Facility:

any facility operated on a regular basis, whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or pre-school, or known under any other name, which receives children not of common parentage under seven years of age or under sixteen years of age if such children have special needs, for non-residential custody and care during part or all of the day separate from their parents.

"Child care facility" shall not include:

any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

M.G.L. c. 40 A § 3 does allow towns to prohibit or require a special permit for "family day care homes." Unless the zoning bylaw specifically states whether they shall be permitted, allowed by special permit, or prohibited, family day care homes are presumed to be permitted by right.

"Family day care homes" are defined as:

any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in the residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

The Lee Planning Board should include these provisions and definitions in the Zoning Bylaw.

Definitions

Some of the definitions provided below pertain to lot dimensional requirements. The Planning Board should include diagrams for lot dimensional requirements to make these definitions easier to understand for the general reader.

"Custom Slaughterhouse" and "Slaughterhouse"

Section 5.5- Uses Prohibited states that slaughterhouses, except custom slaughterhouses, are prohibited. "Custom slaughterhouses" are not listed as permitted or specially permitted uses in any zoning district described in Section 3 of the Zoning Bylaw. If challenged in court, the ambiguity of this situation could be construed to allow a custom slaughterhouse in a zoning district where it may not be appropriate. Also, the Bylaw should define "custom slaughterhouse." The Planning Board may want to consider making this a special permit use which is allowed, but which must comply with standards which insure that the use is not offensive, either visually or otherwise.

Agriculture: The production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals, bees and apiary products; fur animals, trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables, nursery, floral, ornamental and greenhouse products; or land devoted to a soil conservation or forestry management program.

Note: The Lee Planning Board may consider excepting some or all of these agricultural activities when the products are not provided for sale, or to be used by persons other than the owner of the property.

Alteration: A change in or addition to a structure.

Attached: Connected to or united with.

Attic: The space between the ceiling of the top story of a building and its roof and not used for living, sleeping or eating quarters.

Convalescent or Nursing Home: A convalescent or nursing home is defined as any institution, however named, whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of caring for three or more persons admitted thereto for the purpose of nursing or convalescent care.

Frontage: The linear distance of a lot fronting on a street measured continuously along one line between its side lot lines and their intersection with the street line.

Note: This definition is more specific than the frontage definition in the Zoning Bylaw.

Junk: Articles such as old iron, brass, copper, tin, lead, or other base metals, cordage, old bags, rags, waste paper, paper clippings, scraps, clips, rubber, glass, empty bottles, empty cans, and all other articles or property discarded or abandoned.

Note: Section 5.5 USES PROHIBITED of the Zoning Bylaw prohibits "Automobile junk and/or wrecking yards." The Lee Planning Board may want to consider whether or not to regulate or prohibit yards containing parts other than automobile parts. These uses would be visually unattractive along Jacob's Ladder Trail, unless screened by a vegetative buffer.

Lot Line, Front: The line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite the street line, except that in case of a corner lot, the rear lot line shall be the line opposite the street line of the street on which the building is numbered or would be numbered.

Lot Line, Side: The line dividing one lot from another.

Special Permit: Special permit is a process which allows the Town to conduct a more detailed review of certain uses and structures which may have a significant impact on their surroundings.

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

Variance: A departure from the provisions of a zoning bylaw relating to setbacks, side yards, frontage requirements and lot size, but not involving the actual use of a structure. A variance is granted because strict enforcement of the zoning bylaw as it applies to a specific lot would cause an undue hardship and present site-specific practical difficulties that are not relevant to other lots in the district.

Russell

Checklist Of Local Land Use Techniques

The following land use techniques may be used to preserve visual and historic character, and to facilitate rural business development. Many may be adopted as town Zoning bylaws, while others may be adopted as either Zoning bylaws (Z) or General bylaws (G). Individual techniques vary in complexity, ease of implementation and enforcement. A check appears in the box next to a technique if it has been adopted by the Town of Russell in a form which is substantially similar to that recommended by PVPC.

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
<u>Commercial Performance Standards</u>			
<input type="checkbox"/> Architectural Design Standards	(Z)		
<input type="checkbox"/> Landscape Design and Fencing Standards	(Z)		
<input type="checkbox"/> Parking Lot Design Standards	(Z)		
<input type="checkbox"/> Parking Lot Location Requirements	(Z)		
<input type="checkbox"/> Access Control Standards	(Z)		
<input type="checkbox"/> Lighting	(Z)		
<input type="checkbox"/> Consistency with Corridor Design Theme	(Z)		
<u>Environmental Performance Standards</u>			
<input type="checkbox"/> Noise Control	(Z or G)		
<input type="checkbox"/> Toxic or Noxious Fumes	(Z or G)		
<input type="checkbox"/> Hazardous Materials Storage	(Z or G)		
<input type="checkbox"/> Explosive Materials	(Z or G)		
<input type="checkbox"/> Storm Water Runoff	(Z or G)		
<input type="checkbox"/> Erosion Control	(Z or G)		
<input type="checkbox"/> Screening and Buffer Zones	(Z)		
<u>Environmental Regulations</u>			
<input checked="" type="checkbox"/> Earth Removal Controls (prohibition or screening/restoration standards)	(Z or G)	(Z)	Vegetative Screening/Buffering Not Required.
<input type="checkbox"/> Hillside and Ridgeline Protection Bylaws	(Z)		
<input type="checkbox"/> Steep Slopes Development Bylaw	(Z)		
<input type="checkbox"/> River Protection Bylaw	(Z or G)		
<input checked="" type="checkbox"/> Floodplain Bylaw	(Z or G)		
<input type="checkbox"/> Wetlands	(G)		
<input type="checkbox"/> Environmental Impact Statements (for large projects)	(Z or G)		
<u>Accessory Uses and Structures</u>			
<input checked="" type="checkbox"/> Signs (height, area & materials restrictions)	(Z or G)	(Z)	Does Not Include Height Limitations; Does not allow off-premises signs;
<input type="checkbox"/> Billboard Removal and Amortization	(Z or G)		
<input type="checkbox"/> Satellite Dish Antennas (limitations on height & placement)	(Z)		
<input type="checkbox"/> Storage Sheds (limitations on size & placement)	(Z)		

Russell

<u>LAND USE TECHNIQUE</u>	<u>POSSIBLE BYLAW TYPES</u>	<u>(BYLAW TYPE)</u>	<u>NOTES</u>
<u>Lot Area, Dimensional and Setback Requirements</u>			
<input checked="" type="checkbox"/> Minimum Lot Size Requirements	(Z)		
<input checked="" type="checkbox"/> Building Setback Requirements	(Z)		
<input checked="" type="checkbox"/> Minimum Frontage Requirements	(Z)		
<input type="checkbox"/> Maximum Setback Limitations	(Z)		
<input checked="" type="checkbox"/> Minimum Parking Requirements	(Z)		
<u>Number & Types of Zoning Districts</u>			
			(4): 2 Residential, 1 Business, 1 Industrial, & a Floodplain Overlay District
<u>Multi-Lot Residential Developments</u>			
<input type="checkbox"/> Major Development Controls	(Z)		
<input type="checkbox"/> Phased Growth Bylaws	(Z)		
<u>Alternative Development Formats</u>			
<input type="checkbox"/> Open Space/Cluster Development	(Z)		
<input checked="" type="checkbox"/> Common Driveways	(Z)		
<input type="checkbox"/> Rural Access	(Z)		
<u>Scenic and Historic Preservation</u>			
<input type="checkbox"/> Scenic Road Bylaw	(G)		
<input type="checkbox"/> Local Historic Districts	(Z or G)		
<input type="checkbox"/> Local Historic Conservation Districts	(Z or G)		
<input type="checkbox"/> Local Historic Village Overlay (i.e. maximum setbacks)	(Z or G)		
<input type="checkbox"/> Tree Removal/Shade Tree Bylaw	(G)		
<u>Economic Development Provisions</u>			
<input checked="" type="checkbox"/> Provisions for Outdoor Recreation and related businesses	(Z or G)		(Z) Provides for trailer & overnight camps in Business Districts, and Golf Clubs in Residential & Business Districts
<input checked="" type="checkbox"/> Provisions for Home Occupations	(Z)		
<input type="checkbox"/> Provisions for Cottage Industries	(Z)		
<input type="checkbox"/> Provisions for tourism oriented business	(Z)		
<input type="checkbox"/> Prohibition or regulation of Dog Tracks and Racetracks	(Z)		
<u>Farmland and Forest Preservation</u>			
<input type="checkbox"/> Farmland Preservation Overlay Zone	(Z or G)		
<input type="checkbox"/> Forestland Preservation Overlay Zone	(Z or G)		
<u>Enforcement</u>			
<input checked="" type="checkbox"/> Non-Criminal Disposition of Violations of Zoning and Non-Zoning Bylaws	(Z or G)		

Review Of The Russell Zoning By-Laws

Innovative Local Land Use Techniques

PVPC's review of the Russell Zoning Bylaws for consistency with Jacob's Ladder Trail goals indicates that the current bylaw contains several of PVPC's recommended land use strategies, including the establishment of separate zoning districts, the delineation of permitted uses, dimensional requirements for each district, special regulations including earth removal standards, accessory use requirements, administrative procedures for the special permit process, and definitions. The Zoning Bylaw provides clear standards for likely land uses.

PVPC recommends that the Town of Russell consider implementing the outlined innovative land use techniques by amending the Zoning Bylaw and General town bylaws as described below.

Economic Development

Local zoning should allow and make special provisions for cottage industries which will might contribute to local economic development.

Accessory Uses and Structures

- Signs

The Russell Planning Board should consider proposing for adoption the following amendments to Section V of the Zoning Bylaws:

- a. Adopt a height limitation between six and eight feet in the business and commercial business districts, and four feet in residential districts.
- b. Establish a minimum distance that a sign may be placed from roads and lot lines. Free-standing signs located near roadways obstruct the views of other attractive buildings and natural features along the byway. For business and industrial districts, the bylaw should encourage sign placement closer to buildings than to roads. Russell can accomplish this by establishing a minimum distance that a sign should be placed from the lot line.
- c. Limit the amount of time that temporary signs are allowed to remain standing.
- d. Limit the number of signs permitted per lot in cases where there are both business and residential uses on the lot. The Planning Board may want to consider proposing a one sign per lot limitation.
- e. Prohibit moveable signs. In some areas moveable signs are frequently mounted on a modified automobile chassis and chained to trees or other formidable objects. The Planning Board should consider allowing limiting the use of moveable signs for temporary uses such as special events, display by building trades contractors, and for the advertisement of property for sale, rent or lease. This would limit the possible circumstances where the car chassis type of sign could be used.

- f. Include a provision specifying that signs do not dominate building facades or obscure any architectural details, (including, but not limited to arches, sills, moldings, and cornices).
- g. Prohibit off-premises signs, that is, signs placed on the property to advertise on behalf of someone other than the property owner.

- Satellite Receiving Systems

The Zoning Bylaw does not contain any special limitations for satellite dish antennas. Like signs, satellite dishes can detract from the scenic qualities and rural character of the Jacob's Ladder Corridor. PVPC recommends that for lots which abut or can be seen from Route 20, that satellite dishes be placed in the rear yard. When rear yard placement does not provide adequate reception, then side yard locations be permitted only on the side furthest from Route 20. Russell may also want to require vegetative screening between the satellite antenna and Route 20. Screening on the side will not interfere with reception because reception is only affected by obstructions which are located between the upper curved surface of the dish and the sky.

Environmental Regulations

- Earth Removal

Sand and gravel pits tend to be visually unattractive and also generate many trips by heavy vehicles. This land use may be inappropriate for a scenic highway. Russell should consider the prohibition of earth removal in an overlay district of the Jacob's Ladder Trail. This would require an amendment to Russell Zoning Bylaw Section 5.2. Legal authority for this prohibition is clarified in Toda v. Board of Appeals of Manchester, 18 Mass. App. Ct. 317, 320 (1984), which affirms that earth removal may be allowed or prohibited in certain zoning districts.

Environmental Performance Standards

The Planning Board should consider adopting specific, environmental performance standards for excessive noise, potential electromagnetic interference with radio and television reception, air quality (odor and dust control), erosion control, management of stormwater runoff, and the handling and storage of hazardous materials. The Special Permit Granting Authority would review compliance with these standards during the Special Permit process.

Lot Area, Dimensional and Setback Requirements

Russell should consider adopting maximum building setback distances for the village commercial area where the placement of new commercial buildings would be similar to the pattern established by existing commercial development.

Enforcement - Penalties

Penalties

The fine of \$100 per day for zoning violations could be increased to \$300.

Compliance of the Existing Russell Zoning By-laws with M.G.L. c. 40A and The Americans with Disabilities Act

There are a few areas in the existing zoning bylaws, which do not comply with recent statutory revisions to M.G.L. c. 40A.

Non-Conforming Uses, Structures and Lots

Prior to 1991, a Special Permit Granting Authority could grant a Special Permit for the alteration, extension, or change to a non-conforming use after finding that the proposed project would not be substantially more detrimental to the neighborhood than the existing use or structure. This section of the Russell Zoning Bylaw followed this requirement.

A 1991 decision by the Massachusetts Supreme Judicial Court in Rockwood v. The Snow Inn Corp. 409 Mass 361 (1991) significantly changed the requirements for Special Permits for non-conforming uses, structures and lots for non-residential structures. Now, the Special Permit Granting Authority must follow a two step process for non-residential structures in determining whether or not to grant a Special Permit for an alteration, extension or change to a non-conforming use or structure. In 1992, the Massachusetts Appeals Court concluded that the permitting board must review all proposed changes to existing non-conforming single-family or two-family structures. (See Goldhirsch v. McNear 32 Mass. App. Ct. 455, 461 (1992) for details.)

The Planning Board should amend Section 7.13 on Non-Conforming Uses, Structures and Lots to address the issues raised by these recent court decisions. Regarding the extension, alteration or change of a single-family or two-family structure, the following proposed language should be adopted.

Non-Conforming Uses And Structures

1.0 Extension, Alteration or Change

1.01 Single-Family or Two-Family Residential Structures

- a. A pre-existing non-conforming single-family or two-family structure may not be extended, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA). The proposed extension, alteration, or change of a non-conforming single-family or two-family structure must meet the following criteria;
 - (1) The proposed single-family or two-family extension, alteration, or change should not intensify existing non-conformities nor result in additional non-conformities. Any alteration of the footprint of a single-family or two-family structure whether horizontal or vertical must be reviewed by the SPGA.

- b. If the SPGA finds that there is no intensification of an existing non-conforming single-family or two-family structure nor additional non-conformities, then the SPGA will issue a special permit.
- c. If the SPGA finds that there is an intensification of an existing non-conforming SPGA single-family or two-family structure or additional non-conformities result then the SPGA will require the applicant to show that the change will be substantially more detrimental than the existing nonconforming structure to the neighborhood.
- d. If a special permit is issued for the non-conforming single-family or two-family extension, alteration or change, the applicant will not require a variance for the proposed extension, alteration or change.

Regarding the extension, alteration or change of a non-residential structure, the following language should be adopted.

1.02 Non-Residential Structures

- a. A pre-existing non-conforming non-residential structure may not be expanded, altered or changed except by a special permit from the Special Permit Granting Authority (SPGA).
- b. A special permit will be granted if the SPGA finds
 - (1) That the proposed alteration, extension or change complies with the zoning bylaw standards or has received a variance for such proposed alteration, extension or change from the Zoning Board of Appeals (ZBA).
 - (2) That the proposed alteration, extension or change will not be substantially more detrimental to the neighborhood than the existing non-conforming structure(s).

Off-Street Parking

- The Americans with Disabilities Act (ADA) requires that all parking areas provide handicapped accessible parking spaces. The Zoning Bylaw allows the Special Permit Granting Authority to waive parking requirements. The absence of parking facilities would mean that no handicapped parking would be provided. This may conflict with the ADA requirements for handicapped parking. The Russell Zoning Bylaw should include a provision which requires parking areas to comply with all ADA requirements.
- Separate parking lots serving individual businesses may be visually unattractive in Russell. The town may want to set aside a municipal parking area where parking spaces are allocated to each commercial or business use, enabling businesses to comply with ADA without requiring a parking lot to be constructed on each business lot.

RECOMMENDATIONS FOR JACOB'S LADDER TRAIL CORRIDOR

Land Use and Growth Management Recommendations

The land use and growth management recommendations are divided into short-term and long-term actions. At a minimum, each Jacob's Ladder community should adopt the short-term recommendations #1-3 below to protect the scenic and environmental qualities and the rural character of the Jacob's Ladder Trail. The long-term recommendations are optional actions, suggested for communities seeking additional protection for specific resource areas or better growth management.

Short Term Recommendations for Jacob's Ladder Communities

Recommendation #1: Adopt Model Jacob's Ladder Corridor Overlay Zoning Bylaw

The five towns along the Jacob's Ladder Trail should adopt the Model Jacob's Ladder Corridor Overlay Zoning Bylaw, which is included in Appendix A. The overlay district would include lands within 500 feet on either side of Route 20. In Chester, Huntington and Russell, the Westfield River would constitute the northerly boundary of the overlay district. The regulations contained in the Overlay Zoning Bylaw will supplement the regulations of the underlying zoning districts and are designed to encourage harmony and compatibility of developments over the length of the corridor.

The model bylaw contains both residential and business performance standards, which would affect new development in two ways:

- 1) Residential performance standards apply to new single-family residential uses within the corridor, but outside existing Business Zones. A twenty foot wide buffer is required along the Jacob's Ladder Trail, within which alteration of trees and native vegetation is to be minimized, and stone walls and historic features should not be removed.
- 2) All commercial, industrial, multi-family residential or institutional uses over 10,000 square feet would be required to submit applications for a Special Permit with Site Plan Approval to the Planning Board of the town where the project is located. During the process of Site Plan Approval, the town Planning Board will review development plans for compliance with the bylaw's commercial performance standards. These performance standards address building setbacks, architectural design, environmental and water quality protection, landscaping, and screening, vegetation removal, parking lot location and design, road access, lighting, signs, placement and screening of accessory structures, and protection of historic structures.

