TOWN OF HOLLISTON
ZONING BY-LAWS

ADOPTED JUNE 3, 1953 AS A "PROTECTIVE BY-LAW"
WITH AMENDMENTS THROUGH
MAY 2012
(Approved by the Attorney General's Office on September 4, 2012)

ISSUED BY THE HOLLISTON PLANNING BOARD

TABLE OF CONTENTS

SECTION I - GENERAL

I-A	PURPOSE	4
I-B	BASIC REQUIREMENTS	4
I-C	PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS	4
I-D	PROHIBITED USES	6
I-E	DEFINITIONS	8

SECTION II - USE DISTRICTS

II-A	CLASSES OF DISTRICTS	15
II-B	LOCATION OF DISTRICTS	15

SECTION III - USE REGULATIONS

III-A	SCHEDULE OF USE REGULATIONS	17

SECTION IV - INTENSITY REGULATIONS

IV-A	GENERAL REQUIREMENTS	30
IV-B	SCHEDULE OF INTENSITY REGULATIONS	32
IV-C	MODIFICATION AND EXCEPTIONS	33

SECTION V - SPECIAL REGULATIONS

V-A	ACCESSORY BUILDINGS	33
V-B	EXTERIOR SIGNS	34
V-C	OFF-STREET PARKING	37
V-D	MINIMUM RESIDENTIAL FLOOR AREA	39
V-E	REMOVAL OF EARTH PRODUCTS	40
V-F	ARCHITECTURAL CONTROLS	41
V-G	APARTMENT DISTRICT REQUIREMENTS	41
V-G(A)	ACCESSORY FAMILY DWELLING UNIT	50
V-H	OPEN SPACE RESIDENTIAL DEVELOPMENT	51
V-I	RESERVED	56
V-J	FLOOD PLAIN DISTRICT REGULATIONS	57

TABLE OF CONTENTS CONTINUED

SECTION V - SPECIAL REGULATIONS CONTINUED

V-K	VILLAGE CENTER COMMERCIAL DISTRICT	59
V-L	GROUNDWATER PROTECTION DISTRICT	62
V-M	SPECIAL PERMIT FOR LOW OR MODERATE INCOME HOUSING	73
V-N	PERFORMANCE STANDARDS	76
V-O	ANTENNAE	78
V-P	SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS	85
V-Q	INCLUSIONARY HOUSING	94

SECTION VI - ADMINISTRATION

VI-A	ENFORCEMENT	100
VI-B	BUILDING OR USE PERMIT	100
VI-C	OCCUPANCY	100
VI-D	BOARD OF APPEALS	101
VI-E	SPECIAL PERMIT GRANTING AUTHORITY	103
VI-F	REPETITIVE PETITIONS	104
VI-G	PENALTY	104
VI-H	AMENDMENT	105
VI-I	VALIDITY	105
VI-J	DESIGN ADVISORY COMMITTEE	105
VI-K	PLANNING BOARD ASSOCIATE	106

SECTION VII - SITE PLAN REVIEW 106

Please Note: The legislative history of by-law changes is provided in italics throughout the by-law is for research purposes only. Please consult the Town Clerk's official records for language of individual amendments.

SECTION I - GENERAL

I-A PURPOSE

(Amended May 2012 – ATM, Art. 32. Previously amended March 1978 – STM, Art. 1)

The purpose of this zoning by-law is to promote the general health, safety, convenience, morals and welfare of the inhabitants of Holliston under the provisions of General Laws, Chapter 40A (the Zoning Act); to encourage the most appropriate use of the land; to preserve the cultural, historical and agricultural heritage of the community; to conserve the value of land and buildings, including the conservation of natural resources; to provide for appropriate commercial and industrial uses of land; to protect water quality and supply; to secure safety from fire, flood and other dangers; to regulate land uses that have an impact on the Town's natural, fiscal and physical capacities; to encourage housing for residents of all income levels; and to provide for other purposes authorized under the Zoning Act. For this purpose, the use, construction, repair, alteration, height, area, and location of buildings and structures, and use of premises in the Town of Holliston, are regulated as hereinafter provided.

I-B BASIC REQUIREMENTS

(Amended March 1978 – STM, Art. 1)

All buildings or structures hereinafter erected reconstructed, altered, enlarged or moved, or use of premises in the Town of Holliston shall be in conformity with the provisions of the By-Law. Any building, structure or land shall not be used for any purpose or in any manner other than is permitted within the district in which such building, structure or land is located. Any use not specifically enumerated in a district herein shall be deemed prohibited. To the extent only as now or hereafter required by the General Laws, Chapter 40A, and not withstanding any provisions contained herein to the contrary, this By-Law shall not prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a non-profit educational corporation provided, however, that such land or structures shall be subject to the regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements as contained within this Zoning By-Law.

I-C PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS

(Amended October 2002 – STM, Article 11. Previously amended May 1992 – ATM, Article 34, May 1991 - ATM, Article 41, May 1986 – ATM, Art. 10, April 1980 – ATM, Art. 17 and March 1963 – ATM, Art. 40.)

1. General

a. The provisions of this By-Law shall not apply to non-conforming uses, structures or lots, but shall apply to:

i. any change or substantial extension of a non-conforming use [i.e. The area of a required yard covered by the building (area of encroachment) is increased by more than twenty-five (25) percent and/or the interior volume of the portion of a building extended into a required yard is increased by more than forty (40) percent.),

I-C PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS CONTINUED

ii. any reconstruction, extension or structural change of a non-conforming structure,

iii. any alteration of a non-conforming structure to provide for its use for a substantially different purpose, or to a substantially greater extent.

The exemptions noted above may be applied once to any qualifying property.

b. A use or structure not lawfully in existence at the time of the enactment of this By-Law shall not be construed as a non-conforming use or structure, and shall not benefit from the provisions of this Section.

c. Construction or operation under a building or special permit shall conform to any subsequent amendment of the Zoning By-Law unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

2. Continuation and Restoration

a. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of the By-Law may be continued, although such structure or use did not conform with the provisions of the By-Law as adopted or amended.

b. A non-conforming building or structure which has been damaged or destroyed may be repaired or rebuilt, provided that such restoration shall not exceed the original area and height and shall be placed no nearer the street line than the building or structure which the restoration replaces and that there is no material change in exterior appearance except according to the terms of a Special Permit issued by the Board of Appeals.

c. Nothing shall prevent the strengthening or restoring to a safe condition of any structure, or part thereof, declared unsafe by the Inspector of Buildings.

3. Extension, Change or Alteration of Uses or Structures

a. A pre-existing non-conforming structure may be altered or reconstructed provided that such alteration or reconstruction does not increase the non-conforming nature of the altered or reconstructed structure and that there is no material change in the exterior appearance except according to the terms of a Special Permit issued by the Board of Appeals.

I-C PRE-EXISTING NON-CONFORMING USES, STRUCTURES AND LOTS CONTINUED

b. The Board of Appeals, in accordance with Section VI-E (Special Permit Granting Authority), paragraph 2a, may authorize by Special Permit a non-conforming structure or use to be extended or altered, provided that the Board finds that such change, extension or alteration will not be substantially more detrimental than the existing non-conforming use to the neighborhood.

This shall also include relief for setbacks to lot lines for 1 and 2 family dwellings which are lawfully in existence but are on lots which are now non-conforming due to zoning changes implemented by the Town of Holliston. These considerations may be made regardless of the current orientation of the structure and providing that the setbacks are not reduced to less than those which were in place at the time of original construction but in no case should the setback be reduced to less than ten (10) feet. *(Added May 1997 – ATM, Article 36)*

4. Divisions, Changes to, or Alterations of Lots

a. No parcel of land upon which there exists a structure or use that is currently non-conforming shall be sub-divided until the Special Permit Granting Authority grants a Special Permit to such property. In all cases, the parcel upon which the structure or use is to remain and all new parcels created shall be in compliance with Section IV-B Schedule of Intensity Regulations.

b. No parcel of land which has previously been part of the subject matter of a Special Permit or Variance for structure(s) or use(s) upon it, shall be divided, changed or altered until the Special Permit Granting Authority or the Zoning Board of Appeals makes a finding or grants an additional Special Permit or Variance to such property. In all cases, the parcel upon which the structure(s) or use(s) is to remain, and all new parcels created, shall be in compliance with Section IV-B Schedule of Intensity Regulations. Notwithstanding, the Board may grant further relief as allowed by MGL, c. 40A from those intensity regulations.