Recommendation #2: Adopt a Municipal Bylaw for Design Review

Each Jacob's Ladder town should adopt the model Design Review Bylaw, which is contained in Appendix B. The overall goal of this bylaw is to promote well-designed development which is consistent with and enhances the historic character and scenic beauty of the Jacob's Ladder Trail.

This bylaw would be in effect for the same area as the Jacob's Ladder Corridor Overlay Zoning bylaw. The bylaw would require that all commercial, industrial, institutional or multi-family residential uses which require a building or demolition permit, or construction of any sign, would require an application for design review to the Jacob's Ladder Design Review Commission. The Design Review Commission would review the project for consistency with design standards relating to architecture, site design, landscaping, parking and signs. The Commission would either approve the project or make recommendations for improving the project's design. The

recommendations would be advisory, and would be made to the Building Inspector or other local permit granting authority, as appropriate.

The 15-member Jacob's Ladder Design Review Commission would be comprised of two members from each of the five Jacob's Ladder towns, appointed by the Board of Selectmen based on nominations from the Planning Board and Historic Commission. There would also be three members from the Jacob's Ladder Business Association, and one member each from the Pioneer Valley Planning Commission and the Berkshire County Planning Commission.

Recommendation #3: Adopt Subdivision Regulations Consistent with Jacob's Ladder Corridor Zoning Bylaw

Each Jacob's Ladder town should adopt Subdivision regulations which facilitate implementation of the Corridor performance standards. These standards should include stormwater runoff and erosion control standards for road construction, require roadside and driveway access landscaping which reflects the rural character of the area, and allow variable road and driveway widths which allow new developments to maximize retention of native vegetation while insuring safe access for emergency vehicles.

Long Term Recommendations for Jacob's Ladder Communities

The Jacob's Ladder communities should adopt the following innovative land use tools to complement recommendations #1-3 in guiding long term growth while preserving the scenic and rural character of the Jacob's Ladder Trail.

Recommendation #4: Adopt a Creative Development Zoning Bylaw

A Creative Development zoning bylaw will help preserve rural character and visual appearance. This option will offer an alternative to standard "Approval-Not-Required" ("ANR") roadside lot development. The creative development zoning bylaw offers common driveways and flexible lot areas as options which can be used to create permanent open space, to protect farmland and forestland, natural, historic and archaeological resources, wildlife habitat, and scenic views. Creative Developments will be allowed by Special Permit from the Planning Board of the town where the project is located. A model Creative Development bylaw is contained in Appendix C.

Recommendation #5: Adopt a Zoning Bylaw for Major Developments in Farmland and Woodland Resource Protection Areas

A Major Residential Development zoning bylaw establishes more stringent standards for large-scale residential developments that have the potential for significant impact on the Town's rural character and important natural resources, such as prime farmlands and woodlands. The bylaw uses a Special Permit process to ensure that large-scale developments meet performance standards established to protect prime farmlands and woodlands. The bylaw would apply to residential developments larger than ten acres or ten lots, which require approval under the Mass. Subdivision Control Law, and which are proposed within established Farmlands or Woodlands Resource Areas.

Applicants for Special Permits to undertake Major Residential Developments in the Farmlands or Woodlands Resource Areas would submit two concept development plans, a standard development plan, and a cluster or "creative development" plan. The local Planning Board would select the most appropriate development plan for the site. Performance standards would require that, where feasible, residential development be clustered on the site's least productive

soils, while preserving prime farmlands or woodlands permanently as open space. A model Major Residential Development Bylaw with Farmland and Woodland Resource Areas is contained in Appendix D.

Recommendation #6: Adopt a Scenic Upland Bylaw

A Scenic Upland bylaw will protect the scenic and environmental quality of ridgelines and hillsides which are highly visible from the Jacob's Ladder Trail. The bylaw discourages new residential development on hillsides, ridgelines and steep slopes, and any cutting of vegetation and mature trees which significantly detracts from the natural scenic quality of these resource areas. The guidelines will also require public utilities to submit plans which demonstrate that proposed construction minimizes the impact on the scenic qualities of hillside and ridgeline resource areas.

Recommendation #7: Adopt a Common Driveway Bylaw

A Common Driveway zoning bylaw will help preserve rural character and visual appearance. The bylaw allows land owners to apply to the Planning Board for a special permit to construct a single driveway to serve two adjacent lots along an existing road. In a conventional single family development, two to six residences could be constructed along a single common driveway. Common driveways will reduce the number of curb cuts and traffic entry points along roadways. The common driveways option will increase traffic safety, encourage developers to retain more of the native vegetation, and preserve rural character by minimizing the degree to which the landscape appears to be cut up into separate single family lots. A model Common Driveway bylaw is contained in Appendix G.

Recommendation #8: Adopt a Scenic Road and Shade Tree Bylaw

A Scenic Roads bylaw will help preserve rural character and visual appearance by requiring that significant alterations to certain public ways and public shade trees be reviewed and approved by the town Planning Board. This bylaw will allow residents, town officials and the Jacob's Ladder Corridor Advisory Committee to nominate roads for designation as scenic roads. The town Planning Board will review nominations and refer them to Town Meeting for approval. Scenic roads and public shade trees would be designated by a majority vote at a Town Meeting. Approval would be required for any proposed work within the boundaries of the public right of way of Town Meeting designated scenic roads. Work requiring approval includes tree cutting or removal, removal or destruction of stone walls, road work, and utility work. A model Scenic Road and Shade Tree Bylaw is contained in Appendix F.

Recommendation #9: Adopt a Sign Bylaw

A sign bylaw can prevent uncontrolled signage lining the Jacob's Ladder Trail, which can rapidly degrade a town's character, and in worst cases, cause traffic safety hazards. The sign bylaw establishes standards for the size, height, placement, and illumination of all types of signs. Certain types of signs, such as billboards or flashing signs, are prohibited. A model Sign Bylaw is contained in Appendix H.

Recommendation #10: Adopt Parking Standards

A Parking Bylaw establishes uniform standards for off-street parking and loading. It establishes the number of parking spaces required for each type of land use. It can prevent unsightly parking lots from degrading a community's character, by establishing minimum standards for landscaping, screening and lighting, and by encouraging shared parking or parking to the side or rear of businesses. Model Parking and Loading Standards are contained in Appendix I.

Recommendation #11: Farmland, Forestland, and Open Space Preservation

The Jacob's Ladder Corridor Advisory Committee should work in conjunction with the town Conservation Commissions, Boards of Selectmen, and Planning Boards to identify significant farmland and forestland areas and to preserve these resources by seeking state and federal grant funds to purchase conservation easements and development rights on priority parcels.

Visual Enhancement Recommendations: Recommendations for State and Regional Agencies

Recommendation #12: Develop a Corridor Landscaping Plan

The Jacob's Ladder Byway Management Organization should develop a corridor wide landscape plan which provides detailed guidelines for road improvement activities, grading, erosion control, planting and construction materials, retention of native vegetation, and installation of utilities. The techniques and materials used should follow the common themes identified for the Jacob's Ladder Trail. The plan should identify a series of landscape impact projects, which employ theme plantings, identification signs and small parks to help create a sense of corridor identity.

Recommendation #13: Improve Street Furniture, Street Trees, Sidewalks and Safety Features

The Jacob's Ladder Byway Management Organization should develop a plan and funding strategy for the addition of visual improvements and public amenities in village areas. The plan should recommend a selection of benches for public seating, shade trees, planters, information kiosks, bicycle parking racks and trash receptacles. It should also provide a selection of street trees noted for quality foliage. The plan should provide guidelines for coordinating the location of public amenities in village areas.

The Jacob's Ladder Byway Management Organization should also fund the construction of sidewalks, crosswalks and fencing.

Recommendation #14: Improve Signage and Lighting

The Jacob's Ladder Byway Management Organization should provide directional signs directing Jacob's Ladder Trail visitors to village centers and tourist oriented businesses. These signs should reflect the Jacob's Ladder Trail sign design theme and where appropriate include the Jacob's Ladder Trail sign logo.

The Organization should also provide lighting for village areas and sections of Route 20 leading into village areas.

Recommendation #15: Farmland, Forestland and Open Space Acquisition

The Jacob's Ladder Byway Management Organization, the Massachusetts Highway Department, the Department of Environmental Management, and other state agencies should identify significant farmland and forestland resource areas and purchase conservation easements and development rights on these parcels.

Visual Enhancement Recommendations: Recommendations for Jacob's Ladder Communities

Recommendation #16: Establish Public Parking Areas

The towns of Chester and Huntington do not have sufficient off-street parking to accommodate fully occupied business districts. These communities should identify appropriate locations for community parking lots so that future business growth does not require visitors to park on village streets.

Economic Development Recommendations: Recommendations for Jacob's Ladder Communities

Recommendation #17: Provide for Recreational and Tourism Oriented Businesses in Local Zoning Bylaws

The Jacob's Ladder communities should amend their zoning bylaws to allow commercial recreational uses like campgrounds, whitewater canoeing outfitters, and golf courses in appropriate areas. The zoning bylaws of each town should also be amended to allow tourism oriented businesses like bed and breakfast establishments.

Recommendation #18: Provide for Home Occupations and Cottage Industries in Local Zoning Bylaws

The zoning bylaws of the Jacob's Ladder communities should be amended to encourage home occupations and cottage industries. This would promote small-scale rural economic development and accommodate the growing number of people using their homes to start new businesses. These zoning bylaw changes should also ensure that neighborhood residential character is protected. Each town should include home occupation and cottage industry performance standards in their zoning bylaws. These standards will address residential neighborhood concerns such as: number of non-resident employees, off-street parking, heavy equipment storage, traffic control, signs, and environmental controls for noise, odor, dust stormwater runoff.

APPENDIX A:

**MODEL JACOB'S LADDER TRAIL SCENIC BYWAY
OVERLAY ZONING DISTRICT**



APPENDIX A: MODEL JACOB'S LADDER TRAIL SCENIC BYWAY OVERLAY ZONING DISTRICT

1.0 Authority

This Zoning Bylaw is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws as amended.

2.0 Purposes

The purpose of this district is to provide for a superior environment along the Jacob's Ladder (Route 20) transportation corridor through the application of an overlay district. The overlay district regulations are intended to supplement the regulations of the underlying zoning districts and to provide for harmony and compatibility of developments over the length of the corridor. The regulations are designed to achieve the following general purposes:

- 2.1 To promote tourism and other economic development through thoughtful and cooperative planning in order to benefit all the residents of the Corridor;
- 2.2 To maintain the natural beauty in the communities of the corridor;
- 2.3 To encourage development which is compatible with and, wherever possible, enhances such natural beauty;
- 2.4 To allow the people in the communities of the corridor to be able to live, work, and enjoy recreation within the area without reducing its natural beauty;
- 2.5 To encourage safe and efficient traffic flow along the Jacob's Ladder Corridor and its connecting roadways;
- 2.6 To preserve the environment by providing clean air, clean water, and greenbelts of natural vegetation and wildlife;
- 2.7 To preserve the scenic character of the Jacob's Ladder Corridor and, where possible, scenic vistas from the roadways;

3.0 Areas Subject to this Bylaw

The provisions of this bylaw shall be in effect within the Jacob's Ladder Corridor Overlay Zone (hereafter referred to as JLCOZ) as delineated on the Town of _____ zoning map. The JLCOZ shall include all land within five hundred feet of either side of the edges of the public right-of-way of Route 20, and also all land within underlying Business or Commercial Zones adjacent to Route 20, as shown on the Town of _____ zoning map. Where the Westfield River lies within 500 feet of Route 20, the Westfield River shall constitute the northerly boundary of the overlay district. The approximate boundary of this zoning district shall be shown on the Official Zoning Map and shall be shown as a surveyed line by the applicant on each property subject to the bylaw.

4.0 Use Regulations

The JLCOZ is an overlay district and is superimposed on existing districts in the town. All uses, dimensional requirements and other provisions of the Zoning Bylaw are applicable and will remain in effect except where the JLCOZ imposes greater restrictions or requirements. To the extent that the JLCOZ is more restrictive than the underlying district, the requirements of the Overlay Zone shall control. Residential uses do not require Site Plan Approval, but are subject to the performance standards of Section 5.0 with regard to a 20 foot buffer limit which applies in areas with underlying Residential zoning districts.

4.1 Permitted Uses

All permitted uses within the underlying zones shall be permitted in the JLCOZ, except as noted in the prohibited uses and Special Permit uses identified in Sections 4.2-4.3 below. All uses in areas with underlying Residential zoning districts must comply with the buffer requirements in Section 5.0.

4.2 Prohibited Uses

- a) solid waste landfills and dumps
- b) junkyards and salvage yards
- c) mobile home sales

4.3 Uses by Special Permit with Site Plan Approval

Within the JLCOZ, no special permit shall be issued and no application for such permits shall be accepted for the following uses:

- a) any commercial, industrial, multi-family residential or institutional use with a gross floor area of 10,000 square feet or greater;
- b) the expansion or change in the use of a business, industrial, or institutional structure which adds 2,000 square foot or more to reach a total square footage of the structure of 10,000 square feet; and
- c) the conversion of a residential use to a business or industrial use.

unless a site plan has been endorsed by the Planning Board, after consultation with other boards, including the Jacob's Ladder Corridor Review Committee.

4.4 Projects for which Special Permit with Site Plan Approval shall not be required.

- a) The construction or enlargement of any structures exclusively for residential use except for those residential properties described in 4.3 (C).
- b) For any building used exclusively for agriculture or horticulture.

5.0 Performance Standards for Residential Zones Within the JLCOZ

The following performance standards apply to all single family residential uses or other uses on lots, in areas with underlying Residential zoning districts, lying partially or entirely within the JLCOZ:

- a) a twenty (20) foot buffer zone shall be established, extending perpendicularly away from Route 20, beginning at the outermost boundary of the highway right of way .
- b) no more than twenty (20) percent of the native vegetation and mature trees shall be removed from the 20 foot buffer zone;
- b) stone walls or other features of historic significance shall not be removed or altered within the 20 foot buffer zone;
- c) alterations, improvements and accessory structures shall not be located within the the 20 foot buffer zone except for drainage culverts, utility lines, and access driveways; driveway crossings must cross the buffer zone at an angle between 80 and 100 degrees;
- d) where native vegetation is lacking or has been removed from the buffer zone, the Planning Board shall recommend planting of appropriate vegetation for the buffer zone area. Construction of stone walls, consistent with historic styles, shall also be encouraged in the buffer area.

6.0 Administration of Special Permit with Site Plan Approval

6.1 The Special Permit Granting Authority (SPGA) will be the Planning Board in the JLCOZ.

6.2 Applications for Site Plan Approval

- a) Each application for Site Plan Approval shall be submitted to the Planning Board by the current owner of record, accompanied by nine (9) copies of the site plan.
- b) The planning board shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

6.3 Required Site Plan Contents

All site plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Planning Board because of unusually simple circumstances. All site plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

- a) The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties.
- b) Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, areas subject to flooding, and unique natural land features.
- c) Existing and proposed structures, including dimensions and elevations.

- d) The location of parking and loading areas, driveways, walkways, access and egress points.
- e) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other waste disposal methods.
- f) Proposed landscape features including the location and a description of screening, fencing, and plantings.
- g) The location, dimensions, height, and characteristics of proposed signs.
- h) The location and a description of proposed open space or recreation areas.

6.4 The special permit criteria in each town's zoning bylaw shall apply in the Special Permit with Site Plan Approval process.

6.5 Procedures for Review of Site Plans

- a) The Planning Board shall refer copies of the application within 15 days to the Building Inspector, Board of Health, Conservation Commission, Highway Department, Historical Commission, Fire Department, Police Department, Zoning Board of Appeals, and the Jacob's Ladder Design Review Board, who shall review the application and submit their recommendations and comments to the Planning Board. Failure of Boards to make recommendations within 35 days of the referral of the application shall be deemed to be lack of opposition.
- b) The Planning Board shall hold a public hearing within sixty-five (65) days of the receipt of an application and after due consideration of the recommendations of the Board shall take final action within 90 days from the time of hearing. However, a public hearing will not be held until a response has been received from the Boards/Departments as required under this section.
- c) The period of review for a special permit requiring site plan approval shall be the same as any other special permit and shall conform to the requirements of Chapter 40A, Sec. 9, "Special Permits." The Planning Board shall have 90 days following the public hearing in which to act. Failure to take final action upon an application for a special permit within said 90 days shall be deemed to be a grant of the special permit applied for.

6.6 Site Plan Approval Criteria

In reviewing and evaluating the site plan, and in making a final determination regarding site plan approval, the Planning Board shall consider the following criteria:

- a) The site plan complies with the Purposes of this bylaw in Section 2.0 and the Performance Standards contained in Section 7.0;
- b) The site plan minimizes traffic and safety impacts of the proposed development on adjacent highways or roads, and maximizes the convenience and safety of vehicular and pedestrian movement within the site;

- c) The proposed development, to the extent feasible: (1) is integrated into the existing landscape and protects abutting properties; (2) minimizes adverse environmental impacts on such features as wetlands, floodplains, and aquifer recharge areas; (3) minimizes obstruction of scenic views from publicly accessible locations; (4) preserves unique natural or historical features; (5) minimizes tree, vegetation, and soil removal and grade changes.
- d) The architectural design, layout and landscaping of the proposed development is in harmony with the historic, rural character of the neighborhood and the town.
- e) The proposed development is served with adequate water supply and waste disposal systems and will not place excessive demands on town services and infrastructure.
- f) The site plan shows adequate measures to prevent pollution of surface or groundwater, to minimize erosion and sedimentation, and to prevent changes in groundwater levels, increased run-off and potential for flooding.

6.7 Decision on Site Plan Approval

- a) Modifications of the Site Plan - Before approval of a site plan, the Planning Board may request that the applicant make modifications in the proposed design of the project or provide additional information to ensure that the above criteria are met.
- b) Final Action Site Plan - The Planning Board's final action on applications for Site Plan Approval shall consist of either:
 - 1) A determination that the proposed project will constitute a suitable development and is in compliance with the criteria and standards set forth in this bylaw;
 - 2) A written denial of the application based on a determination that the proposed project does not meet the standards for review set forth in this bylaw, stating the reasons for such denial, or;
 - 3) Approval subject to any conditions, modifications and restrictions, which will ensure that the project meets the standards and criteria in this bylaw.

7.0 Commercial Performance Standards

7.1 Access and Traffic

The proposed development shall provide for safe access to and from public and private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. "Curb cuts" shall be limited to the minimum width necessary for safe entering and exiting. The proposed development shall not have an unreasonably negative impact on the town road system, and shall assure safe interior circulation within its site.

- a) Sight distance - All exit driveways shall be designed according to the following standards of safe sight-distance:

Posted Speed Limit	Sight Distances	
	Recommended	Minimum
25 mph	250'	175'
30 mph	300'	210'
35 mph	350'	245'
40 mph	400'	280'
45 mph	450'	315'
50 mph	500'	350'
55 mph	550'	385'

This section shall not be used as the sole criterion for rejecting an application, unless all possible entrances and exits are deemed to be unsafe due to poor sight-distances. The Police Department shall be officially consulted on all development plans reviewed under this ordinance.

b) Access

- 1) The number of curb cuts on state and local roads shall be minimized. To the extent feasible, access to businesses shall be provided via a common driveway serving adjacent lots or premises; an existing side street; or via a cul-de-sac or loop road shared by adjacent lots or premises.
- 2) One driveway per business shall be permitted as a matter of right...
- 3) Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width.
- 4) The proposed development shall assure safe interior circulation within its site by separating pedestrian, bicycle and vehicular traffic.
- 5) No driveways shall be constructed on slopes greater than 15%.

7.2 Parking

- a) Off-street parking shall be provided in conjunction with the construction, conversion and/or expansion of any structure, as well as upon the expansion of use.
- b) Whenever feasible, parking areas shall be located to the side or rear of the structure and not within the required front yard of the structure.
- c) Whenever feasible, parking areas shall be shared with adjacent businesses.

7.3 Signs

The purpose of this section is to provide uniform sign standards which promote a positive Corridor image reflecting order, harmony and pride and thereby strengthening the economic stability of the Corridor's business, cultural and residential areas.

a) Objectives to be pursued in applying specific standards are as follows:

- 1) The maximum size of signs shall be forty square feet and the maximum height of signs shall be six (6) feet.
- 2) Signs shall be made of natural materials including wood, brick, and stone.
- 3) Signs should identify individual business, residential, and public uses without creating confusion, unsightliness, or obscuring adjacent businesses.
- 4) Signs should be related to the overall adjacent land use in terms of size, scale, height, and location.
- 5) Signs should be compatible with surrounding natural features, structural forms, and land uses, and with the Jacob's Ladder Trail design theme.
- 6) Signs for Jacob's Ladder Trail should be easy to locate for tourists.
- 7) The number of signs should be minimized to avoid visual clutter.
- 8) Sign designs should be simple, with a minimum number of sign colors and graphic elements on a single sign.
- 9) Trees, rocks, bridges, fences, windmill towers and dilapidated buildings should not be used as sign supports.

b) Prohibited Signs

Billboards, flashing signs, roof signs, moveable or portable signs, signs containing moving parts, and signs containing reflective elements which sparkle in the sunlight are not permitted.

7.4 Landscaping

New commercial, and industrial uses shall be carefully planned in order to retain an open land appearance and present desirable views from becoming obstructed.

- a) The design of a development shall minimize earth removal and volume of cut and fill. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The design of a development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.
- b) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree removal, and any grade changes shall be in keeping with the general

appearance of neighboring developed areas. Parking lots shall be landscaped with shrubbery along all lot lines.

- c) The visual obstruction of landmarks and outstanding physical features, (i.e. boulders, streams, and hillsides) shall be discouraged.

7.5 Architecture

For guidance in design review, the applicant and the board shall refer to the Jacob's Ladder Design Guidebook. The planning board shall consider, at a minimum, the following standards in the course of the design review of a proposed development:

- a) The height and scale of buildings, proportions of windows and doors, relationships of building masses and spaces, and roof shapes shall be considered during the design review and shall be compatible with the character of architecture in the Jacob's Ladder corridor as described in the Design Guidebook.
- b) 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.
- c) The Planning Board may consider whether the exterior building facades are consistent with the rural and historic character of the Jacob's Ladder Corridor. For example, exterior materials such as wood clapboards, stone, or brick, with treatment compatible on all four sides, and peaked roofs, are considered consistent with this character.
- d) Long, unbroken, flat roof lines, continually repetitive features, and bright colors shall be discouraged. Variation in detail, form and siting shall be used to provide visual interest and avoid monotony.
- e) Large work area doors or open bays shall not open towards the highway.
- f) Screening shall be required for accessory equipment such as air conditioning units, satellite dishes, antennas, etc.

7.6 Building Setback Requirements

- a) In areas with underlying Business or Commercial Zones, a maximum building setback requirement of _____ feet shall be established, compatible with existing structures.
- b) In areas with underlying Residential Zones, a minimum setback requirement of _____ feet shall be established to preserve rural character.

7.7 Protection of Historic Structures and Scenic Areas

With respect to the character of historic buildings in the Jacob's Ladder Corridor, the following standards shall apply:

- a) Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.

- b) Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values of the JLCOZ, any alteration shall be harmoniously related to nearby pre-existing structures in terms of color, materials, scale, and such design elements as door and window size and location, in addition to signs, setbacks, roof and cornice line, and other major design elements.
- c) Every effort shall be made to maintain the intrinsic distinguishing qualities and characteristics of the building, structure and site. Architectural details shall be retained and restored wherever possible. In the event replacement is necessary, the new material shall match the old in design, color, texture and other visual qualities. Repair or replacement shall be based on accurate duplications, substantiated by historical, physical or pictorial evidence rather than on conjecture or available elements from other structures.
- d) Distinctive stylistic features or examples of craftsmanship that characterize a building shall be treated with sensitivity.
- e) Additions to existing buildings shall express in scale, color, texture and material, a suitable compatibility with the original structure.
- f) Buildings on the National and State Register of Historic Places or otherwise judged to be of historic significance shall not be subject to sandblasting unless specifically approved.
- g) In restoring historic structures, false or add-on building facades should be removed to the maximum extent feasible, to reveal historic architectural detail.
- h) New development should not visually obstruct landmarks or outstanding physical features of the Jacob's Ladder Corridor, including rivers or streams, mountains, scenic landscapes and vistas.

7.8 Water Quality

- a) Stormwater Management - The rate of surface water run-off from a site shall not be increased after construction. To the extent practical, pollutants shall be removed from the stormwater runoff prior to the discharge of such runoff into the existing storm drainage system or wetland resource areas listed in the Wetland Protection Act Regulations, 310 CMR 10.00.

In order to meet these standards, a stormwater management plan shall be developed for the site. The plan shall describe stormwater practices that control the volume, timing and rate of flows. A combination of successive best management practices may be used to achieve this standard. Justification shall be provided by the person developing land for rejecting any practice based on site conditions. The use of stormwater management measures shall be according to the following preferences.

- 1) Infiltration and attenuation of runoff on-site to existing areas with grass, trees, and similar vegetation and by use of open vegetated swales and natural depressions.
- 2) Stormwater detention structures for the temporary storage of runoff which is designed so as not to create a permanent pool of water.
- 3) Stormwater retention structures for the permanent storage of runoff by means of a permanent pool of water.

All outdoor storage facilities for fuel, hazardous materials or wastes, and potentially harmful raw materials shall be located within an impervious, diked containment area adequate to hold the total volume of liquid kept within the storage area.

- b) Erosion Control - Erosion of soil and sedimentation of watercourses and waterbodies shall be minimized by employing the following "best management" practices:
 - 1) Exposed or disturbed areas due to stripping of vegetation, soil removal, and regrading shall be permanently stabilized within six months of occupancy of a structure.
 - 2) During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by using staked hay bales or sedimentation traps.
 - 3) Permanent erosion control and vegetative measures shall be in accordance with erosion/sedimentation vegetative practices recommended by the Soil Conservation Service.
 - 4) All slopes exceeding 15% resulting from the site grading shall be either covered with 4 inches of topsoil and planted with a vegetative cover sufficient to prevent erosion or be stabilized by a retaining wall.
 - 5) Dust control shall be used on grading operations if the grading is to occur within 200 feet on an occupied residence or place of business. Dust control methods may consist of grading fine soils on calm days only or dampening the ground with water.

7.9 Miscellaneous Standards

- a) Noise Control - Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume. No person shall engage in or cause very loud construction activities on a site abutting residential use between the hours of 9 P.M. of one day and 7 A.M. of the following day.
- b) Toxic or Noxious Fumes - No land use or establishment shall be permitted to produce offensive or harmful odors perceptible beyond their lot lines, either at ground or habitable elevation.

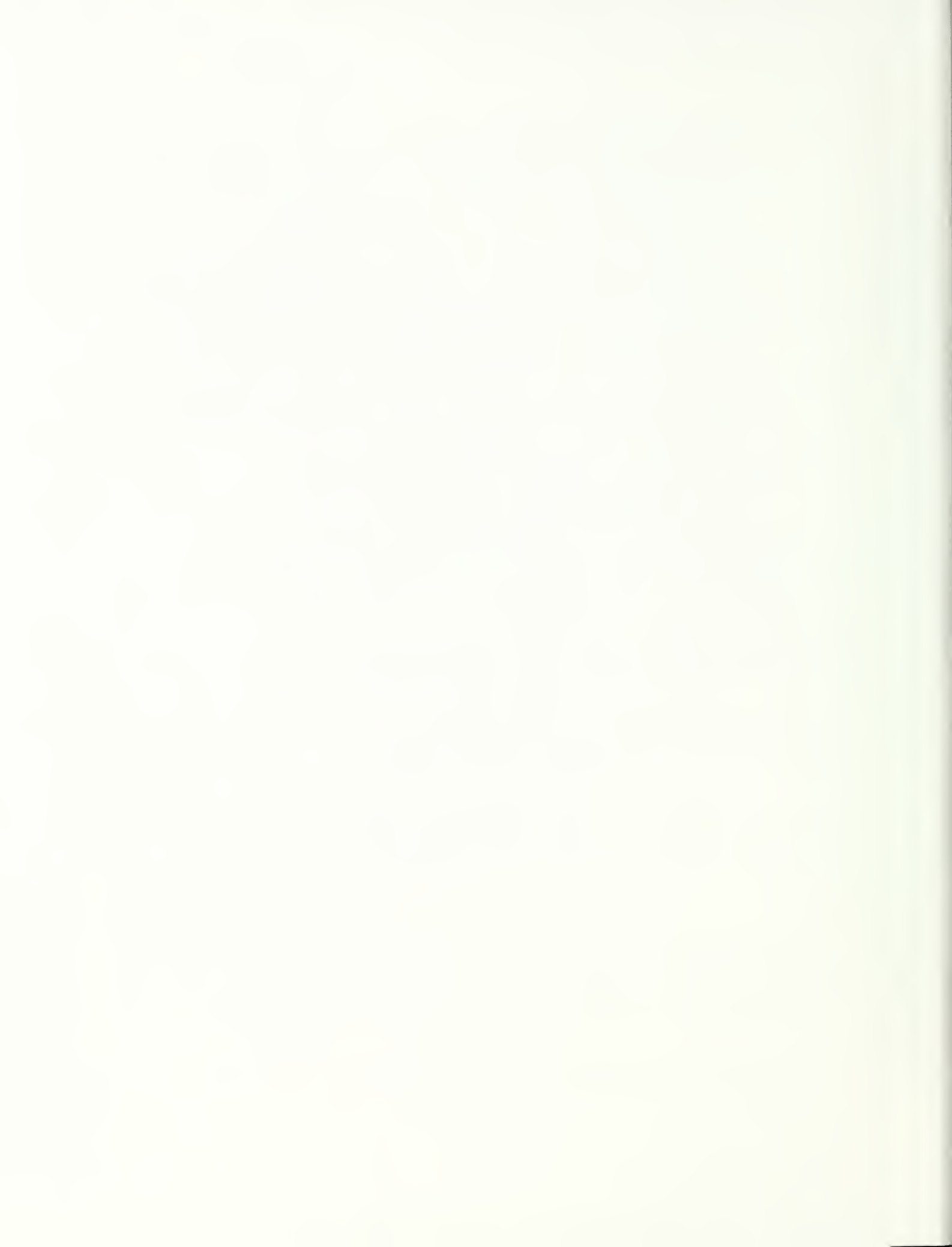
- c) Glare - No land use or establishment shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any town way so as to impair the vision of the driver of any vehicle upon that town way. All such activities shall also comply with applicable Federal and State regulations.

- d) Hazardous Materials Storage: - All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a (24 hour, ten -year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, unless the tank is located above a high seasonal water table (within 15' of the surface) or above rapidly permeable sandy soils.

- e) Dust, Fumes, Vapors, Gases: - Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited. All such activities shall also comply with applicable Federal and State regulations.

- f) Lighting:
 - 1) Any outdoor lighting fixture newly installed or replaced shall be shielded so that it does not produce a strong, direct light beyond the property boundaries;

 - 2) No light standard shall be taller than fifteen (15) feet.



APPENDIX B:

MODEL JACOB'S LADDER TRAIL DESIGN REVIEW BYLAW



APPENDIX B: MODEL JACOB'S LADDER TRAIL DESIGN REVIEW BYLAW

Jacob's Ladder Trail Design Review Bylaw

1.0 Authority

This bylaw is enacted under Article II Section 6, the Home Rule Amendment of the Constitution of Massachusetts and is adopted in each town through which the the Jacob's Ladder Byway passes. (Option: The design review provisions of this bylaw could be instituted through an intermunicipal Memorandum of Agreement)

2.0 Purpose

The purpose of this district is to provide for a superior environment along the Jacob's Ladder (Route 20) transportation corridor through the application of a Design Review requirement. The Design Review regulations are intended to provide for harmony and compatibility of developments over the length of the corridor. The regulations are designed to achieve the following general purposes:

- 2.1 To promote tourism and other economic development through thoughtful and cooperative planning in order to benefit all the residents of the Corridor;
- 2.2 To maintain the natural beauty in the communities of the corridor;
- 2.3 To encourage development which is compatible with and, wherever possible, enhances such natural beauty;
- 2.4 To allow the people in the communities of the corridor to be able to live, work, and enjoy recreation within the area without reducing its natural beauty;
- 2.5 To encourage safe and efficient traffic flow along the Jacob's Ladder Corridor and its connecting roadways;
- 2.6 To preserve the environment by providing clean air, clean water, and greenbelts of natural vegetation and wildlife;
- 2.7 To preserve the scenic character of the Jacob's Ladder Corridor and, where possible, scenic vistas from the roadways;

3.0 Areas Subject to this Bylaw

The provisions of this bylaw shall be in effect within the the Jacob's Ladder Corridor Overlay Zone (hereafter referred to as JLCOZ). The JLCOZ is shown on the Town of _____ Zoning Map, and shall include all land within five hundred feet of north or south of the edges of the public right-of-way of Route 20, and also all land withing underlying Commercial or Business Zones adjacent to Route 20. Where the Westfield River lies within 500 feet of Route 20, the Westfield River shall constitute the notherly boundary of the overlay zone. The approximate

boundary of this design review district shall be shown on the Official Zoning Map and shall be shown as a surveyed line by the applicant on each property subject to this bylaw.

4.0 Use Regulations

4.1 The following uses shall be required to submit a site plan to the Jacob's Ladder Design Review Commission ("the Commission") for review.

a. Any of the following new uses or changes in use which require a local building permit or a local demolition permit:

- 1) commercial uses
- 2) industrial uses
- 3) institutional and municipal government uses
- 4) multi-family residential uses

b. construction of any sign.

4.1.1 Projects for which review by the Design Review Commission shall not be required.

a. The construction or enlargement of any structures used exclusively for residential, agricultural or horticultural use.

b. The Design Review Commission may at its discretion waive any or all requirements for external improvements which increase the gross floor area of an existing structure or structures on a single site by less than 20%.

5.0 Administration

5.1 Applications for Design Review

a. Each application for Design Review shall be submitted to the Design Review Commission by the current owner of record, accompanied by nine (9) copies of a design plan.

b. The Design Review Commission shall obtain with each submission, a deposit sufficient to cover any expenses connected with a public hearing and review of plans, including the costs of any engineering or planning consultant services necessary for review purposes.

5.1.1 Required Contents of Design Plans

All design plans shall be prepared by a registered architect, landscape architect, or professional engineer unless this requirement is waived by the Design Review Commission because of unusually simple circumstances. All design plans shall be on standard 24" x 36" sheets and shall be prepared at a sufficient scale to show:

- a. The location and boundaries of the lot, any JLDRA boundaries within 150 feet of the parcel, adjacent streets or ways, and the location and owner's names of all adjacent properties.
- b. Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, and unique natural land features.
- c. Proposed landscape features including the location and a description of screening, fencing, and plantings.
- d. The location, dimensions, height, and characteristics of proposed signs.
- e. Existing and proposed structures, including dimensions, elevations and architectural rendering of the building facade.
- f. The location of parking and loading areas, driveways, walkways, access and egress points.
- g. The location, description, and proposed screening of all proposed storage areas, utilities, and refuse and other waste disposal methods and areas.
- h. Placement, design, dimensions, and light projection of all exterior lighting structures.
- i. The location and a description of proposed open space or recreation areas.

5.1.2 Procedures for Review of Design Plans

The Design Review Commission shall make written recommendations for the applicant within 60 days from receipt of the application. The applicant shall have 45 days to incorporate those recommendations into the design plan and resubmit the plan to the Commission. After 45 days, the Commission shall forward the applicant's revised plans to the town planning board and town building inspector. If the applicant chooses not to revise the design plans as requested by the Commission, after 45 days the Commission shall forward copies of the original design plans along with recommendations to the town building inspector and town planning boards of the town where the development is located.