5. Abandonment or Change of Use

a. All non-conforming agricultural, horticultural and floricultural uses which have been abandoned or discontinued for more than five years shall not be re-established. All other non-conforming uses which have been abandoned or discontinued for more than two years shall not be re-established. In both cases, any future use shall be in conformity with the provisions of this By-Law.

b. Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

I-D PROHIBITED USES

1. In any district no use will be permitted which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fume, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure, or dwelling in the neighborhood. Neither shall there be permitted any use which discharges into the air, soil, or water any industrial, commercial or other kinds of wastes, petroleum products, chemicals or pollutants unless the same are so treated before discharge as to render them harmless to life or vegetation of any kind.
(Amended June 1969 – STM, Art. 10)

2. Disposal of Low-Level Radioactive Waste - No land within any district in the Town shall be used for the collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste, except that on-site produced waste may be temporarily stored pending disposal. For purposes of this By-Law, low-level radioactive waste shall be defined as radioactive waste not classified as high-level radioactive waste, transuranic waste, spent nuclear fuel, or by-product material as defined in Section lle(2) of the Atomic Energy Act of 1954. *(Added March 1982 – ATM, Art. 23)*

3. Private sewage disposal systems or treatment plants are prohibited except for:

a. Individual septic tank systems serving single family detached dwellings or commercial or industrial properties (including more than one commercial or industrial business in a single building) which meet the requirements of the Board of Health.
b. Apartments created under the terms of Section V-G hereof where the septic system is established pursuant to the requirements of the Board of Appeals, the Board of Health and other advisors as defined therein, all according to the terms of the Special Permit allowing such apartments.
c. Individual septic tank systems meeting all requirements of the Board of Health for two family or semi-detached houses or multiple use properties as permitted or allowed under Section III-A Schedule of Use Regulations.
d. Temporary toilet facilities used during construction or for special events which comply with Board of Health requirements and which are considered by said Board to be necessary.
e. Private sewage disposal systems or treatments plants shall be allowed in Senior Residential Dwelling Developments established pursuant to the requirements of a Special Permit Granting Authority.
f. Private sewage disposal systems or treatments plants shall be allowed in Industrial Districts in conjunction with commercial or industrial development and further pursuant to the requirements of a Special Permit issued by the Permit Granting Authority, and provided, however, no discharge or leaching areas shall be located in a Zone I or Zone II as determined by the Massachusetts Department of Environmental Protection Aquifer Protection Areas.

(Amended December 2002 – STM, Art. 2. Previously amended May 2001 – ATM, Art. 45 and May 1988 – ATM, Art. 13)

I-E DEFINITIONS

In this By-Law the following terms shall have the following meanings unless a contrary, meaning is required by the context or is specifically prescribed.

Accessory Building - A detached building designed, constructed and used for an Accessory Use as defined herein. *(Amended November 1989 – STM, Art. 7)*

Accessory Family Dwelling Unit - A dwelling unit contained within or being an extension of a single family dwelling to accommodate an additional family only if: (a) a member of the additional family is related by the first degree of kinship, marriage or adoption. *(Added May 1995 – ATM, Article 43)*

Accessory Use - A customary use in conjunction with, incidental to, or subordinate to a use allowed by this By-Law; and located on the same lot with the principal use or on an adjoining lot under the same ownership. *(Amended November 1989 – STM, Art. 7)*

Adult Entertainment Uses – Adult Bookstores, Adult Motion Picture Theaters, Adult Paraphernalia Stores, Adult Video Stores or Establishments Which Display Live Nudity for its Patrons, as defined by MGL, Chapter 40A, Section 9A. *(Added May 2001 – ATM, Art. 40)*

Alternative Energy and Renewable Energy Manufacturing Facilities - Facilities include, but are not limited to, solar panel production, wind turbine or hydro turbine production, and fuel cell production. *(Added May 2010 – ATM, Art. 38)*

Alternative Energy and Renewable Energy Research and Development Facilities - Facilities include, but are not limited to, research to improve the efficiency of, or reduce pollution from biomass power facilities, research and development intended to enhance geothermal systems, research related to advance battery systems. *(Added May 2010 – ATM, Art. 38)*

Bed and Breakfast – An owner-occupied dwelling unit that provides overnight accommodations and a morning meal to transients for compensation. *(Added May 2001 – ATM, Art. 40)*

Building - An independent structure having a roof supported by columns or walls resting on its own foundation and designed for the shelter, housing or enclosure of persons, animals, chattels, or property of any kind.

Child Care Facility – Day care center and School-age child care program as defined in MGL, c. 28A, s. 9. *(Added May 2001 – ATM, Art. 40)*

I-E DEFINITIONS CONTINUED

Drive-In Use – An establishment that by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods while remaining in their vehicles. *(Added May 2001 – ATM, Art. 40)*

Dwelling - A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family or multi-family dwellings and apartments, but not including hotels, motels, boarding houses, trailers, mobile homes, or structures solely for transient or overnight occupancy. *(Amended March 1978 – STM, Art. 1)*

Dwelling Unit - One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room, or rooms, for living, sleeping and eating.

Erected - "Built", "constructed", "re-constructed", "altered", "enlarged" and "moved".

Family - Any number of individuals living and cooking together on the premises as a single housekeeping unit.

Family Day Care Home – Any private residence utilized for day care of children as defined in MGL, c. 28A, s.9. *(Added May 2001 – ATM, Art. 40)*

Floor Area Ratio - The ratio of gross floor area to the total area of the lot. *(Added May 1997 – ATM, Article 30)*

Fur Animals - Animals usually kept and raised for the use and sale of their skins and fur.

Gross Floor Area - The sum of the gross horizontal areas of all floors of principal and accessory buildings on a lot, including basements used for permitted uses, as measured from the exterior faces of the exterior walls. *(Added May 1997 – ATM, Article 30)*

Kennel - A pack or collection of more than six (6) dogs three months old, or over, owned or kept on a single premises regardless of the purpose for which they are maintained. *(Added May 1996 – ATM, Article 39)*

Large-scale solar energy generation system – A roof or ground-mounted solar power generation system which has a rated nameplate capacity of 250 kilowatt or more (i.e. the maximum rated output of electric power production of the solar energy system in Direct Current). *(Added May 2012, ATM, Art. 34)*

I-E DEFINITIONS CONTINUED

Lot - A single area of land in one ownership defined by metes and bounds or boundary lines in a recorded deed or recorded plan.

Lot Area - Area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other street lines which, if extended, would intersect, the area may be computed as if such boundary lines were so extended. No more than 10% of any wetland area, as defined in sub-section V-G shall be included in lot area calculations for an apartment development site. *(Amended March 1974 – ATM, Art. 10)*

Lot Depth - A measurement perpendicular to, and from the lot frontage. The depth as required within Table IV-B shall exist continuously along not less than 50% of the required frontage. *(Amended May 1995 – ATM, Article 42)*

Lot Frontage - A continuous lot line abutting a Street, and across which there is legal, and physical access to the lot. *(Added May 1995 – ATM, Article 42)*

Lot Line - The established division line between lots or between a lot and a street.

Lot Width – The distance between the side lines of a lot measured at the required minimum front yard setback line. *(Added May 2001 – ATM, Art. 40)*

Motel, Hotel and Overnight Cabin - A building intended and designed solely for the transient or overnight occupant, divided into separate units within the same building and with or without public dining facilities. *(Added May 2001 – ATM, Art. 40)*

Multi-Family Dwelling - A building containing more than two dwelling units which does not qualify as an apartment building under sub-section V-G. *(Amended March 1974 – ATM, Art. 10)*

Net Developable Area – The land area of a tract (in acres) exclusive of any area defined as wetlands by Massachusetts General Law, Chapter 131, Section 40. *(Added October 2003 – STM, Art. 26)*

Non-Conforming Use - A use which was lawfully in existence or operation immediately prior to the effective date of the adoption, revision or amendment of the Zoning By-Law or Zoning Map, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district in which it is located. *(Amended May 1992 – ATM, Article 34)*

I-E DEFINITIONS CONTINUED

Non-Conforming Lot - A lot which was lawful in terms of area, dimensions and location immediately prior to the effective date of the adoption, revision or amendment of the Zoning By-Law or Zoning Map, but which fails by reason of such adoption, revision or amendment to conform to one or more of the present requirements of the zoning district in which it is located.
(Amended May 1992 – ATM, Article 34)

Non-Conforming Structure - A structure which was lawful in terms of size, dimensions and location immediately prior to the effective date of the adoption, revision or amendment of the Zoning By-Law or Zoning Map, but which fails by reason of such adoption, revision or amendment to conform to one or more of the present requirements of the zoning district in which it is located. *(Amended May 1992 – ATM, Article 34)*

One Ownership - An undivided ownership by one person or by several persons whether the tenure be joint, in common or by entirety.

Outdoor Retail Sales – The display and sale of products and services primarily outside of a building or structure, including but not limited to, vehicles, garden supplies, food and beverages, burial monuments, building and landscape materials, and lumber. *(Added May 2001 – ATM, Art. 40)*

Parties in Interest - The petitioner, abutters, and owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line, all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Planning Board, and, to the extent required by law, the Planning Board of every abutting city or town.
(Amended March 1978 – STM, Art. 1)

Permit Granting Authority - The Board of Appeals. *(Amended March 1978 – STM, Art. 1)*

Premises - A lot together with all structures, buildings, uses thereon.