5.1.3 Design Review Criteria

In reviewing and evaluating the design plan, the Design Review Commission shall apply the following general criteria:

- a. the development is consistent with the Design Standards set forth in Section 5.2 below.
- b. the architectural design, layout and landscaping of the proposed development is visually attractive, has qualities which interest the observer, and is consistent with the guidelines provided in the Jacob's Ladder Design Guidebook.

c. the development minimizes visual impacts and obstruction of scenic views as seen from adjacent highways or roads.

d. the development preserves unique natural or historical features.

e. the development minimizes tree, vegetation, and soil removal and grading.

f. the development maximizes the convenience and safety of vehicular and pedestrian movement between the site and abutting roads.

5.2 Design Standards

5.2.1 Site Design Standards

New commercial and industrial uses, and changes in use should be carefully planned in order to retain an open land appearance and to present desirable views from becoming obstructed.

a. The design of a development should minimize earth removal and volume of cut and fill. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. The design of a development shall minimize the area over which existing vegetation is to be removed. Tree removal shall be minimized and, if established trees are to be removed, special attention shall be given to the planting of replacement trees.

b. The visual obstruction of landmarks and outstanding physical features, (i.e. boulders, streams, and hillsides) are discouraged.

c. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Parking lots shall be landscaped with shrubbery along all lot lines.

5.2.2 Architectural Design Standards

The design review advisory commission shall consider, at a minimum, the following criteria in reviewing the design of a proposed development:

a. Architectural design should:

1) enhance the character of the surrounding area.

2) be compatible with the guidelines contained in the Jacob's Ladder Design Guidebook. These guidelines address the height and scale of buildings, the use of appropriate building materials, screening, breaks in roof and wall lines, and other architectural elements which define rural/historic character.

b. There should be harmony and a balanced visual relationship between a structure and the open space between it and adjoining structures. There should be adequate light, air, circulation, and separation between buildings.

c. The height of any proposed alteration should be compatible with the style and character of the surrounding buildings. In no case shall building height exceed 35 feet.

d. The design of the roof should be compatible with the architectural style and character contained in the Jacob's Ladder Design Guidebook. Long, unbroken, flat roof lines, continually repetitive features, and bright colors should be avoided.

e. Facades shall reflect the styles and character contained in the Jacob's Ladder Design Guidebook. Exterior facade materials shall be consistent with the rural and historic character of the Jacob's Ladder Corridor. For example, exterior materials such as wood clapboards, stone, or brick, with treatment compatible on all four sides, and peaked roofs, are considered compatible with this character.

f. Architectural details including signs, materials, colors, and textures should:

1) be treated so as to be compatible with the original architectural style of an existing building,

2) vary in detail and form from building to building providing visual interest and avoid monotony.

h. The proportions and relationships between doors and windows should be compatible with the architectural style and character described in the Jacob's Ladder Design Guidebook.

i. Large work area doors or open bays should not open towards the highway.

j. Vegetative screening is required for accessory equipment such as air conditioning units, satellite dishes, antennas, etc.

k. The design should be compatible with additional architectural standards and design guidelines which are adopted by the Jacob's Ladder Design Review Commission.

5.2.3 Parking Area Location, Design, and Improvement Standards

Parking lot layouts shall meet the following standards:

a. Parking lots shall be located behind the buildings between the rear yard setback line and the building.

b. Lots shall have a maximum of eight spaces in a row, with a 9'x20' space separating additional parking.

- c. A minimum eight foot wide area of vegetation shall be preserved between parking lots and buildings.
- d. A minimum of 10% of the vehicular use area shall be landscaped.
- e. Loading areas may not encroach on parking areas.

5.2.4 Landscaping Standards

- a. All parking or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2" caliper, planted at least every 50 feet along the road frontage) and dense medium height shrubs (three feet in height, to screen parked vehicles). All such plantings shall be maintained as an effective visual screen.
- b. Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (a dense evergreen hedge 5 feet or more in height).
- c. All such plantings shall be maintained as an effective visual screen; plants which die shall be replaced within one growing season.
- d. Tree and vegetation clearing should be minimized, except in connection with property classified for tree farming. Land should not be clear cut for the sole purpose of offering land for sale, but may be underbrushed (bushogged) in preparation for sale or development. Clear cutting is defined as the removal of 75% of the trees six inches in trunk diameter or larger.

5.2.5 Signs

- a. Signs should identify individual business, residential, and public uses without creating confusion, unsightliness, or obscuring adjacent businesses.
- b. Signs should be related to the overall adjacent land use in terms of size, scale, height, and location. The maximum size of any sign should be 40 square feet, and the maximum height should be six feet.
- c. Signs should be compatible with surrounding natural features, structural forms, and land uses, and with the Jacob's Ladder Trail design theme.
- d. Signs for Jacob's Ladder Trail should be easy to locate for tourists.
- e. The number of signs should be minimized to avoid visual clutter.

f. Sign designs should be simple, with a minimum number of sign colors and graphic elements on a single sign. Signs for multiple businesses should be incorporated into a single, well-designed sign. Businesses are encouraged to display products in windows, rather than use additional signs.

g. Trees, rocks, bridges, fences, windmill towers and dilapidated buildings should not be used as sign supports;

h. Any illumination provided for signs shall be white light only, and shall preferably be indirect lighting. Internal illumination for signs is permitted, but not preferred. Blinking or flashing lights on signs are not permitted.

i. Sign materials should be durable and easy to maintain. Signs may be constructed of wood, metal, slate, marble, gold leaf, glass, canvas, stained glass, or encased in a wooden frame.

j. Billboards, flashing signs, roof signs, moveable or portable signs, signs containing moving parts, and signs containing reflective elements which sparkle in the sunlight are not permitted.

5.2.6 Protection of Historic Structures

With respect to the character of historic buildings in the Jacob's Ladder Corridor, the following standards shall apply:

a. Removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.

b. Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values of the JLCOZ, any alteration shall be harmoniously related to nearby pre-existing structures in terms of color, materials, scale, and such design elements as door and window size and location, in addition to signs, setbacks, roof and cornice line, and other major design elements.

c. Every effort shall be made to maintain the intrinsic distinguishing qualities and characteristics of the building, structure and site. Architectural details shall be retained and restored wherever possible. In the event replacement is necessary, the new material shall match the old in design, color, texture and other visual qualities. Repair or replacement shall be based on accurate duplications, substantiated by historical, physical or pictorial evidence rather than on conjecture or available elements from other structures.

d. Distinctive stylistic features or examples of craftsmanship that characterize a building shall be treated with sensitivity.

e. Additions to existing buildings shall express in scale, color, texture and material, a suitable compatibility with the original structure.

f. Buildings on the National and State Register of Historic Places or otherwise judged to be of historic significance shall not be subject to sandblasting unless specifically approved.

g. In restoring historic structures, false or add-on building facades should be removed to the maximum extent feasible, to reveal historic architectural detail.

h. New development should not visually obstruct landmarks or outstanding physical features of the Jacob's Ladder Corridor, including rivers or streams, mountains, scenic landscapes and vistas.

6.0 Commission Membership

6.1 Composition

The membership composition of the Jacob's Ladder Design Review Commission shall be as follows:

- a) Community Representatives - Two members from each town which is a member of the the Jacob's Ladder Design Review Commission shall be appointed by the Board of Selectmen and shall include a planning board nominee and a nominee from the local historical commission or local historical society. Together these two members shall constitute one vote during Commission proceedings and design review. Preference for appointments shall be for a professional working in the fields of architecture, landscape architecture, or interior design.
- b) The Jacob's Ladder Trail Business Association - Three members from this association shall be appointed as representatives on the Design Review Commission. Together these three members shall constitute one vote on the Commission.
- c) Agency Representatives - One member shall be designated from each of the following agencies: the Berkshire County Regional Planning Commission ("BCRPC"); and the Pioneer Valley Planning Commission ("PVPC"). The two members appointed by the agencies shall have one vote on the Commission. Preference for appointment from these agencies shall be for a professional working in the fields of architecture, landscape architecture, or interior design.

Summary of Jacob's Ladder Design Review Commission

<u>Representing</u>	<u>Number of Appointments</u>	<u>Number of Votes</u>
Towns	10	5
Business Association	3	1
BCPC & PVPC	2	1
Total	15	7

- 6.2 Duration of Appointment: Members to the Jacob's Ladder Design Review Commission shall be appointed for a term of 2 years.

APPENDIX C

MODEL MODEL CREATIVE DEVELOPMENT BYLAW



APPENDIX C - MODEL CREATIVE DEVELOPMENT BYLAW

8.3 Creative Development

8.30 Creative Development Allowed

Creative Development in accordance with this bylaw shall be allowed by Special Permit in the _____ zoning districts, except not in the Floodplain. Any person creating two or more lots available for residential use, whether or not by subdivision may apply for a special permit under this section. Creative Development shall be encouraged within the town, and shall be the preferred method of development wherever the following purposes would be served.

8.31 Purpose

The purpose of this bylaw is to encourage creative and innovative development patterns which promote the following:

- a. preservation or enhancement of rural town character, including scenic roads and town centers;
- b. provision for alternative to strip residential development lining roadsides in the town, and encouragement of development out of view from the road;
- c. protection of natural resources, historic or archeological structures or sites, or scenic views;
- d. protection of open space for use as farmland, woodlot or forestry, recreation, or wildlife habitat;
- e. provision of affordable housing, or housing for the elderly, handicapped, or others with special needs.

8.32 Criteria for Evaluation

No special permit for Creative Development shall be issued unless the application therefore complies substantially with the following criteria:

- 8.321 All dwellings shall, to the greatest extent possible, be located out of view from any road unless valuable natural resources or farmland located to the rear of the property render building in view of the road more desirable.
- 8.322 The Creative Development shall create permanent open space. All land within the Creative Development not in use for building lots shall be placed in permanent open space.
- 8.323 The portion of a parcel placed in open space shall, to the greatest extent possible, be that which is most valuable or productive as a natural resource, wildlife habitat, farmland, or forestry land.

8.324 The Creative Development shall result in the creation of less curb cuts or vehicular access points to a public way than would reasonably be expected to occur under Standard ANR or Subdivision Development.

8.325 The Creative Development shall result in no net increase in density of dwellings on the parcel over the density which could reasonably be expected to occur on the parcel under Standard ANR or Subdivision Development.

8.33 Terms of Special Permit

Any Special Permit for Creative Development shall state clearly the terms by which the development shall meet the above-listed criteria. The Special Permit granted shall state the acreage and location of open space provided under Section 8.322; shall identify the natural resources or farmland to be protected under Section 8.323 and any specific measures to be taken for their protection; shall specify the number and location of dwellings under Section 8.321 and curb cuts under Section 8.324; and shall state the number of units, if any, to be constructed under Section 8.326, including their location and the method by which their creation shall be assured, such as by covenant or easement.

8.34 Definitions

- a. Creative Development: shall mean a form of residential development allowed in all districts by special permit, whereby the options of common driveways and flexible area and frontage requirements are utilized to create permanent open space and avoid standard ANR and subdivision development.
- b. Common Driveway: shall mean a vehicular access from a road to more than one but no more than six residential units, built in accordance with the common driveway standards stated below, where allowed by special permit.
- c. Affordable Housing Units: are those dwelling units which may be purchased by individuals or families with incomes between 80% and 120% of the median income for the Standard Metropolitan Statistical Area, provided that expenditure for housing costs does not exceed 30% of the gross annual income of the purchaser.
- d. Housing Costs: for affordable housing units shall mean the annual payments necessary based on current available mortgage interest rates, a 30-year mortgage term, and a 10% down payment.
- e. Median Income: shall mean the median income figure established for the applicable Standard Metropolitan Statistical Area, as established by annually updated U.S. Department of Housing and Urban Development median gross family income data.

8.35 Common Driveways

8.351 Common Driveways Allowed - Common Driveways shall be allowed by Special Permit in accordance with the provisions of this section. Where

applicable, under the Subdivision Regulations, common driveways may be allowed in place of a subdivision road.

- 8.352 Up to Six Lots Served - No more than six lots shall be served by a common driveway. The driveway shall lie entirely within the lots being served.
- 8.353 Driveway Not to be Used as Frontage - Frontage along the length of any common driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw; furthermore, no common driveway shall be accepted as a public road; nor shall the town under any circumstances be held liable for construction, reconstruction, maintenance, or snow removal on any common driveway, unless by contract duly entered into by the town and all landowners served by the common driveway.
- 8.354 Driveway Right-of-Way - The landowners of all residences served by a common driveway shall be granted a Right-of-Way for the use of the common driveway. Such Right-of-Way shall be recorded in the Hampshire County Registry of Deeds, together with a statement of covenants as follows:
- a. the common driveway shall at no time be used to satisfy frontage requirements under the zoning bylaw; and
 - b. the common driveway shall at no time become the responsibility or liability of the town; and
 - c. each landowner served by the common driveway shall be liable and responsible in whole for the repair and maintenance of any portion of the common driveway to which they have the exclusive Right-of-Way (such as a spur serving solely one parcel); and
 - d. each landowner served by the common driveway shall be jointly and severally responsible and liable for the repair and maintenance of all portions of the common driveway to which more than one landowner holds a Right-of-Way.
- 8.355 Common Driveway Standards
- a. Alignment and Dimensions
 1. The width of the right of way shall be 40 ft.
 2. The minimum width of the common driveway surface shall be 18 ft.
 3. The common drive shall have 3 ft. gravel shoulders on each side.
 4. The slope or grade of a common drive shall in no place exceed 8% if unpaved; or 12% if paved.
 5. The common drive shall intersect a public way at an angle of not less than 80 degrees.

6. The minimum curvature of a common driveway shall be sufficient for a fire engine to negotiate, generally no less than a radius of 50 ft.
7. There shall be a turnaround area at the resident end of the driveway such turnaround shall accommodate safe and convenient turning by fire trucks and other emergency vehicles.
8. The maximum length of a common driveway shall be 500 feet.
9. Other standards may be set based on site configurations, including requirements for drainage.
10. These standards may be waived when, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

b. Construction

1. The common driveway shall be constructed of a minimum 15" gravel base with an oil and stone top layer of 1/2" consisting of three successive layers of 3/4" crushed traprock stone, 1/2" crushed traprock stone and 1/4" crushed traprock stone, with a crown sufficient for drainage.
2. Drainage shall be adequate to dispose of surface runoff. Culverts shall be installed if deemed necessary by the Planning Board.
3. These construction standards may be waived if, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

c. Alignment and Dimensions

1. The common driveway, at its intersection with the street, must provide a leveling-off area with a slope no greater than 1% for the first 20 feet and a slope no greater than 5% for the next 30 feet.
2. Minimum safe sight distance must be provided at the intersection of a common driveway with a street.

8.356 Street Numbers and Identification - Each common driveway shall be assigned one street number; each residence served by the common driveway shall be assigned a letter to use together with the common driveway number for purposes of address and identification. All common driveways shall be clearly marked at the intersection of the driveway and the frontage road by a sign stating the driveway number, house letters, and names of house residents, sufficiently readable from the road to serve the purpose of emergency identification. The fire chief and/or highway department may make more specific requirements for driveway marking.

- 8.357 Home offices, home occupations, bed and breakfasts, and other home business uses may be permitted in any dwelling served by a common driveway where the dwelling containing such home business has at least 200 foot frontage on an approved road, and is otherwise shown not to cause nuisance to adjoining landowners and other landowners sharing the common driveway.
- 8.358 There shall be a minimum of 400 feet between the entrances of any two common driveways onto any road.
- 8.359 Common driveway design shall to the greatest extent possible minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and result in the preservation of rural character through reduction of number of access ways; and retention of existing vegetation and topography.

8.36 Creative Development Using Flexible Area and Frontage Standards

- 8.361 Creative Developments shall utilize the flexible area and frontage provisions of this bylaw, in coordination with Section 8.35 regarding Common Driveways, for the purpose of minimizing the destruction of natural resources while maximizing availability of open space, farmland, and rural character.

8.362 Flexible Frontage in Creative Developments

- a. The frontage of the parcel from which the lots of a creative development are created (whether or not by subdivision) shall equal or exceed one half the total frontage length otherwise required for the sum of all lots created as shown in the Table of Creative Development Dimensional Requirements (Table 5). For example, to create a six-lot creative development in the _____ Zone where there is a 175 foot frontage requirement, the parcel must have a minimum of 525 foot contiguous frontage along one road.
- b. Provided that all other requirements of this bylaw are met, there shall be no frontage required for individual lots within a Creative Development, with the exception described in Section 8.362(c) below.
- c. Any building lot which fronts on an existing public road shall have the frontage required in Section VI of the bylaw. This provision shall not apply to protected open space.

8.363 Flexible Area in Creative Developments

- a. Individual lot areas may be as small as the minimum lot sizes shown in Table 5, provided that the average size for all lots created, including any land reserved as open space, shall be no smaller than the required average lot size, shown in Table 5.

- b. The total number of building lots which can be created from any parcel shall be determined by dividing the total parcel area by the required average lot size shown in Table 5.
- c. All land not used for building lots shall be placed in permanent open space in accordance with Section 8.39 of this bylaw, but not less than 25% of the total land area.
- d. Estate or Flag Lots shall not be permitted in a Creative Development.

8.364 Other Dimensional Requirements

- a. All lots within a Creative Development shall meet the front, rear and side yard requirements specified in Table 5.

8.365 Site Design Standards

- a. Each structure shall be integrated into the existing landscape on the property so as to minimize its visual impact through use of vegetative and structural screening, landscaping, grading, and placement on or into the surface of the lot.

8.37 Creative Development Using Farmland Preservation Standards

8.371 Where a parcel for which a special permit under this bylaw is sought is presently used for agriculture, the preferred method of residential development shall be as follows:

- a. All lots to be used for residential development shall be of the minimum area permitted under this bylaw as shown in Table 5. All land not used for residential building lots shall be permanently preserved as open space in accordance with Section 8.39. At least one-half of the total parcel shall be so preserved.
- b. The total parcel frontage required shall be determined in accordance with the flexible frontage standards described in Section 8.362 and Table 5.
- c. All buildings, roads and driveways shall be located away from soils which are most suitable for agriculture (based on U.S. Soil Conservation Service classifications for prime farmland soils and soils of state and local importance) to the maximum practical extent. This provision does not apply to the location of on-site septic disposal facilities which must be placed in soils meeting the Massachusetts Environmental Code.
- d. All roads, driveways, drainage systems and utilities shall be laid out in a manner so as to have the least possible impact on agricultural lands and uses.
- e. All buildings, homes, and structures shall be located a minimum of 100 feet from agricultural land and shall be separated from agricultural uses by a 75-

foot wide buffer strip of trees and fencing sufficient to minimize conflicts between farming operations and residences.

- f. All Creative Developments under this section shall comply with the dimensional standards in Section 8.364 and site design standards in Section 8.365.

8.38 On-Site Sewage Disposal

The following standards shall apply to developments requiring on-site sewage disposal:

- a. The applicant shall submit a septic system design prepared by a certified engineer and approved by the Board of Health and a plan illustrating the location of water supply wells with the special permit application. Septic systems shall be placed in the development to maximize the distance between systems.
- b. No Creative Development shall be approved unless the applicant can demonstrate to the satisfaction of the Planning Board that the potential for groundwater pollution is no greater from the proposed creative development than would be expected from a conventional subdivision with single-family houses on lots meeting the normal size requirements located on the same parcel.

8.39 Protection of Open Land

8.391 The following standards shall apply to open land to be protected as part of a Creative Development:

- a. All remaining open land shall be permanently protected by one of the following methods:
 - 1. A permanent conservation easement or deed restriction conveyed to the Town of _____ with Town approval or to a non-profit trust or conservation organization whose principal purpose is to conserve farmland or open space. At a minimum, such an easement or restriction shall entail the use of management practices that ensure existing fields or pastures, if any, will be plowed or mowed at least once every year.
 - 2. Ownership in fee simple conveyed to the Town of _____ with Town approval or to a non-profit farm trust, open space or conservation organization as a gift or for consideration.
 - 3. If the protected open space is farmland, farmland owners are not required to sell the part of their property which is to become permanent agricultural open space, provided that they do convey the development rights of that open space in a conservation easement prohibiting future development of this property to Town of _____ with Town approval or to a non-profit trust or conservation restriction.

- b. A non-profit, homeowner's association shall be established, requiring membership of each lot owner in the Creative Development. The association shall be responsible for the permanent maintenance of all community water and wastewater systems, common open space, recreational and thoroughfare facilities. A homeowner's association agreement or covenant shall be submitted with the special permit application guaranteeing continuing maintenance of such common utilities, land and facilities, and assessing each lot a share of maintenance expenses. Such agreement shall be subject to the review and approval of Town Counsel and the Planning Board.

8.395 Creative Development With Affordable Housing

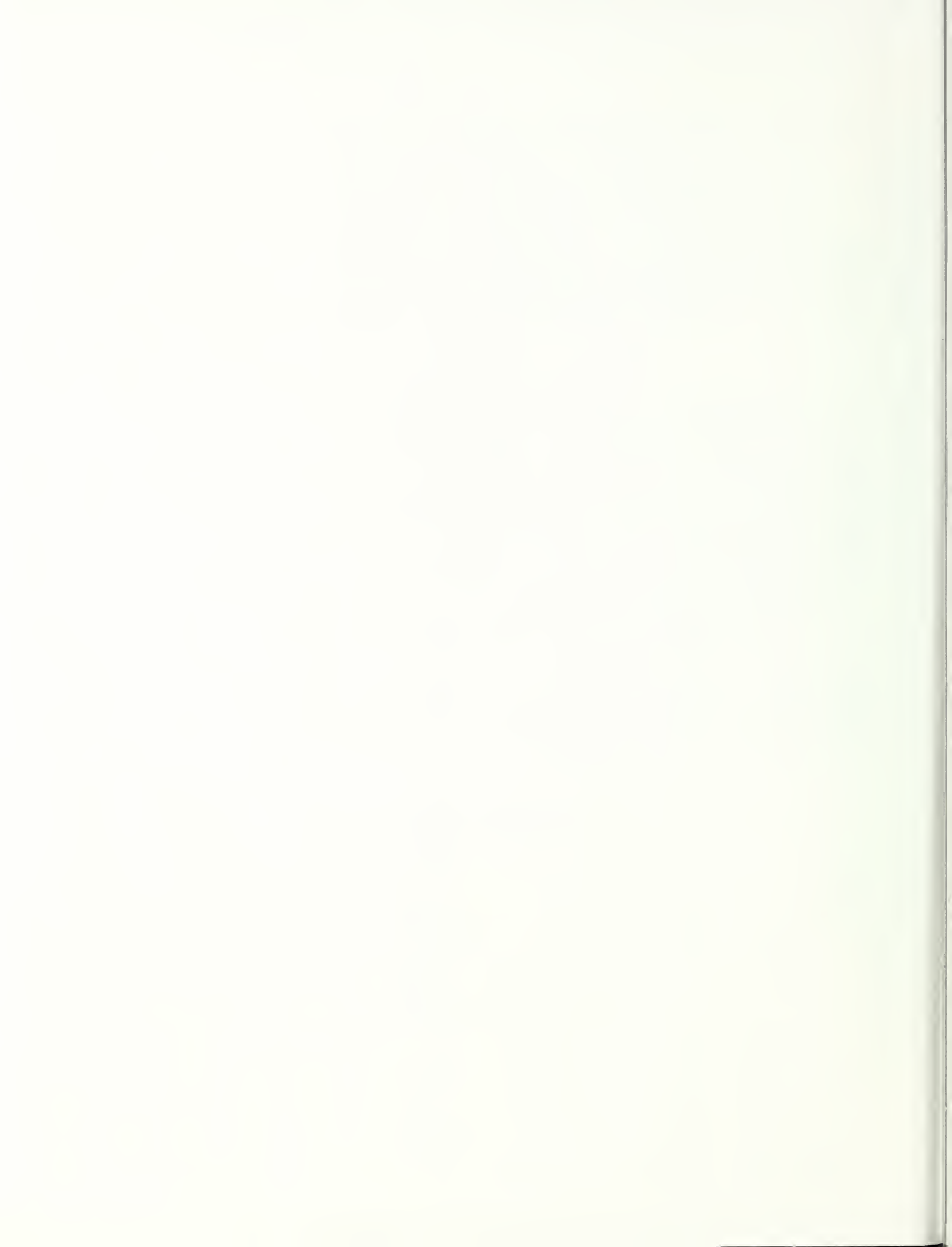
- a. A Creative Development with Affordable Housing shall be defined as any creative development which includes 25% or more of its units for low and/or moderate income people and which is subsidized by federal, state or local programs, or proposed by the _____ Housing Authority, or by a non-profit or limited dividend partnership, or any development which includes non-subsidized housing units priced to be affordable to people whose income is equal to or less than 120% of the median income for the Standard Metropolitan Statistical Area and which provides that the mix of affordable and market rate housing built in any one year is equivalent to the overall mix for the entire development, and which further provides that resale restrictions are established by the developer which ensure that the affordable units remain affordable for a period of forty years.
- b. For a Creative Development with Affordable Housing, the Special Permit Granting Authority may reduce the requirement in Table 5 for the protection of permanent open space to 10% of the total parcel, and may reduce the total parcel frontage required to 75% of the frontage requirements in Table 5.
- c. The provisions of Section 8.325 shall remain in effect for Creative Developments with Affordable Housing.

Table 5. Table of Creative Development Dimensional Requirements

<u>Development Type</u> <u>Yard</u>	<u>Lot Size**</u>	<u>Required</u> <u>Open Space</u>	<u>Total Parcel</u> <u>Frontage Required</u>	<u>Front Yard</u>	<u>Side</u>
Standard Subdivision or ANR Development	60,000	None	175 ft per lot	50 ft.	30 ft.
Creative Development Using Flexible Area	30,000 sq. ft. minimum* and 60,000 sq. ft. average	All land not used for building lots; minimum 25% of the parcel	87.5 ft. per lot	25 ft. from a common driveway 150 ft. from a public way	30 ft.
Creative Development Using Farmland Preservation Standards	30,000 sq. ft.	Minimum 50% of the parcel	87.5 ft. per lot	25 ft. from a common driveway 150 ft. from a public way	30 ft.

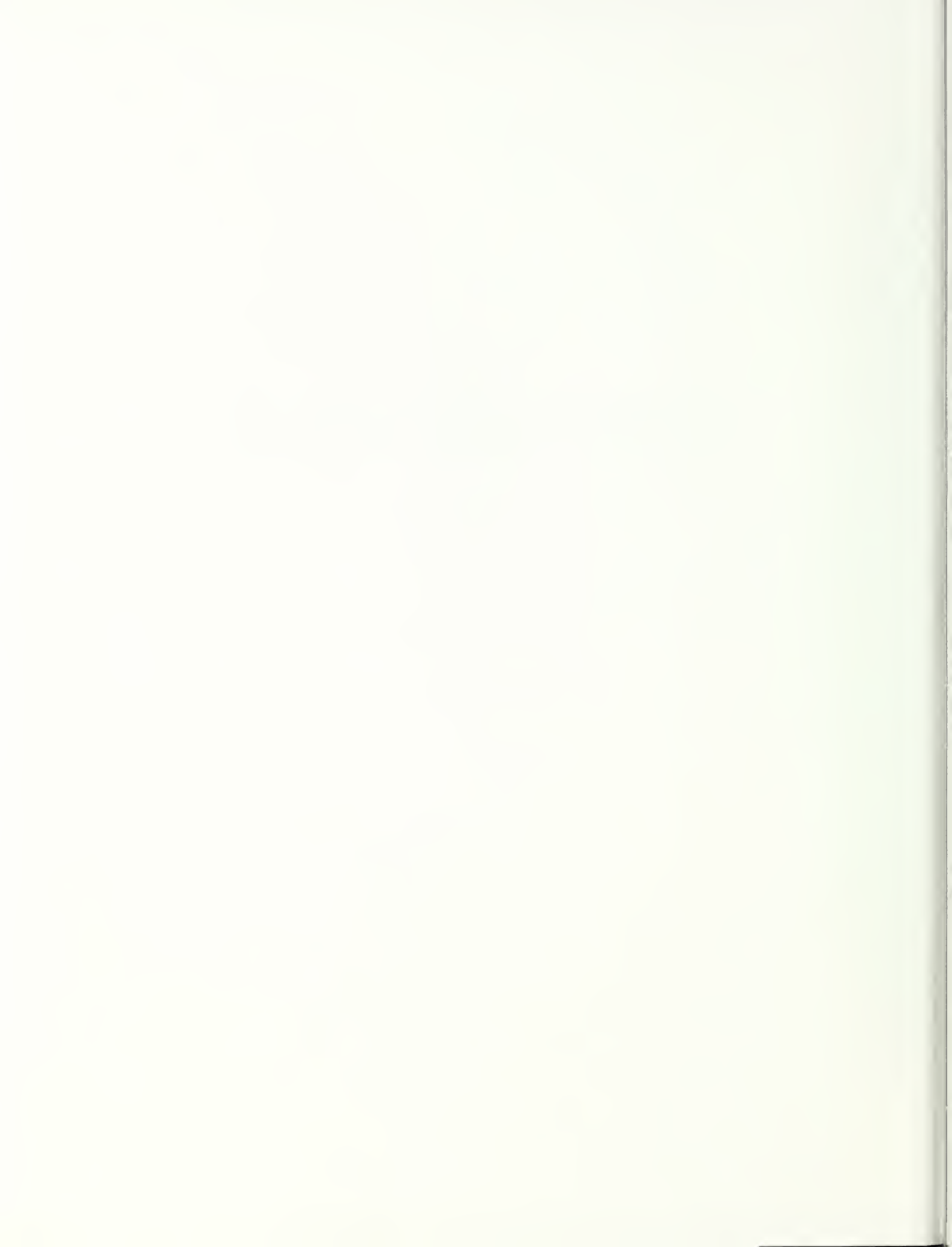
* provided that average lot size requirements for creative development are met.
after wetlands and slopes greater than 15% have been excluded.
provided that open space requirements are met.

**per dwelling unit



APPENDIX D:

**MAJOR RESIDENTIAL DEVELOPMENT BYLAW WITH
FARMLANDS AND WOODLANDS RESOURCE AREAS**



**APPENDIX D - MAJOR RESIDENTIAL DEVELOPMENT BYLAW
WITH FARMLANDS AND WOODLANDS RESOURCE AREAS**

8.4 Major Residential Development

8.40 Purposes

- a. To allow landowners a reasonable return on their holdings, while conserving _____ most important natural resource areas for long-term resource stewardship and use.
- b. To provide increased flexibility and options in the design and layout of residential development, provided that the net residential density is no greater than is normally permitted in the zoning district.
- c. To encourage residential development designs which are configured to permanently conserve _____ important farmlands and forestlands.

8.41 Applicability

- 8.411 Within the _____ zones, Major Residential Development, is allowed only by Special Permit, as indicated in Section V, Use Regulations. Such Special Permits shall be acted upon in accordance with the provisions of this Section 8.4 and the provisions of Section _____, Special Permits.
- 8.412 Major Residential Development shall be defined as the subdivision of any land parcel of ten acres or more, or the subdivision of any parcel into ten or more lots, provided that more than two (2) acres of such parcel lie within the Farmlands Resource Area or Woodlands Resource Area, as defined in Section 8.42. Plans for the division of land, which do not require approval under the Mass. Subdivision Control Law (M.G.L. Chapter 41, Section 81P) shall not be deemed to constitute a Major Residential Development.
- 8.413 After a Special Permit for a Major Residential Development has been issued, any additional subdivision of land will require a modification to the Special Permit.

8.42 Procedures

- 8.421 All applicants for Major Residential Developments shall, prior to preparing any development drawings, meet with the Planning Board to discuss the attributes of the property. At this initial meeting, said property shall be identified by the applicant on the Board's set of resource maps, and the Planning Board shall determine, within thirty (30) days of such meeting, whether or not two concept plans will be required to be submitted. The Planning Board shall require submission of two "sketch" development plans if it determines that more than two (2) acres of the proposed development lie within any one of the following resource areas:

- a) Farmlands Resource Area
- b) Woodlands Resource Area

8.422 The resource areas shall be determined as follows:

- a) Farmlands Resource Area: Lands with soils classified as "prime farmland soils" or "soils of state and local importance" according to U.S. Soil Conservation Service classifications, and lands in agricultural production. The Farmlands Resource Area is shown on the "_____ Farmlands Resource Area" map, on file with the Planning Board.
- b) Woodlands Resource Area: Lands with soils classified as "Prime I forest land soils" according to University of Massachusetts College of Food and Natural Resources classifications. The Woodlands Resource Area is shown on the "_____ Woodlands Resource Area" map, on file with the Planning Board.

8.423 If required by the Planning Board, in addition to the requirements of Section _____ Special Permit, application for a Special Permit for a Major Residential Development shall require the preparation and submittal to the Planning Board of two "sketch" development plans, drawn to a scale of 1" = 40 feet, as follows:

- a) a standard development plan, illustrating lots, roads and open space proposed to be created in accordance with the dimensional and density requirements of the underlying zoning district;
- b) a creative development plan, illustrating lots, roads and open space proposed to be created in accordance with the dimensional and density requirements of Section 8.3, Creative Development, except that creative developments within a resource area shall be eligible for the reduced density requirements in Section 8.43.

8.424 In addition to the minimum requirements for Special Permits in this bylaw, and the _____ subdivision regulations, the applicant shall also submit to the Planning Board the following information:

- a) a site plan illustrating any areas of the property which lie within the Woodlands Resource Area and the Farmlands Resource Area. Each of these resource areas is illustrated on a map of the same title, on file with the Town Clerk and the Planning Board.

8.43 Incentives for Creative Development

Creative development plans submitted for lands lying within the Woodlands Resource Area or Farmlands Resource Area, shall comply with all dimensional and density requirements of Section 8.3, except that the required average lot size required in Table 5 may be reduced in the _____ District to 50,000 square feet, and in the _____ District to 30,000 square feet.

8.44 Major Residential Development Performance Standards

8.441 To the extent feasible, any Major Residential Development shall comply with the performance standards for the applicable resource area, as specified in Sections 8.442 and 8.443.

8.442 Farmlands Resource Area Performance Standards

Within the Farmlands Resource Area, the following standards shall apply:

- a. To the extent feasible, all buildings and roads shall be located away from, and shall be laid out to minimize impacts on lands most suitable for agricultural use, or "prime farmlands." This provision does not apply to the location of on-site septic disposal facilities, which must be placed in soils meeting Title V of the Massachusetts Environmental Code, and may be located beneath farmlands.
- b. Prime farmlands shall be determined based on current agricultural land use and on U.S. Soil Conservation Service classifications for prime farmland soils and soils of state and local importance.
- c. The preferred method for permanent protection of open agricultural land shall be through the conveyance of a permanent conservation restriction or deed restriction to the Town of _____ with town approval or to a non-profit conservation organization, or to a homeowner's association.
- d. To the extent feasible, protected agricultural lands shall be those farmlands which are contiguous to other adjacent farmland parcels.

8.443 Woodlands Resource Area Performance Standards

Within the Woodlands Resource Area, the following standards shall apply:

- a. To the extent feasible, buildings and roads shall be laid out in a manner to:
1) minimize conversion of prime woodlands to urban uses; and, 2) to conserve contiguous blocks of prime woodlands. This provision does not apply to the location of on-site septic disposal facilities, which must be placed in soils meeting Title V of the Massachusetts Environmental Code.
- b. Prime woodlands shall be determined based on a forest management plan developed for the property. Prime woodlands shall be determined based on the following criteria: forest type, stand density, and tree size/maturity, wildlife value, recreation value, forest products value and on University of Massachusetts, College of Food and Natural Resources classifications for prime forest land soils.
- c. The preferred method for conservation of prime woodlands shall be through the conveyance of a permanent conservation restriction or deed restriction

to the Town of _____ with town approval, or to a non-profit conservation organization, or to a homeowner's association.