Private Way - Any driveway or other vehicle access way, not owned and maintained by public authority. For the purposes of Section IV-A General Requirements, a common driveway provides access to 2 to 3 lots and a private way provides access to four to seven lots.
(Amended May 2001 – ATM, Art. 40. Added May 1993 – ATM, Article 37)

Public Service Corporation - A corporation regulated by the Department of Public Utilities.*(Amended March 1978 – STM, Art. 1)*

I-E DEFINITIONS CONTINUED

Public Utility - A means of transmitting or delivering to the public, utilities and services such as, but not limited to, electricity, gas, telephone, water or sewage in quantities which are appropriate to serve future development as permitted within the applicable zoning district. The preceding sentence shall not include uses other than uses for local service delivered in the Town of Holliston. *(Amended March 1978 – STM, Art. 1)*

Recorded or Of Record - Recorded or registered in the Middlesex County Registry of Deeds or a recorded title to a parcel of land disclosed by any or all pertinent records.

Restaurant - A licensed food service establishment with seating for patrons whose principal business is the sale of prepared foods or beverages in a ready-to-consume state. *(Added May 2004 – ATM, Article 31)*

Retail Sales – Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. *(Added May 2001 – ATM, Art. 40)*

Screening - A continuously maintained natural or constructed buffer meeting the reasonable requirements of the Inspector of Buildings which, unless consisting of adequately protective evergreen trees to an appropriate height, shall not be over 10 feet high, that will serve to reduce noise levels, odors, and/or act as an appropriate visual barrier of such size, kind and location as will protect the public and the neighborhood from visual or other nuisance or discomfort. *(Amended May 1986 – ATM, Art. 10. Previously amended April 1981 – STM, Art. 5.)*

Sign - Includes any structure, device, letter, word, insignia or representation used as or which is in the nature of advertisement, announcement or direction, including window signs visible from the exterior. Sign area shall be measured as the surface area within a single continuous perimeter enclosing all of the display area, but not including structural members not bearing advertising matter. One side only of flat, back-to-back signs shall be counted.

Single-Family Detached Dwelling - A dwelling intended and designed to be occupied by a single family but not including a trailer or mobile home. *(Amended March 1978 – STM, Art. 1)*

Small-scale solar energy system – A roof or ground-mounted solar power generation system which has a rated nameplate capacity of less than 250 kilowatt (i.e. the maximum rated output of electric power production of the solar energy system in Direct Current) and is not deemed accessory to an individual residential or business use. *(Added May 2012 – ATM, Art. 34)*

I-E DEFINITIONS CONTINUED

Special Permit Granting Authority - The Board of Appeals except as otherwise specifically designated in this by-law for the issuance of Special Permits. *(Amended March 1978 – STM, Art. 1)*

Street - A public way or a way which the Clerk of the Town certifies is maintained and used as a public way or a way constructed in accordance with the subdivision control law and in accordance with subdivision plans approved by the Planning Board under its Rules and Regulations. *(Amended May 2000 – ATM, Article 33 and May 1995 – ATM, Article 42)*

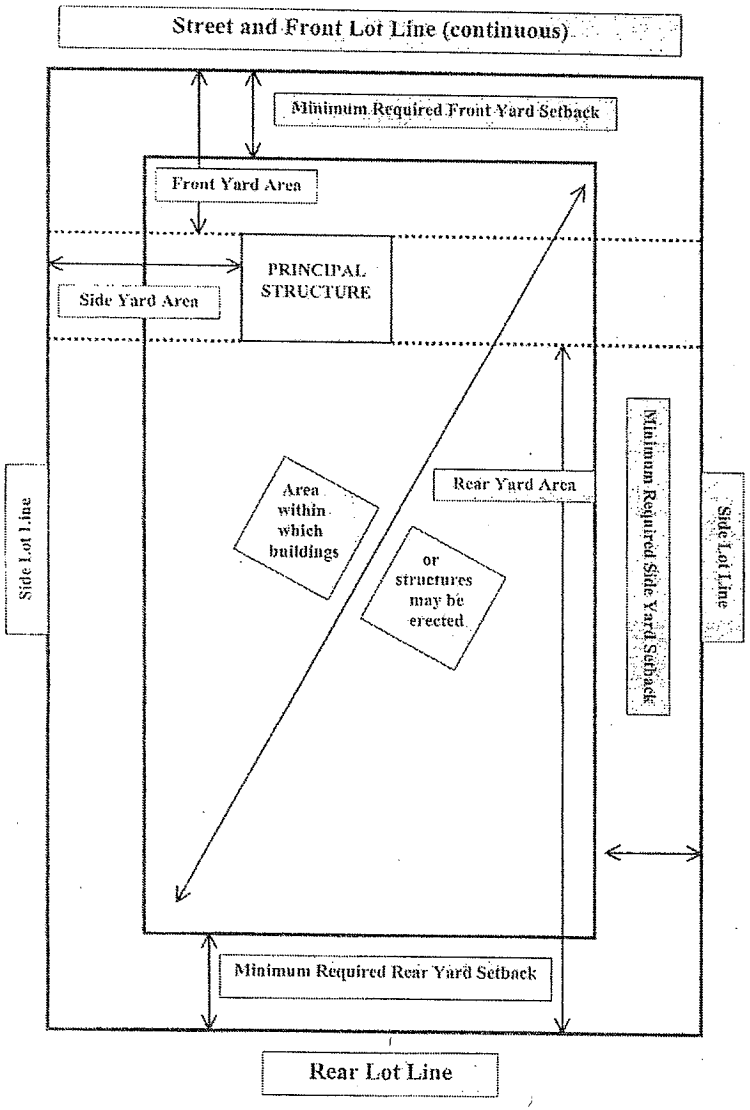
Structure – Three (3) dimensional, (i.e. length, width, height) permanent improvements to real estate made with building materials which improvements include, but are not limited to swimming pools, tennis courts, basketball courts and accessory buildings. Driveways, patios, badminton and volleyball court nets (without courts), backboards above garage doors, flagpoles etc. are excluded. *(Amended May 1998 – ATM, Article 43)*

Trailer or Mobile Home - Sometime or regularly transportable unit, by whatever name, which provides temporary or permanent facilities for living, sleeping or business use, whether with or without motor power, whether standing on wheels or other support and whether or not temporarily or permanently resting on its own foundation.

Two-Family Dwelling - A dwelling intended and designed to be occupied by two families living independently in separate dwelling units. *(Amended May 2001 – ATM, Art. 40)*

Wholesale Trade – Establishments primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional users; to other wholesalers; or acting as agents and buying merchandise for, or selling merchandise to, such individuals or companies. *(Added May 2001 – ATM, Art. 40)*

Yard, Front, Side, Rear - An unoccupied space open to the sky on the same lot with a building or structure (The drawing illustrates the positions and the extent of the front, side and rear yard and their required minimum setbacks.). *(Amended May 1998 – ATM, Article 43)*



SECTION II - USE DISTRICTS

II-A CLASSES OF DISTRICTS

For the purpose of this By-Law, the Town of Holliston is hereby divided into the following districts:

APT	**Apartment District**
AR-1	**Agricultural-Residential District A**
AR-2	**Agricultural-Residential District B**
R-1	**Residential District**
VR	**Village Residential**
C-1	**Commercial District**
VC	**Village Center Commercial District**
I	**Industrial District**

(Apartment District added March 1974 – ATM, Art. 10. Commercial District amended May 1986 – ATM, Art. 11. Industrial District amended June 1982 – STM, Art. 12. Village Residential added May 2008 – ATM, Art. 39.)

II-B LOCATION OF DISTRICTS

Said districts are located and bounded as shown on a map entitled "Zoning Map – Town of Holliston", dated **May 2011**, and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this By-Law.

1. Where a boundary is shown as following a street, railroad, or utility, the boundary shall be the centerline thereon unless otherwise indicated.

2. Where a boundary is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.

3. Where a boundary is shown as following a watercourse, the boundary shall coincide with the center line thereof as said line existed at the date of the zoning map.

II-B LOCATION OF DISTRICTS CONTINUED

4. Where the location of a boundary line is otherwise uncertain, the Planning Board or Building Inspector shall determine its position in accordance with the distance in feet from other lines as given or as measured from the scale of the map.

5. Where a district boundary line divides a lot, the regulations applying to the portion of such lot in the less restricted district may be considered as extending not more that 50 feet into the more restricted portion, but only if the lot has frontage on a street in the less restricted district, provided, however, that there shall be no such extension into any area subject to the provisions of Section V-I.

SECTION III - USE REGULATIONS

In any district, no building or structure shall be erected or used for any purpose other than those set forth in the Schedule of Use Regulations and in accordance with the following notations:

P - Permitted Use

A - Use allowed under Special Permit by the Special Permit Granting Authority as provided in Section VI-E hereinafter.