- d. To the extent feasible, protected woodlands shall be those woodlands which are contiguous to other adjacent woodland parcels.
- e. In portions of a property not within protected woodlands, land clearing and the removal of trees during the development process shall be minimized. To the extent feasible, land clearing or tree removal during the development process shall be limited to those areas of the property where the location of structures or site improvements necessitate removal of trees.
- f. Harvesting of trees for lumber, firewood or other forest products shall be allowed under this section, provided that all commercial forest cutting shall require approval under the Mass. Forest Cutting Practices Act.

8.444 Properties With Multiple Resource Areas

- a. In cases where properties encompass more than one resource area, first priority shall be placed on preserving farmland resources and second priority on conserving woodland resources.

8.45 Selection of Final Development Plan

- a. After submission of two "sketch" development plans, the applicant for a Special Permit for Major Residential Development shall meet with the Planning Board to review the plans. Following the Planning Board meeting, the Planning Board shall select one development plan, and the developer shall prepare a subdivision plan for the selected option, consistent with the requirements of the subdivision control law for preliminary and definitive subdivision plans.
- b. The Planning Board, in making its determination as to which development plan is required, shall compare the two sketch plans and shall evaluate the relative impact of each plan upon the resources listed in Section 8.42 above.

The Planning Board's decision shall be based on the following criteria, which are listed in order of priority, because it is recognized that on some sites it may not be possible to achieve all criteria. The Board shall select the plan that is laid out in a manner which best achieves these criteria:

- 1) Has the least impact on the Farmlands and Woodlands Resource areas;
- 2) Conserves prime agricultural lands, including lands in current agricultural use and important farmland soils;
- 3) Conserves and maintains currently or potentially productive woodlands for long-term, sustainable timber management and compatible multiple uses;

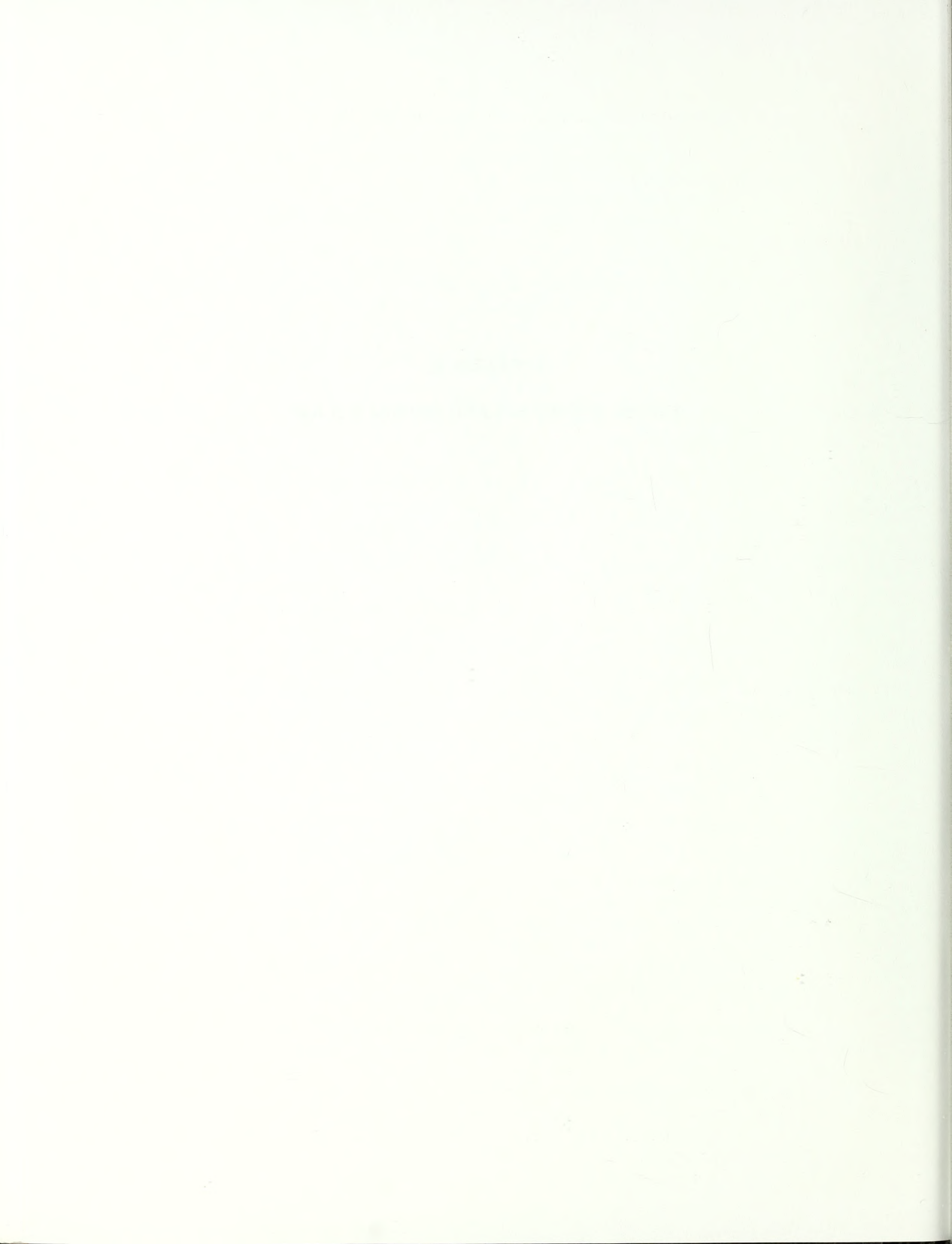
8.46 Special Permit Decision

The Planning Board shall initiate the Special Permit review process and schedule a public hearing in accordance with Section _____ upon receipt of a definitive subdivision plan for the major residential development. In addition to the criteria in Section _____ the Planning Board shall also consider whether the proposed major residential development meets the following criteria:

- 1) avoids, to the extent feasible, development within the Woodlands Resource Area and the Farmlands Resource Area;
- 2) complies, to the extent feasible, with the Major Residential Development Performance Standards in Section 8.44;
- 3) is integrated into the existing landscape through features such as vegetative buffers and open space



APPENDIX E:
MODEL SCENIC UPLAND ZONING BYLAW



APPENDIX E - MODEL SCENIC UPLAND ZONING BYLAW

4.0 Scenic Upland Review

4.00 Purposes

The purposes of the Scenic Upland District are:

- a. To preserve and enhance upland areas in the Town of _____ of natural scenic beauty including mountain , ridges, wooded canyons, exceptional vistas or viewsheds, and related natural resources;
- b. To regulate new construction, vegetation removal, filling, or excavation of land which could adversely affect natural resources or scenic qualities;
- c. To prevent erosion, sedimentation, water pollution, flooding and other adverse impacts of development in sensitive upland areas.

4.01 Scope of Authority

The Scenic Upland District is an overlay district and shall be superimposed on the other districts established by this bylaw. All regulations of the _____ Zoning Bylaw applicable to such underlying districts shall remain in effect, except that where the Scenic Upland District imposes additional regulations, such regulations shall prevail.

4.02 District Delineation

- 4.021 The Scenic Upland District Bylaw shall be applied to sensitive mountain or steep slope areas of scenic and natural resource value as designated on the overlay map entitled "Scenic Upland District, Town of _____", on file with the Town Clerk.
- 4.022 The Scenic Upland District is intended to include those mountains or upland areas which have one or more of the following characteristics:
 - a. Steep slopes greater than 15%;
 - b. Unique landforms, including bedrock outcrops, till-covered hills, geological rarities, cliffs, or other unusual topographic features;
 - c. Areas of high visual amenity including areas with scenic views, farmlands, streams, wetlands, waterways, and forested slopes.

4.03 Permitted Uses

- a. Agricultural production, including raising of crops, livestock, poultry, nurseries, orchards, hay;

- b. Recreational uses, provided there is minimal disruption of wildlife habitat;
- c. Maintenance and repair usual and necessary for continuance of an existing use;
- d. Conservation of water, plants, and wildlife, including the raising and management of wildlife.
- e. Uses permitted under M.G.L. Chapter 40a, Section 3 with the limitations imposed therein.

4.04 Prohibited Uses

All uses not permitted in Section 4.03 or 4.05 shall be deemed prohibited.

4.05 Uses Permitted With Scenic Upland Review

The following uses shall be permitted subject to Scenic Upland Review of project site plans prior to the issuance of a building permit or Special Permit or approval of a definitive plan under the Massachusetts Subdivision Control Law:

- a. Any construction or significant alteration of any dwelling or other structure, if any such action affects the exterior appearance. A significant alteration is defined as any alteration exceeding _____ percent of the existing square footage of the structure, or which adds to the height of a structure, or which substantially alters the visual profile of the property or structures thereon;
- b. Any commercial or industrial use allowed by Special Permit in the underlying district;
- c. Any subdivision which requires approval under the Massachusetts Subdivision Control Law, M.G.L., Ch. 40.

4.06 Scenic Upland Review Board

- 4.061 In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Scenic Upland Review Board shall review applications and site plans for all actions that are subject to this bylaw, and shall make recommendations to the Building Inspector, Planning Board or Zoning Board of Appeals as described in Section 4.08 concerning the conformance of the proposed action to the design and development standards contained herein.
- 4.062 The Scenic Upland Review Board shall consist of five members, two of whom are registered architects, landscape architects, or persons with equivalent professional training, and one of whom owns property in the affected area. Appointments to the Scenic Upland Review Board shall be made by the Board of Selectmen.
- 4.063 The terms of all members of the Scenic Upland Review Board shall be three years, except that when the Board is originally established, the Board of Selectmen shall make two of their appointments for a three-year term, two

appointments for a two-year terms, and the remaining appointment shall be for a one-year term.

4.07 Application Contents and Procedures

- 4.071 Applications for all actions subject to review by the Scenic Upland Review Board shall be made by completing an application form and site plan and submitting it to the Building Inspector. Application forms are available from the Office of the Building Inspector.
- 4.072 All applications to the Scenic Upland Review Board shall include all information required by the rules and regulations of the Scenic Upland 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 variance or building permit.
- 4.073 To facilitate siting and design of buildings sensitively related to the natural setting, applications for Scenic District Review of proposed development in the scenic district must be accompanied by a site plan which describes or illustrates:
- a. The location and boundaries of the lot, adjacent streets or ways, and the location and owner's names of all adjacent properties;
 - b. Existing and proposed topography including contours, the location of wetlands, streams, waterbodies, drainage swales, area subject to flooding, and unique natural land features;
 - c. Placement, height, and physical characteristics of all existing and proposed buildings and structures located on the development site;
 - d. Architectural rendering illustrating design of all proposed structures;
 - e. Proposed landscape features including the location and a description of screening, fencing, and planting;
 - f. View points - Photographs of the development site taken from points along the street, together with a map indicating the distance between these points and the site;
 - g. The location of parking and loading areas, driveways, walkways, access and egress points;
 - h. The location and a description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse, and other waste disposal methods;
 - i. The location and a description of proposed open space or recreation areas;

- j. Measures to be undertaken during and after construction to prevent erosion, sedimentation, flooding, or water pollution.

4.08 Review Procedures

- 4.081 Upon receipt of an application for Scenic Upland Review, the Building Inspector shall immediately transmit the application to the Scenic Upland Review Board. the Scenic Upland Review Board shall review the application and return its recommendations in writing to the Building Inspector within thirty-five (35) days of the receipt of the application. If the application for Scenic Upland Review is associated with an application for a variance, special permit, or subdivision review, the Scenic Upland Review Board shall immediately transmit their recommendations to the Planning Board or Zoning Board of Appeals as appropriate.
- 4.082 If the Scenic Upland Review Board does not submit its recommendations to the Building Inspector within thirty-five (35) days, such failure to act shall constitute approval of the application.
- 4.083 The Scenic Upland Review Board's action shall be advisory and shall consist of either:
 - a. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in this bylaw;
 - b. Approval subject to conditions, modification, and restrictions as the Scenic Upland Review Board may deem necessary.
- 4.084 The applicant shall be given written notice of the public meeting at which their application will be reviewed, and shall be given an opportunity to be heard on the application.
- 4.085 The Building Inspector, Planning Board, and Zoning Board of Appeals shall, in making their permit granting decisions, give due consideration to the Scenic Upland Review Board's recommendations, and shall communicate all subsequent decisions to said Board.

4.09 Scenic District Review Criteria

- 4.091 Scenic District Review should ensure that when man-made structures are built in scenic areas, they are sensitively related to the natural setting and that special consideration has been given to their siting and design.
- 4.092 A Scenic District application may be approved where consistent with the following criteria:
 - a. Buildings, building materials, and landscaping are designed and located on the site to blend with the natural terrain and vegetation and preserve the scenic character of the site;

- b. Where public views will be unavoidably affected by the proposed use, architectural and landscaping measures have been employed so as to minimize significant degradation of the existing scenic or aesthetic qualities of the site;
- c. Safeguards have been employed where needed to mitigate against environmental degradation from erosion, sedimentation, water pollution, or flooding.

4.10 Design and Development Standards

All applicants for Scenic Upland Design Review shall comply with the following design and development standards:

4.101 Siting of Structures

- a. The placement of buildings, structures, or signs shall not detract from the site's scenic qualities or obstruct significant views, and shall blend with the natural landscape.
- b. Building sites shall be directed away from the crest of hills in order to preserve the visual integrity of the district.
- c. Developments for more than one structure shall incorporate variable setback, multiple orientations, and other site-planning techniques to avoid the appearance of a solid line of development.
- d. Foundations should be constructed to reflect the natural slope of the terrain. Excessive support members or mechanical systems should be covered or screened.

4.102 Building Materials, Colors, and Architectural Style

- a. Natural building materials which blend with the natural landscape, such as brick, stone, masonry or wood should be emphasized in the design of the exterior.
- b. Architectural style shall reflect the traditional New England character of community.
- c. In selecting exterior colors for structures, reference shall be given to "earth" colors, such as olive, ochre, sienna, gray, gray green, gray blue, etc. Warm colors may be appropriate for small accessory uses or for design details.
- d. Business or industrial uses other than restaurants, recreational uses or travel-related uses such as gasoline service stations and roadside stands are to be conducted entirely within enclosed buildings.

4.103 Landscaping and Site Preparation

- a. In landscaping, preference shall be given to native trees and plants.
- b. The removal of native vegetation or trees shall be minimized to the extent feasible in clearing site for new structures or roads. Selective clearing of vegetation may be permitted where views may be presently obscured by such vegetation adjoining or within 200 feet of a public or private way, subject to approval of the Scenic Upland Review Board.
- c. Remaining walls may be used to create usable yard space in the site and rear yard. Retaining walls in the exposed side and downhill portions of a lot shall be screened with appropriate landscaping materials.
- d. Any grading or earth-moving operation in conjunction with a proposed development shall be planned and executed in such manner that final contours are consistent with the existing terrain both on and adjacent to the site.

4.104 Accessory Uses and Utilities

- a. Utilities shall be constructed and routed underground except in those situations where natural features prevent the underground siting or where safety considerations necessitate above-ground construction and routing. Above-ground utilities shall be constructed and routed to minimize detrimental effects on the visual setting.
- b. Potentially unsightly accessory uses such as parking lots, storage areas, equipment sheds, above-ground swimming pools, and communication towers, shall be located in areas not visible from streets, or shall be screened by dense evergreen plantings or landscaped earthen berms.
- c. Antennae shall not be silhouetted against the view, preferably not mounted on roof.

4.105 Signs

- a. Signs shall be constructed and located on the site so as to, as nearly as possible, satisfy the standards in section 4.101(a).
- b. Signs shall be of the minimum size and height necessary for identification of the business, and shall be located on the building premises.
- c. Signs shall not be internally illuminated. Signs shall be illuminated only with steady, stationary, shielded light sources directed solely onto the sign without causing glare.

4.106 Prevention of Water Pollution and Flooding

- a. Storage and/or transmission of petroleum or other refined petroleum products is prohibited except within buildings which they will heat. Petroleum products stores within a building shall be placed on a diked, impermeable surface to prevent spills or leaks from reaching groundwater.
- b. The amount of sanitary waste discharged to an on-site sewerage system shall not exceed 330 gallons per day per acre.
- c. All run-off from impervious surfaces shall be recharged on the site by being diverted to stormwater infiltration basins covered with natural vegetation. Stormwater infiltration basins must be designed to handle a 25-year storm. Dry wells shall be used only when other methods are infeasible, and 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.

4.107 Prevention of Erosion and Sedimentation

- a. No area or areas totaling two (2) acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled six (6) inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity or unless necessarily incidental to construction on the premises under a currently valid building permit or unless within streets which are either public or designated on an approved subdivision plan or unless a special permit is approved by the Planning Board on the condition that run-off will be controlled, erosion avoided and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant materials being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.
- b. Sediment and erosion control measures shall be employed to minimize such impacts during and after construction, in accordance with guidelines established by the U.S. Soil Conservation Service "Guidelines for Soil and Water Conservation in Urbanizing Areas of Massachusetts".

APPENDIX F:

MODEL SCENIC ROAD AND SHADE TREE BYLAW

APPENDIX F - MODEL SCENIC ROAD AND SHADE TREE BYLAW

5.2 Scenic Roads and Public Shade Trees

5.2.1 Purpose

The Purpose of this Scenic Roads and Public Shade Tree Bylaw is to preserve the qualities and character of certain public ways by insuring that:

- a. ways will be recommended for designation as scenic roads in accordance with stated criteria;
- b. scenic roads will not be altered except after compliance with stated procedures;
- c. scenic roads will not be altered by the decision of any person, organization, or agency other than the Planning Board; and
- d. public shade trees will not be cut, removed, or damaged except after compliance with M.G.L. Chapter 87, and this bylaw.

5.2.2 Definitions

In the absence of contrary meaning established through legislative or judicial action pursuant to M.G.L. Chapter 40, Section 15C or M.G.L. Chapter 87, the following terms contained in that statute shall be defined as follows:

"Cutting or Removal of Trees" shall mean the removal of one or more trees, trimming of major branches or cutting of roots.