O - Prohibited Use

Permitted Uses and uses allowed by the Special Permit Granting Authority shall be in conformity with the provisions of Section IV and V of this Zoning By-Law

(This Section was amended March 1978 – STM, Art. 1. The Apartment District was amended March 1974 – ATM, Art. 10. A single-family dwelling in an Apartment District shall be governed by the requirements for the Residential or Agricultural-Residential District on which the Apartment District is superimposed. The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K. The Village Residential District was added in May 2008 – ATM, Art. 39.)

III-A SCHEDULE OF USE REGULATIONS

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
1. Church or other place of worship, parish house, parsonage, rectory, convent and hereafter required by the other religious institutions to the extent only as no or hereafter required by the General Laws, Chapter 40A.	P	P	P	P	P	P	P	P
2. Educational uses or structures which are public, religious, or run by a non-profit educational corporation duly licensed in Massachusetts to the extent only as now or hereafter required by the General Laws, Chapter 40A.	P	P	P	P	P	P	P	P
3. Educational uses or structures which are not public, religious, or run by a non-profit educational corporation duly licensed in Massachusetts.	A	A	A	A	A	P	P	P

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
4. Public buildings, structures and premises owned or leased by, or from the municipality for their use or other uses expressly allowed elsewhere within this By-Law, or M.G.L. Chapter 40A, and which may also include uses such as passive and active recreational areas, and be inclusive of structures which may exceed the height limitations to which they would otherwise be subject under Section IV-B of the Town of Holliston Zoning By-Law. *(Amended May 1996 - ATM, Article 40)*	P	P	P	P	P	P	P	P
5. Public Utilities.	P	P	P	P	P	P	P	P
6a. Public Service Corp.	A	A	A	A	A	A	A	A
6b. Use of Municipal property by a Public Service Corp. or a provider of telecommunication services under lease by the Board of Selectmen after first holding a public hearing including giving notice to all abutters within 300 feet or as further governed by M.G. L. Chapter 40.	P	P	P	P	P	P	P	P

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
7. Library, Museum or Civic Center	A	A	A	A	A	A	A	A
8. Civic, fraternal, historical, religious, social, educational, or other non-profit organizations whose primary function is non-commercial, with ancillary uses permitted to the extent appropriate for their support. *(Amended May 2001 – ATM, Art. 41. Previously amended October 1987 – STM, Art. 15)*	A	A	A	A	A	A	A	A
9. Horticulture, floriculture or agriculture except the raising of livestock for commercial use on parcels of less than five acres.	P	P	P	A	A	A	A	A
10. Raising of poultry or livestock for commercial use on parcels of less than five acres.	P	P	A	A	A	A	A	A
11. Agriculture, horticulture, floriculture on parcels of five acres or more.	P	P	P	P	P	P	P	P

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag – Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
12. Salesroom or stand for the display of agricultural or horticultural products, the major portion of which is grown or produced on the premises by a resident proprietor.	P	P	P	P	P	P	P	O
13. Single-family detached dwelling.	P	P	P	P	O	O	O	P#
14. Two-family dwelling. *(Amended May 2001 – ATM, Art. 41.)*	O	O	A	A	O	A	O	P
15. Alteration & conversion of single-family dwelling existing prior to the effective date of this by-law, to accommodate two or more families, provided that all intensity, off-street parking & additional residential floor area requirements are met, and exterior design of this structure is not changed from the character of a single-family dwelling excepting that the exterior of the building may be reconstructed to accommodate an exit from the second floor.	P	P	P	A	A	P	O	O

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*
 # The Apartment District was amended March 1974 – ATM, Art. 10. A single-family dwelling in an Apartment District shall be governed by the requirements for the Residential or Agricultural-Residential District on which the Apartment District is superimposed.

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
16. Multi-family dwellings. *(Amended May 2001 – ATM, Arts. 41 and 44.)*	O	O	O	O	O	A	O	A
17. Apartments. *(Amended May 2001 – ATM, Arts. 41 and 44.)*	O	O	O	O	O	A	O	A
17a. Accessory Family Dwelling Unit. *(Amended May 1995 – ATM, Art. 44)*	P	P	P	P	A	P	O	O
18. Federal or State Subsidized Housing for the Elderly or Low Income under the supervision of the Holliston Housing Authority.	P	P	P	A	A	A	A	P
19. Renting of 1 or 2 rooms and the furnishing of board by a resident family to no more than 3 non-transient persons.	P	P	P	A	O	A	O	O
20. Professional office or studio of a resident physician, dentist, attorney, architect, artist, musician, engineer or other member of a recognized profession provided that not more than 2 other persons are regularly employed therein in connection with such use, and provided that not more than 25% of the total floor area not to exceed 400 square feet, is regularly devoted to such use.	P	P	P	P	P	P	O	A

**The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
21. Customary home occupation conducted by a resident of the premises provided that not more than one other person is regularly employed therein in connection with such use, and that not more than 25% of the total floor area, not to exceed 400 square feet, is regularly devoted to such use, and that there is no exterior storage of material or equipment, and that no exterior display of products is visible from the street.	P	P	P	P	P	P	O	A
22. Nursery School or Child Care Facility. *(Amended May 2001 – ATM, Art. 41. Previously amended May 1991 - ATM, Art. 26.)*	P	P	P	P	P	P	P	P
22a. Privately organized camp.	A	A	A	A	A	A	A	A
23. Hospital, sanitarium, nursing, rest or convalescent home, charitable institution or other non-correctional institutional use.	A	A	A	O	O	O	O	O
24. Bed and Breakfast, but not including an overnight cabin, motel or hotel. *(Amended May 2001 – ATM, Art. 41.)*	A	A	A	A	A	A	O	O

**The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
25. Hotel, motel or overnight cabin.	O	O	O	O	A	A	A	O
26. Commercial greenhouse.	A	O	O	O	P	P	P	O
27. Retail sales, not including drive-in or outdoor retail sales. *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	P	P	A	O
27a. Commercial service establishments dealing directly with the general public. *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	P	P**	O	O
27b. Drive-In use and appurtenant buildings or structures. *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	A	O	A	O
27c. Outdoor retail sales (Except as defined under use #12 above.) *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	A	A	A	O
28. Business or professional offices shall include but not be limited to other uses such as a bank or financial institution, real estate office, barber shop, office of a contract dressmaker, tailor, optician, and photographer. *(Amended May 1995 – ATM, Art. 44.)*	O	O	O	O	P	P**	P	O

* *All uses within the Village Center Commercial District are also subject to Section V-K.*
** Except 'A' for a new building over 5,000 s.f. gross floor area or an addition resulting in a building over 5,000 s.f. gross floor area.

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
28a. Uses as allowed within use group #28 and where not more than 20% of the gross floor area not to exceed 15,000 square feet is devoted to warehouse facilities, packaging, or fabrication and is otherwise in compliance with local, state and federal laws, rules and regulations, but not including any use which involves the manufacture, storage, transportation, discharge or disposal of hazardous, toxic or radioactive materials or which generates perceptible vibration or noise levels greater than 65 db at the property line. *(Amended May 1995 - ATM, Art. 44)*	O	O	O	O	A	A	P	O
29. Undertaking establishment or funeral home.	O	O	A	O	A	A	O	O
30. Solar Energy Systems *(Added May 2012 - ATM, Art. 34)*								
30a. Small-scale solar power generation system**	P	A	A	A	A	A	P	A
30b. Large-scale solar power generation system	O	O	O	O	A	O	A	O
31. Commercial parking lot and/or parking charging fees.	O	O	O	O	A	A	A	O

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*
*** Small-scale solar energy systems intended for non-commercial, single residential or business use are permitted accessory uses per Section V-A.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
32. Salesroom for motor vehicle, trailers, boats, farm implements or machinery with repair services and storage permitted. *(Amended September 1970 – STM, Art.25)*	O	O	O	O	A	A	P	O
33. Gasoline station with service by attendant only. *(Amended May 2001 – ATM, Art. 41. Previously amended February 1977 – STM, Art. 8)*	O	O	O	O	A	A	A	O
33a. Self-service gasoline station. *(Amended May 2001 – ATM, Art. 41. Previously amended March 1982 – ATM, Art. 27)*	O	O	O	O	A	A	A	O
34. Repair garage, auto body, soldering or welding shop. *(Amended May 2001 – ATM, Art. 41. Previously amended September 1970 – STM, Art. 25)*	O	O	O	O	A	A	A	O
35. Restaurant or other place serving food or beverages only to persons inside a building.	O	O	O	O	P	P**	A	O
35a. Restaurant with drive-in. *(Added May 2004 – ATM, Art. 33.)*	O	O	O	O	A	O	A	O
36. Restaurant or other place serving food or beverages with either live or mechanical entertainment or which provides outdoor seating. *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	A	A	A	O

**The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
37. Wholesale office or showroom, including warehouse facilities.	O	O	O	O	A	A	P	O
38. Commercial indoor or outdoor amusement or recreation place or place of assembly, not including outdoor movie theater, provided that the building is so insulated and maintained as to confine the noise to the premises and is located not less than one hundred feet from a residential district.	O	O	O	O	A	A	A	O
38a. Country, tennis, golf or similar clubs whether or not for profit. *(Amended May 2001 – ATM, Art. 41.)*	A	A	A	A	A	A	A	A
39. Outdoor movie theater.	O	O	O	O	O	O	A	O
40. Drive-in or open-air business and appurtenant buildings or structures.	O	O	O	O	A	A	O	O
41. Animal or veterinary hospital or kennel. *(Amended May 1996 - ATM, Art. 39)*	A	A	A	O	A	A	A	O

**The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
42.General industrial uses including manufacturing, storage, processing, fabrication, packaging and assembly comprised of not more than 15,000 square feet of floor area devoted to such use and otherwise in compliance with local, state and federal laws, rules and regulations, but not including any use which involves the manufacture, storage, transportation, discharge or disposal of hazardous, toxic or radioactive materials or which generates perceptible vibration or noise levels greater than 65 db at the property line. *(Added May 1995 – ATM, Art. 44)*	O	O	O	O	O	O	P	A
42a. General Industrial uses including manufacturing, storage, processing, fabrication, packaging, and assembly that occupy more than 15,000 square feet of floor area, or those that have no more than 15,000 square feet of floor area and which involve the manufacture, storage, transportation, discharge or disposal of hazardous, toxic, or radioactive materials. *(Added May 1995 - ATM, Art. 44)*	O	O	O	O	O	O	A	O
42b. Alternative Energy and Renewable Energy Manufacturing Facilities and Alternative Energy and Renewable Energy Research and Development Facilities	O	O	O	O	O	O	P	O

* *The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
43. Spur tracks, team tracks, railroad sidings and other appropriate railroad facilities. *(Amended June 1969 – STM, Art. 10)*	O	O	O	O	P	P	P	O
44. Helioports, landing areas or platforms for helicopters or other hovering-type aircraft subject to an evaluation of noise and nuisance effects on business or residential occupants of the area and subject also to all national, state laws, regulations and codes pertaining hereto. *(Amended June 1969 – STM, Art. 10)*	O	O	O	O	O	O	A	O
45. Accessory uses to activities permitted as a matter of right, whether or not on the same parcel as activities permitted as a matter of right, which activities are necessary in connection with scientific development, scientific research or related production, provided that the Special Permit Granting Authority finds that the proposed accessory uses do not substantially derogate from the public good.	O	O	O	O	A	A	A	O
46. Building materials and equipment exposed to view the extent actually necessary during active continuous construction work on the same lot. *(Amended April 1981 – STM, Art. 5)*	P	P	P	P	P	P	P	O

** The Village Center Commercial District was added June 1982 – STM, Art. 12. All uses within that district are also subject to Section V-K.*

Use	Ag - Res. Dist. A	Ag-Res. Dist. B	Res. Dist.	Village Res.	Comm. Dist.	Vill Ctr Comm*	Ind. Dist.	Apt. Dist.
47. Customary use and keeping of outdoor furniture, structures, firewood logs, recreational and other equipment appropriate to the normal occupancy of a dwelling on the lot provided that the same complies with other provisions of this By-law. *(Amended April 1981 – STM, Art. 5)*	P	P	P	P	P	P	P	A
48. Outdoor storage of building materials and equipment, excluding scrap and junk, which is not provided for elsewhere in this by-law, if the same is subjected to screening and does not occupy an area exceeding 25% of the ground floor area of the main building on the lot. *(Amended April 1981 – STM, Art. 5)*	P	P	P	P	P	P	P	A
49. Outdoor storage of building or other materials or equipment not covered elsewhere in this by-law. *(Amended April 1981 – STM, Art. 5)*	A	A	A	A	A	A	A	A
50. Senior Residential Dwelling Developments. *(Amended May 2002 – ATM, Art. 24. Previously amended May 2001 – ATM, Art. 45.)*	A[1]	A[1]	A[1]	A	A[1]	A[1]	A[1]	A[1]
51. Adult entertainment uses. *(Amended May 2001 – ATM, Art. 41.)*	O	O	O	O	O	O	A[2]	O

** All uses within the Village Center Commercial District are also subject to Section V-K.*

[1]Allowed by a Special Permit in a Senior Residential District Overlay. Refer to Section V-P(3).

[2]No adult use Special Permit shall be issued to any person convicted of violating the provisions of MGL, c. 119, Section 60 or MGL, c. 272, s. 28. All building entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public. No sign or other like materials shall display any sexually explicit figures or words as defined in MGL, c. 272, s. 31.

SECTION IV - INTENSITY REGULATIONS

IV-A GENERAL REQUIREMENTS

1. A dwelling, building, or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements and no more than one dwelling shall be built upon any single lot, except as hereinafter provided.

2. Lot Frontage (as defined in Section I-E Definitions) shall meet the requirements of the zoning district (as set forth in Section IV-B Schedule of Intensity Regulations) and shall be measured in a continuous line from one side lot line to the other side lot line, along the sideline of the street. In the case of a corner lot, the sideline of the street not used for the lot frontage shall be treated as a side lot line for the purposes of frontage measurement.
(Amended ATM, May 1999, Article 38. Previously amended May 1998 – ATM, Art. 42.)

3. On all corner lots the required front yard dimensions shall apply from both street lines. The required side yard dimensions shall apply from all other lot lines. In all cases one street line shall be shall be accepted as the front street line for the measurement of lot frontage. In any case, the sum of the street line and the rear line of the required front yard shall not be less than 1.8 times the required frontage.

4. A lot or parcel of land having an area or frontage of lesser amounts than required in the following schedule may be considered as coming within the area and frontage requirements of this section provided such lot or parcel of land was shown on a plan or described in a deed duly recorded or registered at the time of the adoption of this by-law or subsequent amendment here to and did not at the time of such adoption or amendment adjoin other land of the same owner available for use in connection with such lot or parcel. Lots specifically exempted under MGL, Chapter 40A, Section 6 are also exempted from this by-law. *(Amended March 1978 – STM, Art. 1)*

5. The minimum front yard dimensions required in the following schedule are to be measured from the street line where a plan for the street is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty-five feet from and parallel with the apparent centerline of the traveled way or street.

6. Lot width at the required front yard setback shall be measured as a straight line distance between the side lot lines and shall be no less than eighty percent (80%) of the required Lot Frontage. For corner lots, lot width shall be measured parallel of the frontage.
(Amended ATM, May 1999, Article 48. Previously amended May 1997 – ATM, Art. 36.)

7. Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with the dimensional requirements established herein, shall not be allowed.

IV-A GENERAL REQUIREMENTS CONTINUED

8. The limitation on height of buildings in the following schedule shall not apply in any district to chimneys, ventilators, antennas, spires or other ornamental features of buildings which features are in no way used for living purposes.
(Amended June 1969 – STM, Art. 10)

9. A lot or parcel of land containing two or more dwellings existing at the time of adoption of this by-law which cannot be divided in conformity with these requirements may, under a Special Permit by the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.

10. In Apartment Developments, more than one apartment building may be built on a single lot in accordance with subsection V-G.
(Amended March 1974 – ATM, Art. 10)

11. No dwelling or other structure, other than a grave or grave-marker, shall be constructed within 200 feet of the high water line of any natural pond, the area of which is 20 acres or more, except that any existing dwelling, building or structure may be expanded up to twenty-five (25) per cent as long as such expansion conforms to the requirements of Section IV-B.
(Amended May 1977 – ATM, Art. 17)

12. An owner or user of property in an Industrial or Commercial District may not make use of any lot in an Agricultural-Residential, Residential or Apartment district for access to such Industrial or Commercial property unless a private or public way through such a lot is specifically zoned for such access. *(Amended May 1986 – ATM, Art. 10)*

13. No new common drive shall be constructed except that the Planning Board may grant by Special Permit the use of a common driveway serving not more than three lots, when such lots already comply with Chapter 41 Section 81-P for Approvals not Required under Subdivision Control Laws, and when the proposed common drive conforms to all rules and specifications as set forth by the Planning Board.
(Amended May 1995 – ATM, Art. 42)

14. Reserved.

IV-B SCHEDULE OF INTENSITY REGULATIONS

	Minimum Lot Dimensions Continuous			Minimum Yard Setbacks			Max. Height of Building or Structure		Maximum % of Coverage, Buildings & Structures, Accessory Buildings	Floor Area Incl. Ratio (FAR)
District	Area	Frontage	Depth	Front	Side	Rear	Stories	Feet		
Ag-Res Dist. A	80,000 sf	225'	300'	40'	40'	40'	2 ½	35	20	-
Ag-Res Dist. B	40,000 sf	180'	200'	40'	30'	40'	2 ½	35	25	-
Res. Dist.	30,000 sf	120'	150'	30'	20'	30'	2 ½	35	30	-
Vil. Res.	10,000 sf	70'	50'	15'	15'	15'	3	40	50	-
Vil. Ctr. Comm.	5,000 sf***	70'	50'	10'**	15'**	15'**	3	40	50**	1.00
Comm. Dist.	15,000 sf	80'	120'	10'	15'	20'	3	40	50	0.50
Ind. Dist.	20,000 sf	100'	150'	30'	20'	30'	3	40	40	0.50
Apt. Dist.	10 ac.	500'*	500'*	50'	50'	50'	2 ½	35	20	-