"Repair, maintenance, Reconstruction, or Paving Work" shall mean any work done within the Right-of-Way by any persons or agency, public or private, including any work on any portion of the Right-of-Way which was not physically commenced at the time of adoption of this bylaw.

"Road and Public Way" shall mean any entire Right-of-Way used and maintained as a public way, including the section of the way used for vehicular travel and all appurtenances within the Right-of-Way such as bridge structures, drainage systems: retaining walls, traffic control devices, and sidewalks, and all other and the Right-of-Way but not including those portions of streets which intersect private driveways.

When the boundary of the Right-of-Way is in issue so that there is uncertainty as to whether or not certain trees, public shade trees, stonewalls, or portions thereof are within or without the Right-of-Way the trees or stone walls in question shall be presumed to be within the Right-of-Way unless and until proven otherwise.

"Tearing Down or Destruction of Stone Walls" shall mean the removal, dispersal, or elimination in whole or in part of more than five linear feet of stone wall, where such stone wall consists of one or more cubic feet of wall material (including stone, dirt,

cement, or any other wall material) per linear foot above existing grade. The term shall not be construed to include temporary removal and replacement at the same location with the same materials, nor shall it include the repair or rebuilding of such a wall with appropriate existing materials and additional materials; nor shall it include the construction of new stone walls or fences, provided that they do not obstruct or damage existing walls.

"Trees" shall include any tree of more than one and one-half inches (15" or more as measured one foot above the ground.

"Public Shade Trees" shall mean all trees within any public way or on the boundaries thereof.

5.2.3 Designation of Scenic Roads

5.2.3.1 Procedures

Scenic Roads shall be designated by majority vote of Town Meeting. Ways may be recommended by the Planning Board, Conservation Commission, or Historical Commission for designation as a scenic road upon a finding that the way meets one of the following criteria and the way has been determined by the _____ Planning Board to be reasonably safe in its present condition for vehicular travel.

5.2.3.2 Criteria

In determining which way or portions of ways should be designated as scenic roads, the following criteria shall be considered:

- a. Ways bordered by trees of exceptional size or quality, or unusual or distinctive variety;
- b. Ways bordered by stone walls;
- c. Ways bordered by any natural or man-made features of aesthetic value;
- d. Ways providing scenic views of water, rolling fields, woodlands, or orchards;
- e. Ways bordered by historic or archeological structures or site of significance to the community;
- f. Ways for which alteration is being planned or is likely to be planned; and
- g. Ways for which any alteration would lessen the aesthetic value of the natural or man-made features bordering them.

5.2.3.3 Regulations

The Planning Board may adopt more detailed regulations regarding implementation of scenic roads designations, including requiring the town

highway department to erect signs along scenic roads stating their designation as such.

5.2.3.4 Notification of Designation as Scenic Roads

The Planning Board shall, within 30 days of the designation of a scenic road:

- a. notify all municipal departments
- b. notify the State Department of Public Works
- c. publish in a newspaper of local circulation an informal article describing the designation.
- d. indicate such designation on all maps currently in use by municipal departments.
- e. notify all utility companies which are likely to be working on the border of such road; and
- f. if the Planning Board regulations under Section 5.2.3.3 so require, instruct the town highway department to erect appropriate signs along the designated scenic road.

5.2.3.5 Effect of Designation as Scenic Road

In accordance with M.G.L. Chapter 40, Section 15C, no road repair, maintenance, reconstruction, or paving pertaining to a designated Scenic Road shall involve or include the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof except in accordance with the following:

- a. Any person, organization, state or municipal agency seeking the written consent of the Planning Board, regarding the cutting or removal of trees or the tearing down or destruction of stone walls, or portions thereof on a scenic road shall file a request with the Planning Board, together with following:
 1. the text of a legal notice identifying the location of the proposed action in terms enabling readers to locate it with reasonable specificity on the ground without need for additional plans or references, and describing in reasonable detail the proposed changes to trees and stone walls;
 2. a statement of the purpose, or purposes, for the changes proposed;
 3. a list of owners of properties located in whole or in part within 300 feet of the proposed action;
 4. except in the case of town agencies, a deposit sufficient to cover the cost of advertising and notification; and

5. any further explanatory material useful to adequately inform the Planning Board.

b. Notice

The Planning Board shall, as required by statute, give notice of its public hearing by advertising twice in a newspaper of general circulation in the area. This notice shall contain a statement as to the time, date, place, and purposes of the hearing with a reasonable description of the action proposed by the applicant. Copies of this notice shall also be sent to the Selectmen, the Conservation Commission, the Historical Commission, the Town Engineer, the Tree Warden, the Department of Public Works, and the owners of property within 100 feet of the proposed action.

c. Timing of Notice

The first publication of the notice shall be as soon as feasible after the Planning Board receives the request from the applicant, and shall in all cases be at least 14 days before the hearing. The last publication shall occur, as required by statute, at least seven days prior to the hearing.

d. Timing of Hearing

The Planning Board shall hold a public hearing within 30 days of the planning board meeting at which a properly filed request is received. The date and time of the public hearing shall be set outside of normal weekday work hours (8:00 a.m. - 5:00 p.m., Monday - Friday) so as to encourage maximum citizen participation.

e. Timing of Decision

The Planning Board shall make a decision on the request within 21 days of the public hearing.

f. Basis of Decision

The Planning Board's decision of any application for proposed action affecting scenic roads shall be based on consideration of the following:

1. preservation of natural resources;
2. environmental values;
3. historical values;
4. scenic and aesthetic characteristics;
5. public safety;
6. compensatory actions proposed, such as replacement of trees or walls;
and
7. other sound planning considerations

This provision shall apply to the cutting or removal of trees, or the tearing down or destruction of stone walls or portions thereof for all purposes

including, but not limited to, installation of a driveway, and widening the paved portion of a way.

5.2.3.6. Enforcement

This Bylaw shall be enforced by the Selectmen, Planning Board, or Building Inspector. Upon any well-founded information as to a violation, the Selectmen, Planning Board, or Building Inspector shall take immediate steps to enforce this bylaw in any manner provided by law.

5.2.3.7 Penalties

Any person violating any of the provisions of this Bylaw may be fined not more than fifty dollars (\$50.00) for each offense. Each day that such violation continues may constitute a separate offense.

APPENDIX G:
MODEL COMMON DRIVEWAYS BYLAW

APPENDIX G - MODEL COMMON DRIVEWAYS BYLAW

5.2 Common Access Driveways

5.2.1. Definition

A "Common Access Driveway" or "Common Access Drive" is a driveway/curb cut shared by not more than two lots, such that each lot has approved frontage on an existing public way, and has access obtained through the common use of a private driveway designed according to the standards for construction of shared driveways in _____.

5.2.2. Authority

The _____ Planning Board shall be the special permit granting authority for all purposes under this section and shall adopt rules and regulations with respect to the administration of applications or special permits under this section, subject to the conditions set forth below.

5.2.3. Standards

Proposed common access driveways to be shared by not more than two dwelling units shall require a special permit from the _____ Planning Board. Common Driveways are allowed by Special Permit in the Agricultural/Residential (A/R), Residential (R), and Business (B) zoning districts. Common Driveways shall not be allowed in the Village Business (VB) zoning district. For each such proposal the Highway Superintendent, Fire Chief, Board of Health, Conservation Commission and Building Inspector may provide to the Planning Board written opinion or oral testimony at a public hearing regarding matters pertaining to their particular jurisdiction together with any questions or considerations bearing on the adequacy of the plan. This opinion or testimony may include, but is not limited to, suggestions for road specifications, wetland and open space protection and other criteria designed to promote the health, safety, and welfare of the inhabitants of the Town of _____. In reaching its decision, the Board shall consider the following factors: Whether the proposed drive creates less adverse impact to wetlands located on the lots or otherwise diminishes environmental degradation; allows safer access to lots; results in the preservation of the rural quality of the area through the reduction in number of access ways and maintenance of existing vegetative and topographical conditions; otherwise promotes the health, safety and welfare of the inhabitants of the Town of _____. This provision shall be applied in conjunction with the Subdivision Control Law (Massachusetts General Laws, Ch. 41., Sect. 81K-81GG) and the Rules and Regulations Governing the Subdivision of Land in _____.

- a. Each lot must have adequate approved legal frontage on an existing public way. Frontage requirements for each lot shall be along a town, county, state or approved subdivision road. Frontage along the length of private/common access driveways shall in no way be used to satisfy frontage requirements as specified in the zoning bylaw.

- b. The following shall accompany an Application filed for a Common Driveway Special Permit:
- (1) A Site Plan, developed by and carrying the seal of a certified professional engineer or a registered land surveyor, shall be submitted with the Special Permit Application showing the layout for the common driveway, meeting the following specifications:
 - a width of at least 18 feet and passing turnouts providing a total width of at least 20 feet along a distance of at least 25 feet, spaced with no more than 300 feet between turnouts and with the first such passing turnout at the driveway connection to the street,
 - a maximum grade of 8 percent (4.57°), said driveway shall not exceed a grade of 2 percent (1.15°) within 30 feet of its intersection with the public way,
 - a minimum side setback of 25 feet from any property not served by the proposed driveway,
 - no connection to any other way except the one from which it originates,
 - access from the same public way that serves as the frontage for the lots being serviced by the common driveway, unless unique circumstances presented to the Board are such that the Board may grant permission to access the common driveway from another public way.
 - (2) an Easement Plan suitable for recording at the Registry of Deeds.
 - (3) easements, covenant and agreements for the subject lots containing restrictions prohibiting any additional vehicular access to said lots from other than the common driveway approved by the Special Permits, stating that said common driveway is a private driveway, not a town way. The maintenance, operation, repair and reconstruction (including snow plowing and snow/ice removal) is the responsibility and liability of the property owners. All deed easements, easement plans, restrictions, covenants and agreements must be submitted to and approved by the Board prior to their recording and prior to the issuance of any Building Permits.
- c. House numbers identifying all of the homes utilizing the common driveway shall be placed at its intersection with the town road and at each subsequent turn-off from the common driveway sufficient for identification by emergency vehicles.

5.2.4. Certification

Prior to the issuance of any Occupancy Permits for any of the lots serviced by such Common Driveway, the Applicant shall submit to the Board as built plans, prepared and stamped by a registered professional engineer and a certified statement from a

registered professional engineer that such common driveway was constructed in accordance with the approved plans.

5.2.5. Street Acceptance

If application is ever made for a Common Driveway to become a Town Way, such common driveway shall first, at applicant's expense, be made to conform to the Rules and Regulations for the Subdivision of Land in the Town of _____ in effect at the time that such application is made.

APPENDIX H:
MODEL SIGN BYLAW

3. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
4. In computing the area of signs, one side of back-to-back signs shall be included.
- d. Sign, Awning: A sign painted on or attached to the cover of a movable metallic frame, of the hinged, roll, or folding type of awning.
- e. Sign, Free-Standing: A self-supporting sign not attached to any building, wall, or fence, but in a fixed location. This does not include portable or trailer type signs.
- f. Sign, Movable: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.
- g. Sign, Non-Accessory: Any sign not an accessory sign.
- h. Sign, Projecting: A sign which is affixed to building, tree, or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.
- i. Sign, Roof: A sign which is located above, or projected above, the lowest point of the eaves or the top of the parapet wall of any building, or which is painted on or fastened to a roof.
- j. Sign, Temporary: Any sign, including its support structure, intended to be maintained for a continuous period of not more than thirty (30) days in any calendar year.
- k. Sign, Wall: Any sign which is painted on, incorporated into, or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

9.23 General Regulations

9.231 Permitted Signs

Only signs which refer to a permitted use or an approved conditional use as set forth in Section _____ of the _____ bylaw are permitted, provided such signs conform to the provisions of this section.

9.232 Prohibited Signs

- a. Billboards or non-accessory signs are not permitted.
- b. Flashing signs and signs containing reflective elements which sparkle in the sunlight are not permitted. Signs indicating the current time and/or temperature are permitted providing they meet all other provisions of this bylaw.
- c. Any sign advertising or identifying a business or organization which is either defunct or no longer located on the premises is not permitted.

d. In no case shall any sign exceed forty (40) square feet, and all signs shall conform to size standards in Section 9.28.

e. No new commercial sign shall be permitted in the Floodplain District.

9.24 General Standards

9.241 Any exterior sign or advertising device hereafter erected or maintained, must, unless expressly provided, conform to the following restrictions in all districts:

- a. Any traffic, informational or directional sign owned and installed by a governmental agency shall be permitted.
- b. The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, of any business, industry or residence.
- c. No private sign shall be placed on a public property.
- d. Signs necessary to warn of a hazard or to post land shall be permitted as required to accomplish these purposes.
- e. Lettering signs: Letters shall be carefully formed and properly spaced, to be neat and uncluttered. Generally, no more than 60% of the total sign area shall be occupied by lettering.
- f. Sign materials: Sign materials should be durable and easy to maintain. Signs may be constructed of wood, metal, slate, or marble, gold leaf, glass, canvas, stained glass, or encased in a wooden frame.

9.25 Placement Standards/Sign Height

9.251 Signs shall not be mounted on roofs or extend above the roof line.

9.252 No sign together with any supporting framework shall extend to a height above the maximum building height allowed in the district. Free-standing or movable signs cannot extend more than six (6) feet above ground level. The sign officer may permit a sign height of greater than six feet only in circumstances where the physical characteristics of the lot prevent adequate setback from public ways and a lower sign would create a potential traffic safety hazard.

9.253 If any sign is supported by or suspended from a pedestal, post, or tree, it cannot project more than 24 inches over or into any pedestrian or vehicular way customarily used by the public.

9.254 Signs must not dominate building facades or obscure any architectural details, (including but not limited to arches, sills, moldings, and cornices).

- 9.255 No sign may be placed in a side yard or a rear yard as required for the particular district in which it is located.
- 9.256 Signs shall be placed at least 15 feet from any lot line and shall be placed a minimum of 20 feet from any public way so as not to obstruct the view of traffic.

9.26 Illumination Standards

- 9.261 No sign shall incorporate, or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in intensity or by repeated motion.
- 9.262 Any illumination provided for signs shall be white light only, and shall be indirect or internal illumination.
- 9.263 The light source shall be shaded from view off the premises.
- 9.264 No signs shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.

9.27 Additional Standards for Specific Types of Signs

9.271 Awning Signs

- a. Awning signs must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
- b. A minimum of eight (8) feet above sidewalk level must be allowed for pedestrian clearance.

9.272 Construction Signs

One unlighted, temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected and shall be permitted, provided: it shall not exceed four (4) square feet in surface area; and, it shall be set back at least ten (10) feet from the street lot line.

9.273 For Sale, Rent, or Lease Signs

Any temporary sign advertising property for sale or lease shall be permitted provided:

- a. Only one unlighted sign shall be erected, it shall not exceed six (6) square feet, and it shall be set back at least 10 feet from the street lot line.
- b. Such signs shall advertise only the property on which the sign is located.
- c. The sign shall be removed by the owner or agent within thirty (30) days of rent, sale, or lease.

9.274 Moveable Signs

Moveable signs are not permitted in any district, except the _____ district(s) or _____ district(s). In these areas, moveable signs made only of wood, and standing on legs not over four (4) feet in total height may be allowed by special permit by the Special Permit Granting Authority.

9.275 Multiple Signs

Multiple signs shall be defined as a group of signs clustered together in a single structure or compositional unit. Multiple signs are used to advertise several occupants of the same building or building complex or development.

- a. The display board shall be of an integrated and uniform design.
- b. The allowable sign area shall be computed at 10% of the building front face square footage (FFSF), as computed by the length of times the width of the building facade, to achieve the base square footage, or forty (40) square feet, which is smaller.

9.276 Political Signs

- a. A maximum of two (2) temporary signs per lot are allowed.
- b. Such signs shall be displayed no earlier than twenty (20) days prior to a voting day, and shall be removed within ten (10) days after a voting day.

9.277 Special Event Signs

A special event sign is a temporary sign that is used in connection with a circumstance, situation, or event (i.e., church bazaar, grand opening, fair, circus, festival) that is expected to be completed within a reasonably short or definite period.

- a. A maximum of one (1) temporary sign per lot is allowed.
- b. Such signs may be erected no sooner than fourteen (14) days before the event and must be removed not later than seven (7) days after the event.

9.28 Districts and Special Regulations

9.281 Signs in Residential Districts

- a. A maximum of one (1) sign per lot is permitted, in addition to nameplate.
- b. Such signs may not exceed eight (8) square feet in area.

- c. One sign per lot relating to an allowed accessory use shall be permitted provided said sign shall not exceed two (2) square feet in area.
- d. Signs designating historical places or points of interest, erected by governmental authority or by a duly chartered historical association or the like is permitted, not to exceed four (4) square feet in area.
- e. Signs relating to trespassing and hunting shall not exceed two (2) square feet in area. One sign per 50 feet of frontage is allowed.
- f. One professional nameplate for each medical doctor or dental practitioner, provided: such sign shall not exceed one square foot in surface area.
- g. One identification sign for each dwelling unit, provided: such sign shall not exceed one square foot in surface area; if lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.
- h. One identification sign for each membership club, funeral establishment, community facility or public utility, provided: the sign shall not exceed 10 square feet in surface area; and if lighted, it shall be illuminated with white light by indirect method only.
- i. One unlighted temporary sign relating to a new residential subdivision during the actual period of construction, provided: it shall not exceed 20 Square feet in surface area; and it shall be set back at least 10 feet from any street lot line.
- j. Except for professional nameplates and the residential nameplate, any other sign in an "R" District shall be set back at least one-half of the required depth of the front yard.