The above dimensions are subordinate to any Buffer Area requirements. In Apartment districts, the yard dimensions shall apply to building setbacks with reference to: (a) the perimeter bounds of an entire apartment development; (b) each street bounding or within an apartment development; and (c) any private way which, in the opinion of the Planning Board, may later become a street, rather than to each building in such an apartment development. **Exceptions**: '*' or such modification as the Board of Appeals may allow; '**' except that the Board of Appeals may authorize the reduction of yards to zero and an increase in coverage to 80%, subject to Section V-K5 and '***' additional area may be necessary to meet Board of Health requirements for sewage disposal. "-" indicates no specified ratio.. Walls specifically designed as impermeable barriers for the proper installation of sub-surface sewage disposal systems, and those designed and constructed in accordance with plans approved as part of a subdivision approval by the Planning Board shall be exempt from the setback requirements within the Schedule of Intensity Regulations. For all ground-mounted small- and large-scale solar power generation systems, minimum perimeter setbacks shall be 50 feet from any component to any lot line. *(Amended May 2012 – ATM, Art. 34. . Previously amended May 2008 – ATM, Art. 39, May 1998 – ATM, Art. 45, May 1997 – ATM, Art. 30, May 1986 – ATM, Art. 11, March 1974 – ATM, Art. 10, and April 1970 – ATM, Art. 20.)*

IV-C MODIFICATION AND EXCEPTIONS

1. Where two or more requirements in this by-law are applicable to the same open space, that which imposes the greatest restriction on the placement of the building will control.

2. In all districts 2,000 square feet of lot area shall be required for each room to be used by transient paying guests. This requirement shall be in addition to the area requirements of the district for any other use.

3. In all districts (except Village Center Commercial district, as provided in Section V-K), 10,000 square feet of lot area shall be required for the second dwelling in a two family dwelling, or a multi-family dwelling. This requirement shall be in addition to the area requirements of the district for any other use. *(Amended June 1982 – STM, Art. 12)*

4. In all districts (except Village Center Commercial district, as provided in Section V-K), 5,000 square feet of lot area shall be required for all dwellings other than the first and second in multi-family dwellings. This requirement shall be in addition to the area requirements of the district for any other use. *(Amended March 1974 –ATM, Art. 10)*

SECTION V - SPECIAL REGULATIONS

V-A ACCESSORY BUILDINGS AND STRUCTURES

No accessory building or structure shall be located within the required front yard area. No accessory building, structure, or appurtenant element, (e.g. pool decks, concrete aprons, heating or air conditioning equipment, or other similar elements which are accessory to the building or structure) shall be located in any side yard area nearer to the side lot line than ten feet, or in the rear yard nearer than five feet. Freestanding non-commercial solar energy collection apparatus and wind energy systems (i.e. designed or operated and intended for single residential or business uses) are considered to be accessory structures and uses. In no case shall accessory buildings or structures cover more than 30% of the required rear yard area. The construction and operation of all wind energy systems shall be consistent with all local, state and federal requirements, including but not limited to all applicable safety, construction, environmental, electrical, communications and FAA aviation requirements. The Inspector of Buildings shall be supplied with appropriate plot plans and engineering data to determine compliance. Wind energy systems shall be allowed to exceed the height limitations of principal structures by up to three times if a fall zone equivalent to the tower height is provided on-site. They shall be prohibited in the Village Residential, Village Center Commercial and Commercial zoning districts unless authorized by a Special Permit from the Special Permit Granting Authority (SPGA). The SPGA shall utilize the criteria of Section V-O(4)(a) to guide its findings on such applications. *(Amended May 2009 – ATM, Art. 29. Previously amended May 1995 – ATM, Art. 42)*

V-B EXTERIOR SIGNS

(Amended May 2010 – ATM, Art. 33. Replaced prior text in its entirety.)

A. General Sign Prohibitions

1. Signs that move or flash, or are animated.
2. Billboards as defined and regulated by MGL c. 93, s. 30.
3. Strings of banners, pennants, ribbons, streamers and spinners or similar devices used as advertising.
4. Signs within or projecting over a public right-of-way or on public property except with a permit from the Board of Selectmen.
5. Off-premise signs not specified below.

B. General Regulations

1. No sign shall be illuminated between the hours of 11:00 p.m. and 7:00 a.m. except signs on premises open for business.
2. The illumination of any sign shall be shaded, shielded, directed and maintained at sufficiently low intensity and brightness that shall not affect the safe vision of vehicle operators. Red and green lights shall not be used for illumination.
3. Any sign which advertises or identifies products, businesses, services or activities which are no longer sold, located or carried on at the premises shall be removed within 60 days.

C. District Regulations

1. All residential zoning districts (AR-1, AR-2, R-1 and VR)

Signs which require permits:
One non-flashing sign not over twelve (12) square feet in area and six (6) feet in height pertaining to permitted buildings, structures and uses of the premises other than dwellings and their accessory uses.

Exempted signs:
One non-flashing sign for each family residing on the premises indicating the name of the owner or occupant or pertaining to a permitted accessory use, provided that each such sign does not exceed two square foot in area and if freestanding, does not exceed six (6) feet in height.

Temporary unlighted signs aggregating not over eighteen square feet in area pertaining to the sale or lease or construction of the premises. No signs placed on individual lots shall exceed six (6) square feet.

Temporary contractor signs not to exceed nine (9) square feet. Signs shall be removed promptly after completion of work.

V-B EXTERIOR SIGNS CONTINUED

On-premise directional signs not to exceed two (2) square feet in area or six (6) feet in height.

Unlighted off-premise directional signs not exceeding two(2) square feet in area pertaining to churches, schools, institutions and other public or non-profit uses or to salesrooms or stands for the display of agricultural or horticultural products permitted under #12 of Section III-A Schedule of Uses with permission of the landowner.

2. Commercial and Village Center Commercial Districts

Signs which require permits:
Non-flashing signs attached to a building (wall, projecting or awning) shall not exceed forty square feet or 15% of the building's façade area, whichever is less, nor shall they obscure architectural details of historic structures. Permanently affixed window signs shall not occupy more than 10% of the window surface area. In the Village Center Commercial District signs must not be internally lit. In no case shall a sign project above a parapet wall.

One freestanding sign for each separate and distinct establishment on the premises. Each sign shall not exceed twelve square feet in area unless otherwise authorized by Special Permit from the Special Permit Granting Authority. Freestanding signs must be less than 10 feet high and shall not be erected in any way that creates a traffic hazard or obstructs traffic. Freestanding signs are permitted to be laddered in the case of multi-tenant facilities and may have changeable text. In the case of multi-tenant ladder signs, individual business signs shall be limited to twelve (12) square feet and the height may be increased to fifteen (15) feet.

Roof signs and murals may be authorized by Special Permit from the Special Permit Granting Authority.

Exempted signs:
Un-lit temporary window signs with less than 10% of the window area covered.

Accessory signs not identifying a business (e.g. Open, Closed, Vacancy, Hours of Operation) not to exceed six (6) square feet.

On-premise directional signs not to exceed two (2) square feet in area or six (6) feet in height.

V-B EXTERIOR SIGNS CONTINUED

3. Industrial District

Signs which require permits:
Non-flashing signs attached to a building (wall, projecting or awning) shall not exceed forty square feet in area or 15% of the building's façade area, whichever is less. In no case shall a sign project above a parapet wall.

One freestanding sign for each separate and distinct establishment on the premises. Each sign shall not exceed forty square feet in area. Freestanding signs must be less than 10 feet high, set back a minimum of 10 feet from the front lot line and shall not be erected in any way that creates a traffic hazard or obstructs traffic. Freestanding signs are permitted to be laddered in the case of multi-tenant facilities and may have changeable text. In the case of a multi-tenant ladder sign, individual business signs shall be limited to 15 square feet and height may be increased to 15 feet.

Exempted signs:
Un-lit temporary window signs with less than 10% of the window area covered.

Accessory signs not identifying a business (e.g. Open, Closed, Vacancy, Hours of Operation) not to exceed six square feet.

On-premise directional signs not to exceed two (2) square feet in area or six (6) feet in height.

4. Non-conforming uses
Signage not exceeding twelve (12) square feet (attached and/or freestanding) is allowed for any non-conforming use, unless otherwise authorized by Special Permit from the Special Permit Granting Authority.

V-C OFF-STREET PARKING

(Amended March 1982 – ATM, Art. 35)

1. Performance Requirement - Adequate parking must be provided to service any net increase in parking demand created by new construction, additions, or changes of use, and existing off-street parking must not be changed such that these requirements are no longer met. However, no off-street parking is required for non-residential uses in the Village Center Commercial District. V-C.3 Parking Area Location and Design Requirements apply in all districts. *(Amended June 1982 – STM, Art. 12)*

2. Number of Spaces - The standards below must be met for the additional parking demand created by new buildings, additions, or changes of use unless, following consultation with the Planning Board, the Building Inspector determines that special circumstances dictate a different provision in order to meet all parking needs. Examples of such circumstances include mixed uses with staggered peak parking hours, businesses with vanpooling arrangements or unusual building occupancy (e.g. by the elderly). No storage, display, or loading area shall be counted as parking space. In a Commercial District, on-street parking may be counted towards satisfying these requirements if located between lot sidelines on the same side of a street having 30 feet or more traveled way width and having curbing and sidewalk.*(Amended May 1986 – ATM, Art. 11)*

a. ***Dwellings***: Two (2) parking spaces for each dwelling unit therein, except one parking space for each dwelling unit having fewer than two rooms which are used or usable as bedrooms.

b. ***Places of public assembly including churches***: one parking space for each three (3) persons capacity based on the State Building Code.

c. ***Hotels, motels, commercial accommodations***: one parking space for each guest unit, plus one parking space for each eight units or fraction thereof.

d. ***Restaurant***: one parking space per 2 1/2 persons seating capacity.

e. ***Commercial recreation***: one space per two persons participant capacity, plus one space per three persons spectator capacity.

f. ***Other service establishments and retail businesses***: one parking space per 180 square feet gross floor area (excluding basement storage area), but not less than three spaces per separate enterprise.

g. ***Wholesale and industrial establishments***: one parking space per 1.3 employees on the largest shift, but capable of expansion to not less than one space per 300 square feet gross floor area, plus loading space for all delivery and shipping trucks.

V-C OFF-STREET PARKING CONTINUED

h. ***Other uses***: a number of spaces to be determined by the Planning Board, if the provisions of Section VII(2)(b) apply, or Building Inspector, based upon evidence from similar uses in similar circumstances, or by guidelines produced by the Institute of Transportation Engineers, such as the document titled: Parking Generation, or similar professional documents.

3. Parking Area Location and Design.

a. ***Location*** - Required parking shall be either on the same premises as the activity it serves, or on a separate parcel if the parcel is located within 300 feet of the building entrance to be served, is in the same ownership or under recorded agreement, and is in a zoning district allowing the activity it serves. Parking areas shall be separated from street and property lines by an area not less than five feet in width maintained with landscaping except where crossed by driveways.

b. ***Configuration*** - Dimensions of spaces and aisles shall adequately provide for clearance and movement. The Planning Board shall adopt and from time to time amend standards for such dimensions, reflecting current vehicle sizes. At least 10% of the interior of any parking lot having 40 or more spaces shall be maintained with landscaping, including trees, in plots of at least four feet in width. Trees and soil plots shall be so located so as to provide visual relief and sunlight and wind interruption within the parking area, and designed to assure safe patterns of internal circulation. In the Village Center Commercial District, the landscaping dimensional requirements may be relaxed at the discretion of the Building Inspector or the Planning Board.

c. ***Surface*** - Off-street parking areas, loading areas, and access drives, if involving six or more parking spaces, shall be surfaced with bituminous or other paving material unless the Planning Board, if the provisions of Section VII(2)(b) apply, or Building Inspector approves an alternative surface which, because of only seasonal or periodic use, will adequately prevent dust, erosion, water accumulation and unsightly conditions.

d. ***Lighting*** - Illumination shall use cut-off luminaires mounted no higher than fifteen feet, arranged and directed so as to create no glare off-site and to add not more than one foot-candle to illumination levels at any point off-site.

e. ***Backing*** - Parking areas having three or more spaces shall be so designed that no vehicle will be required to back on a public way in order to enter or exit from a parking space.

V-C OFF-STREET PARKING CONTINUED

f. ***Egress*** - There shall be not more than two driveway openings onto any street from any single premises unless each opening centerline is separated from the centerline of all other driveways serving 20 or more parking spaces, whether on or off the premises, by 150 feet (measured at the street line). No such opening shall exceed twenty-four (24) feet in width at the street line unless necessity of greater width is demonstrated by the applicant, and the opening is designed consistently with Planning Board standards adopted pursuant hereto. Openings shall be located so as to minimize loss of on-street parking spaces, and shall be graded and drainage facilities provided where necessary to prevent stormwater from running across any sidewalk or ponding. No driveway sideline shall be located within twenty (20) feet of the street line of an intersecting way. All driveways serving five (5) or more parking spaces shall be constructed with a minimum edge radius of five (5) feet on both sides. All driveways serving 40 or more parking spaces must have not less than 250 feet visibility in each travel lane entering a state-numbered or maintained highway, and not less than 150 feet visibility on other streets.

g. ***Parking Lot Plantings*** - All plantings shall be of a species characterized by suitability and hardiness for location in a parking lot. To the extent practical, existing trees shall be retained and used to satisfy the provisions of this section. Trees and plantings that die within one year shall be replaced by the owner.

The border separating the parking area from the streets and property lines shall contain landscaping that;

- Minimizes visual impact
- Is positioned to assure proper sight distance for vehicles and pedestrians.

h. ***Bicycle Racks*** - For parking areas of forty or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces required or fraction thereof.

V-D MINIMUM RESIDENTIAL FLOOR AREA

No dwelling shall be erected, reconstructed, remodeled or altered so that the floor area of living space per dwelling unit shall be less than the following:

Agricultural-Residential District "A"	***768 sq. ft.***
Agricultural-Residential District "B"	***768 sq. ft.***
Residential District	***600 sq. ft.***
Commercial District	***600 sq. ft.***
Village Center Commercial District	***500 sq. ft.***

(Amended June 1982 – STM, Art. 12)

V-D MINIMUM RESIDENTIAL FLOOR AREA CONTINUED

(Amended March 1978 – STM, Art. 1)

Living space shall mean the total of floor areas of rooms used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, toilets, laundries, pantries, foyers, communicating corridors, stairways, closets, storage spaces, the area with less than four feet clear headroom under sloping ceilings, garages, breezeways and carports, as defined by the Division of Sanitary Engineering, Massachusetts Department of Public Health in its Minimum Standards of Fitness for Human Habitation. This regulation shall not apply to any single family detached dwelling.

V-E REMOVAL OF EARTH PRODUCTS

(Amended June 1972 – STM, Art. 6. Previously amended June 1968 – ATM, Art. 6)

1. The removal from any premises of more than ten (10) cubic yards of earth products, including sod, loam, sand or gravel, shall be prohibited except when incidental to and in connection with the construction of a building or street or other activity authorized by this by-law or General By-Laws Article XLI Stormwater Management and Land Disturbance By-Law.

2. Opening of new sand or gravel pits may be authorized by the Board of Appeals by special permit, provided it determines that the activities involved are not harmful or detrimental to the present or future character of the neighborhood or to the town. Before issuing such a special permit, the petitioner shall file a bond or other security satisfactory to the Board to guarantee performance of the conditions of the special permit. The permit issued shall be granted only to the petitioner as a personal right and shall not be transferable.
(Amended April 1973 – ATM, Art. 20)

3. In all areas which are disturbed, topsoil removed therefrom shall be stockpiled on site until completion of operations and promptly thereafter each disturbed area on which structures, parking lots or ways are not in place, shall be re-covered with topsoil to a depth of at least that which previously existed, but, in any event, with no less than four (4) inches of compacted topsoil in the uppermost layer.

4. Removal of earth products other than specifically permitted in this by-law or in the general Town by-law is prohibited.

V-F ARCHITECTURAL CONTROLS

(Amended March 1978 – STM, Art. 1)

The exterior architectural features of houses placed or erected in a development shall be basically dissimilar. No application to place or erect two or more houses upon contiguous lots shall be approved by the Inspector of Buildings unless the applicant shall have filed with the Inspector of Buildings plans showing the houses. If there is proposed to be built or placed upon such lots more than five houses, there shall be at least three basic designs. If there is proposed to be built or placed upon such lots, two, three, four or five houses, there shall be at least two basic designs.

V-G APARTMENT DISTRICT REQUIREMENTS

(Amended March 1983 – ATM, Art. 26. Previously amended June 1982 – STM, Art. 12, March 1978 – STM, Art. 1, May 1975 – ATM, Art. 17 and March 1974 – ATM, Art. 10.)

1. Intent - The following apartment district requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for apartment dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the apartment units and the Town as a whole. Except as otherwise specifically provided for in the zoning by-laws, apartment developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V-G. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority. Apartment Districts shall be allowed only by Town Meeting Vote amending the Zoning By-Law by amending the Zoning Map of Holliston. Such Apartment Districts shall be shown on such map by superimposing said districts on the basic AR-l, AR-2, and R-1 districts on which such Apartment Districts are superimposed, thus creating dual Districts.