9.282 Signs in the Commercial and Industrial Districts

- a. Each business may not display more than two (2) exterior signs, which may include:
 - (1) One wall sign for each lot street frontage of each establishment, provided: it shall be attached and parallel to the main wall of a building.
 - (2) One pole sign for each street frontage of each establishment, provided: no portion of it shall be set back less than 10 feet from any street lot line; it shall not be erected so that any portion of it is over six feet above the ground or sidewalk.
 - (3) One standing sign for each lot street frontage of a business establishment in the _____ District, provided: no portion of it shall be set back less than 10 feet from any street lot line; it shall not rise to more than six feet from the ground or sidewalk. Where a single lot is

occupied by more than one business whether in the same structure or not, there shall not be more than one standing sign.

(4) One awning sign.

Temporary advertising signs inside windows are permitted.

- b. Each development may not display more than two (2) exterior signs, one of which may be free-standing. For the purposes of this Section, development shall refer to a site which includes a lot or lots considered as a unit for the development purposes where the lot or lots is occupied by more than one business whether in the same structure or not.
- c. Such signs shall not exceed forty (40) square feet in area.
- d. Any signs allowed under Section 9.281 shall be permitted, subject to the same Regulations.
- e. The allowable sign for a free-standing sign or wall sign shall be computed at 10% of the building front face square footage (FFSF), as computed by the length times the width of the building facade, to achieve the base square footage of width along the wall on which the business has its main entrance. In no case shall the area for any sign be greater than 40 square feet.
- f. Any detached sign shall be set back from all adjacent public rights-of-way a distance of at least two (2) feet. Signs, in all cases, shall avoid conflicts with public utilities and services.
- g. Signs on adjacent storefronts should be coordinated in height and proportion. The use of a continuous sign-band for adjacent shops within the same building is encouraged, as a unifying element.
- h. General advertising signs and projecting signs are prohibited.

9.29 Sign Bylaw Administration and Enforcement

9.291 Permits

- a. No sign larger than two square feet shall be erected, altered, displayed, relocated, enlarged or created without first obtaining a permit from the Building Inspector or Sign Officer. Permits for special events signs under Section 9.277 shall be issued by the Board of Selectmen. At minimum, all applications shall include a scale drawing specifying dimensions, illumination, materials, and location on land or buildings.
- b. The Building Inspector or Sign Officer shall issue a permit for a sign when an application therefore has been made and the sign complies with all applicable regulations of the Town and the State Building Code, Article 14.

Such application may be filed by the owner of the land or building, or any persons who have the authority to erect a sign on the premises.

- c. The Building Inspector or Sign Officer shall act within 30 days of receipt of said application together with the fee. The Building Inspector's or Sign Officer's action or failure to act may be appealed to the Board of Selectmen.

9.292 Fees

A schedule of fees for such permits may be established and amended from time to time by the Building Inspector or Sign Officer.

9.30 Enforcement

9.301 Designation of the Sign Officer

The Building Inspector (or any other qualified person) shall be appointed by the Selectmen as the Sign Officer. The Sign Officer is authorized to order the repair or removal of any sign and supporting structure which is erected or maintained contrary to this bylaw. Whenever a Sign Officer is designated, the Selectmen should notify the State Outdoor Advertising Board.

9.302 Maintenance and Removal

Every sign shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust resistant material. The Building Inspector or the Sign Officer shall inspect and shall have the authority to order the painting, repair, alteration or removal of a sign which shall constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence.

9.303 Abandoned Signs

Except as otherwise provided in the Section, any sign that is located on property which becomes vacant and is unoccupied for a period for three months or more, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned, unless the property remains vacant for a period of six months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

9.304 Dangerous or Defective Signs

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition.

Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

9.305 Removal of Signs by the Building Inspector or Sign Officer

- a. The Building Inspector or Sign Officer shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign for which no permit has been issued.
- b. The Building Inspector or Sign Officer shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within 20 days, the sign shall be removed in accordance with the provisions of this section.
- c. All notices mailed to sign owners or property owners by the Building Inspector or Sign Officer shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail.
- d. Any person having an interest in the sign or the property may appeal the determination of the Building Inspector or Sign Officer ordering removal or compliance by filing a written notice of appeal with the _____ Board of Selectmen within 45 days after the date of mailing the notice, or 45 days after receipt of the notice if the notice was not mailed.

9.31 Penalties

Violation of any provision of this bylaw or any lawful order of the Sign Officer shall be subject to a fine of not more than \$100 per offense. Each day that such violation continues shall constitute a separate offense.

9.32 Non-Conforming Signs

9.321 Continuance

A non-conforming sign lawfully existing at the time of adoption or subsequent amendment of this bylaw may continue, although such sign does not conform to the provisions of this bylaw.

9.322 Replacement

Any sign replacing a non-conforming sign shall conform with the provisions of this Section, and the non-conforming sign shall no longer be displayed.

9.323 Abandonment

If a non-conforming sign associated with a permitted use or structure has been abandoned for no less than six months (i.e. the structure has not been occupied for six months) then the non-conforming sign shall be removed and its non-conformity shall not continue.

APPENDIX I:
MODEL PARKING STANDARDS

APPENDIX I - MODEL PARKING STANDARDS

9.4 Off-Street Parking and Loading Regulations

9.40 General Parking Regulations

9.401 Off-street parking shall be provided in conjunction with and during the construction, conversion and/or expansion of any structure, as well as upon the expansion of use in accordance with Table Four. In the case of expansion or conversion, these standards shall apply only to the expanded or converted areas.

9.402 In granting special permit for any use, the Special Permit Granting Authority may require off-street parking spaces, standards, or conditions in addition to those set forth in this Bylaw, if it deems necessary for the use.

9.41 Parking Area Design and Location

All new structures and additions or extensions on existing structures shall be provided with off-street parking spaces in accordance with the following specifications:

9.411 Definitions:

- a. Driveway: A space, located on a lot, which is not more than twenty-four (24) feet in width for commercial or industrial uses at the lot line, built for access to a garage or off-street parking or loading space.
- b. Parking Space: An off-street space at least nine (9) feet in width and twenty (20) feet in length.

9.412 Location

- a. Required parking shall be provided on the same lot with the main use it is to serve or, in Commercial and Industrial Districts, on a lot that is in the same ownership as, and located within, three-hundred (300) feet of the main use. Parking required for two or more buildings or uses may be provided in combined facilities where it is evidence that such facilities will continue to be available for the several buildings or uses.
- b. Whenever feasible, parking areas shall be located to the side or rear of the structure and now within the required front yard of the structure.
- c. Whenever feasible, parking areas shall be shared with adjacent businesses.

9.413 Drainage

- a. Drainage facilities for each parking area should be designed and constructed to contain stormwater run-off on the premises, or to dispose of all surface water accumulation in an approved manner.

9.414 Screening

- a. For five (5) or more vehicles, parking spaces shall be effectively screened from view from adjacent properties and streets using walls, berms, and/or evergreen landscaping. This screening shall have an eventual minimum height of three and one-half (3 1/2) feet, and a maximum height of six (6) feet. The screening required by this section shall create a dense visual buffer, and shall be set back from each lot line at least two feet, and from each street lot line at least 15 feet.
- b. Screening may consist of decorative elements such as building wall extensions, plantings, berms or other innovative means, must be maintained in good condition and no advertising shall be placed thereon. The screening shall be designed so that vehicle sight distance shall not be affected at entrances, exits, or at street intersections.

9.415 Lighting and Other Fixtures

- a. A substantial bumper of masonry, steel, or heavy timber, or 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.
- b. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes.

9.416 Driveway Access Permits

- a. A driveway access permit must be obtained from the (Building Inspector or Public Works Department) for all new or relocated driveways or parking lots.

9.417 Other General Parking Standards

- a. There shall not be any vehicle repair facilities or any repair made to any motor vehicles within the required parking or loading area.
- b. There shall not be any outside storage of materials or equipment or display of merchandise within the required parking or loading area.
- c. Parking and loading spaces shall be so arranged as not to permit backing of automobiles onto any state highway.

9.42 Additional Parking Area Standards for Areas with Ten (10) or More Parking Spaces

9.421 Size

In a parking lot or parking building up to sixty percent (60%) of the parking space must be 9 feet by 20 feet in size. The remaining forty percent (40%) may have a reduced parking space size of 9 feet by 16 feet to accommodate smaller cars. The parking space sizes are exclusive of adequate driveways and aisles.

9.422 To the extent feasible, parking areas shall be shared with adjacent uses. This may be accomplished via one of the following methods:

- a. Access via a common driveway service adjacent lots or premises
- b. Access via an existing side street.
- c. Access via a cul-de-sac or loop road shared by adjacent lots or premises.

9.423 Parking areas shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

9.424 Landscaping

All open air surface parking area shall be landscaped in the following manner:

- a. A landscaped buffer strip at least fifteen (15) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, and shade trees (minimum 2" caliper, planted at least every 50 feet along the road frontage). At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard. A buffer strip at least five (5) feet wide shall be established adjacent to any other lot line. No vehicles shall be parked within any buffer strip.
- b. Large parking areas shall be subdivided with landscaped islands, so that no paved parking surface shall extend more than 120 feet in depth. At least one tree (minimum 2" caliper) per 35 parking spaces shall be provided.
- c. Exposed storage areas, machinery, service areas, truck loading areas, utility buildings and structures and other unsightly uses shall be screened from view from neighboring properties and streets using dense, hardy, evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.

- d. All landscaped areas shall be properly maintained. Shrubs or trees which die shall be replaced within one growing season.

9.425 Driveway Location

- a. Any portion of any entrance or exit driveway shall not be closer than seventy-five (75) feet to the curb line of an intersecting street nor shall it be closer than fifty (50) feet to any portion of an existing driveway located in a Business or Industrial District.
- b. Any two driveways leading to or from the same street and from the same lot shall not be located within thirty (30) feet of each other at their intersections with the front lot line for an interior lot and forty (40) feet for a corner lot.
- c. All driveways in "R" Districts shall be placed a minimum of five feet from any property line, except for common driveways in compliance with Section 8.3 of this bylaw.
- d. Any entrance or exit driveway shall not exceed 24 feet in width at its intersection with the front lot line.

9.43 Required Minimum Parking Spaces

- 9.431 For all zoning districts, off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, or the development of a new land use, in accordance with Table Four:
- 9.432 When the computation of required spaces results in the requirement of a fractional space, a fraction of one-half or more shall require an additional space. An existing structure which is enlarged or an existing use which is extended after the effective date of this Bylaw shall be required to provide off-street parking and loading spaces in accordance with the following table for the entire structure or use, unless the increase in units or measurements amounts to less than 25 percent whether such increase occurs at one time or in successive stages.
- 9.433 Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this Bylaw shall not be decreased so long as said use remains, unless a number of parking and loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the following tables, provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.
- 9.434 Except in a Business or Industrial District, the parking spaces required for the uses listed in Table 4 shall be on the same lot as the use they are intended to serve or shared with an adjacent lot. When practical difficulties prevent their establishment upon the same or adjacent lot as determined by the

Enforcement Officer, they shall be established no further than 300 feet from the premises which they serve. In no case shall the required parking space be part of the area used to satisfy any loading requirements of this Bylaw.

9.435 In any districts, off-street parking requirements may be fulfilled by use of common off-street parking areas so long as the common area is located no further than 300 feet from the use it is intended to serve and that the total off-street parking provided is equal to that which would be required by normal application of Table 4.

9.436 All uses shall provide parking spaces adequate to accommodate under all normal conditions the vehicles of occupants, employees, members, customers, clients, residents, and visitors to the premises, as determined by the Planning Board.

9.44 Mixed Uses

In the case of mixed uses, the parking spaces required shall be the sum of the requirements for the various individual uses computed separately. Parking spaces for one use shall not be considered as providing the required parking for any other use.

9.45 Parking Standards

The following standards may be used by the Planning Board when determining adequate parking:

Table Four. Parking Standards

Uses	Required Minimum Spaces
Residential	
Single-Family Dwelling	2 Spaces per Dwelling Unit
Accessory Apartment	2 Spaces per Dwelling Unit, Except that One-bedroom Units Require Only One Space
Dwelling Conversion	2 Spaces Per Dwelling Unit
Home Occupation	1 Additional Space
Rooming House, Boarding House	1 Space for Each Room Rented in Addition to Dwelling Unit Requirements
Tourist Home/Bed & Breakfast	2 Spaces, Plus 1 Additional Space for Each Rooming Unit
Two- and Three-Family Dwelling	2 Spaces Per Dwelling Unit

Table Four (continued)

Uses	Required Minimum Spaces
Residential (Continued)	
Multi-family Dwelling	1 Space for Each Bedroom in Each Unit Plus 1 Additional Visitor Space for Every 10 Units in the Development
Congregate Housing for Elderly and Handicapped	1.5 Spaces Per Dwelling Unit
Business, Commercial and Industrial Uses	
Automobile Retail and Service Establishment, and Other Retail and Service Establishments Involving Usually Extensive Display Areas, Either Indoor or Outdoor, in Relation to Customer Traffic	1 Space per 800 Square Feet of Gross Floor Space. In the Case of Outdoor Display Areas One for Each 1,000 Square Feet of Lot Area in Such Use
Commercial, Retail, and Personal Service Establishments	1 Space per Each 300 Square Feet of Gross Floor Area
Miscellaneous Professional and Business Offices, Including Banks, Insurance, and Real Estate Establishments	1 Space per Each 300 Square Feet of Gross Floor Area
Medical/Dentist Office/Clinics	5 Spaces per Professional Space
Kennels, Veterinary Establishments	Parking Spaces Adequate to Accommodate, Under Normal Conditions, the Vehicles of Occupants, Employees, Members, Customers, Clients, and Visitors to the Premises Shall Be Provided As Determined by the Special Permit Granting Authority
Gas/Service Station	3 Spaces/Service Bay, but not Less Than 1 Space/100 Square Feet of Gross Floor Area
Hotel or Motor Inn	1 Space for Each Sleeping Room, Plus 1 Space for Each 500 Square Feet of Public Meeting Area or Restaurant
Funeral Parlors	10 Spaces for Each Reposing Room

Drive-in Eating Establishment	1 Space per 30 Square Feet of Gross Floor Area
Restaurants, Taverns	1 Space for Each 4 Seats, 1 Space Addition for Each 2 Employees on Largest Shift
Warehouse or Storage Facility	1 Space for 3,000 Square Feet of Gross Floor Area and/or of Lot Area in Such Use
Manufacturing or Industrial Establishment	1 Space for Each Person Employed on the Largest Shift
For All Other Permitted Commercial or Industrial Uses, Including, but not Limited to, Farm Stands, Open Lot Sales, Place of the Building Trades, Storage, or Distribution Plants	Parking Spaces Adequate to Accommodate, Under Normal Conditions, the Vehicles of Occupants, Employees, Members, Customers, Clients, and Visitors to the Premises Shall Be Provided as Determined by the Board of Appeals

Government, Institutional and Public Services Uses

Indoor Place of Assembly With Fixed Seating Capacity Including Theaters, Auditoriums, Assembly Hall, Churches, Arenas, and Convention Centers	1 Space for Every 4 Seats
Indoor Place of Assembly Without Fixed Seats, Including Libraries, Museums, Art Galleries, Government Buildings, Recreation and Community Centers Membership Clubs, Skating Rinks, or Other Places of Amusement	1 Space per Each 300 Square Feet of Gross Floor Area
Table Four (continued)	
Bowling Alleys	3 Spaces per 1 Lane
Day Care, Nursery School	1 Space per Employee
Elementary and Junior High School	1 Space for Each Teacher and Employee, Including Space for the Gymnasium or the Auditorium, Whichever has the Larger Capacity

Table Four (continued)

Uses	Required Minimum Spaces
Government, Institutional and Public Services Uses (Continued)	
High School	1 Space for Each Teacher and Employee, Plus 1 Space per 4 Students, including Space for the Gymnasium or the Auditorium, Whichever has the Larger Capacity
Hospital	1.5 Spaces per Bed at Design Capacity
Rest, Convalescent, and Nursing Homes and Homes for the Aged	1 Space for Each 4 Beds
Any Use Permitted by this Bylaw Not Interpreted to be Covered by this Schedule	Closest Similar Use as Shall Be Determined by the Planning Board

- Note 1: Gross floor area shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- Note 2: When the computation of required parking or loading spaces results in the requirement of a fractional space, any fraction of one-half or more shall require one space.

9.46 Handicapped Parking

9.461 All parking areas shall provide handicapped accessible parking spaces, as required by the federal Americans with Disabilities Act (ADA), and as specified in Table Five, except for the following uses which are specifically exempted in ADA Requirements:

- a) owner-occupied buildings with no more than four units;
- b) single-family homes, not owner-occupied, sold or rented without the use of a broker;
- c) housing operated by religious organizations and private clubs that limit occupancy to members.

Accessible spaces shall be 8'0" wide, with an adjacent access aisle 5'0" wide, and shall be marked with signs and pavement paint. One in every eight accessible spaces shall have an access aisle 8'0" (rather than 5'0"), and shall be signed "van accessible".

**Table Five. Accessible Parking Spaces
(Required Minimum)**

Total Parking Spaces in Lot	Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2*
1,001 and over	20**

* Percent of Total

** Plus One Space for Each 100
Over 1,000

9.47 Off-Street Loading and Unloading Requirements

9.471 Adequate off-street loading and unloading space with proper access from a street, highway, common service driveway, or alley shall be provided whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development.

9.472 The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development proposed. Table Six indicates the number and size of spaces that generally satisfy the standard set forth in this subsection. However, the Planning Board may require more or less loading and unloading area if it deems such increases or decreases reasonably necessary to satisfy the foregoing standard.

Table Six. Loading Area Standards

Gross Leasable Area of Building (Sq. Ft.)	Number of Spaces
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
156,000 - 319,999	6
320,000 - 391,999	7

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

* Minimum dimensions of 12 x 55 feet and overhead clearance of 14 feet from street grade required

- 9.473 Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- 9.474 The loading spaces required in Table Six shall in all cases be on the same lot as the use they are intended to serve. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- 9.475 Whenever there exists a lot with one or more structures on it constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this section cannot be satisfied because there is not sufficient area available on the lot that can practically be used for loading and unloading, then the developer need only comply with this section to the extent reasonably possible.



**PIONEER VALLEY
PLANNING COMMISSION**

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