2. Objectives - In all actions taken hereunder, the Board of Appeals and its Advisors shall be guided by the following policy objectives:

a. To provide safe and comfortable apartment dwelling units for all persons regardless of race, creed or income level.

b. To insure proper use and conservation of land and its environment by relating proposed apartment housing to the natural and man-made features and conditions of the development site, including:

(1) slope and topography;

(2) surface and sub-surface bedrock and soil drainage conditions;

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

(3) location with respect to adjacent streets and buildings;

(4) vegetative cover, bodies of water and wetlands;

(5) Other features of recognized conservation of historical significance.

c.To encourage owners and developers to design and build high quality apartment structures with accompanying conveniences and appropriate site development by promoting proper consideration of physical planning factors such as:

(1) recreational areas and facilities;

(2) outdoor lighting and screening thereof;

(3) parking areas, driveways, streets and traffic flow;

(4) protection of open space including wooded and wetland areas;

(5) suitable placement of buildings and facilities in relation to the site and surrounding influences;

(6) design and layout of building interiors and exteriors;

(7) adequacy of tenant services and conveniences.

d. To promote orderly physical, social and economic development in the Town of Holliston.

3. Special Definitions - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. Advisors - The Board of Selectmen, Planning Board, Board of Health, Conservation Commission and such others as the Board of Appeals shall consider to have special concerns in individual apartment development proposals.

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

b. Apartments - Buildings containing one-family dwelling units of the following types or combination thereof; whether developed as conventional rental units, as condominiums or as cooperatives:

(1) Efficiency Apartment - A dwelling unit within which the sleeping and living areas share a single room. For all purposes except Dwelling Unit Space such a unit shall be considered as being an individual Garden Apartment containing one bedroom.

(2) Garden Apartments - Groups of one family dwelling units within a single building, each containing not more than two bedrooms and with fire escape safety provisions for every unit by means of at least two satisfactorily located exit doors opening either directly outdoors or into corridors of non-combustible constructions. On no level shall any such corridor serve more than four apartments.

(3) Town House Apartments - Individual two-story, row-type, one family dwelling units, each extending from front to rear of the building, each with its own private front and rear doors and its own interior stairs. Each such dwelling unit shall have non-combustible walls between dwelling units. Such units may contain no more than three bedrooms.

c. Apartment Development - One or more apartment buildings on a single lot constructed pursuant to a Special Permit issued by the Board of Appeals.

d. Area -

(1) Building Area - The total ground area, taken on a horizontal plane at the finished grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

(2) Floor Area - The total floor area of one dwelling unit within its exterior or common enclosing walls, exclusive of basement.

c. Basement - A portion of a building containing no living space and situated partly or wholly below ground level.

d. Building Height - The vertical distance measured from the mean finished grade of the ground adjoining the building; or the lowest finished grade under sloping conditions described in sub-section 4.p. hereof; to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge, for gable, hip and gambrel roofs.

e. Half-Story - Any place (not living space) under the gable, hip or gambrel roof, the floor of which is not more than two feet below the plate.

f. Screening - A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site apartments.

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

g. Story - That portion of a building, excepting any basement or half-story, contained between any floor and the floor or roof next above it.

h. Street Line - The boundary of a street right-of-way.

i. Wetland - Streams, lakes, ponds, swamps, marshes, meadows and other areas which are water saturated to or near the surface or which are under standing water (with underlying saturation) for any significant period of time.

4. Special Requirements - (In addition to those contained elsewhere in the Zoning Laws of Holliston.)

a. Building Separation - As a practical design goal, the desired distance between buildings shall be 50 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Board of Appeals may permit such distance to be less than 50 feet but in no case shall such distance be less than 20 feet.

b. Parking - On-site paved parking areas including at least two parking spaces for every dwelling unit with minimum dimensions of ten (10) feet by twenty (20) feet and adequate provision for aisles, drives, visitor parking and snow disposal shall be provided. Separate buildings for parking garages may be permitted if located and designed so as to complement the apartment building design and site layout. Parking facilities underneath dwelling units are not permitted.

c. Building Height - No building shall exceed two and one-half stories in height exclusive of basements, nor thirty-five (35) feet in height. Dwelling units located in part below the upper finished grade on sloping sites in accordance with sub-section 4.p. hereof shall be counted as one story. No more than two (2) stories shall be allowed for living space.

d. Dwelling Units Per Building - No structure containing Garden Apartments, Town House Apartments, or both, shall contain fewer than eight (8) nor more than twenty (20) dwelling units except that fewer than eight (8) but not less than three (3) dwelling units may be allowed by the Board of Appeals if such Board approves of such reduction as being compatible with architectural, aesthetic and other planning considerations.

e. Dwelling Unit Space - All dwelling units within apartment buildings shall have minimum floor areas as follows:

(1)	efficiency apartment	500 square feet
(2)	one bedroom apartment	700 square feet
(3)	two bedroom apartment	850 square feet
(4)	three bedroom apartment	1000 square feet

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

f. (1) In any Apartment Development in an Apartment District there shall be a limit of four (4) bedrooms multiplied by no more than the number of lots which would be permitted were the development to consist of single-family detached dwellings under a conventional subdivision plan developed pursuant to the Rules and Regulations of the Planning Board and according to the requirements contained in Section IV of this by-law. Responsibility for determining the number of lots so permitted shall rest with the Planning Board and that Board may require the applicant to submit whatever said Board deems necessary to make this determination including, but not limited to, a general layout plan prepared to comply with Section IV of this by-law, soil analyses and percolation tests.
(Amended March 1983 – ATM, Art. 26)

(2) No apartment development shall have more than (10) percent of the total number of apartments with three (3) bedrooms.

(3) In addition to considering a combined sleeping and living room in an Efficiency Apartment as one bedroom, any other room in any apartment which is not a single living room or equipped kitchen, and is shown on a plan as being for other than bedroom use but which, because of location, size, or arrangement, could, in the opinion of the Board of Appeals, be used as a regular bedroom or adapted to such use, shall be considered as a bedroom for density calculations. No attic or other storage or similarly usable space shall ever be used as or altered to create regular bedroom space nor shall the construction or other aspects thereof be such as would facilitate such use or alteration.

g. Screening - All sewage facilities, service areas and equipment, conveniences and recreational areas shall have screening as required.

h. Buffer Areas - No portion of any apartment building or accessory building shall be less than two hundred (200) feet from any other zoning district and such area shall be undeveloped except for drives, walks and landscaping.

i. Environmental Protection - There shall be no filling, draining, altering or relocation of any stream, lake, pond or wetland except that performed in full compliance with applicable laws, the requirements of all pertinent governmental agencies, and the requirements and recommendations of the Board of Appeals.

j. Exterior Antennas - Outdoor antennas or other apparatus for radio or television reception or transmission are forbidden, except that master antennas serving multiple numbers of apartments may be allowed subject to Board of Appeals approval.

k. Exterior Lighting and Screening - Non-glaring exterior lighting shall be planned, installed and operated so as to best serve each building or group of buildings. Parking areas, drives and other roadways shall be designed and landscaped so as to insure that all dwelling units are screened from motor vehicle headlights.

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

l. Landscaping - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds and to screen out objectionable features.

m. Recreation - Suitable outdoor recreation space, with adequate provisions for both adult and child activities of at least three hundred (300) square feet per bedroom shall be created and properly maintained.

n. Roads, Drives, Municipal Services, Etc. - All roads, drives, parking areas and walks shall be constructed and all municipal services and improvements shall be designed in accordance with the applicable Rules and Regulations of the Planning Board on file in the office of the Town Clerk at the time the application for Special Permit is filed. Apartment developments shall have adequate access to accepted ways without substantial intrusion on areas zoned for non-apartment use. Proper maintenance of all private roads, drives, parking areas and walks on the project site, including snow removal, shall be the responsibility of the owner.

o. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition or odor transmission.

p. Sloping Conditions - No living space shall be below ground except that under sloping conditions, dwelling units may be constructed if the story housing such units does not have:

(1) more than fifty percent (50%) of its exterior wall facing the upper slope below the grade of that slope

(2) any portion of its exterior wall facing the lower slope below the grade of that slope

(3) more than twenty-five percent (25%) of the total area of all its exterior walls below any grade.

q. Water, Sewerage and Utilities - All supply lines shall be underground.

r. Open Space, Etc., Restrictions - Restrictions, easements or other appropriate legal agreements shall be furnished to the satisfaction of the Board of Appeals and the Advisors which will protect such amenities in perpetuity. Such agreements shall be duly recorded and become fully effective before any apartment development work commences.
(Amended May 1975 – ATM, Art. 17)

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

5. Administration -

a. Application Procedures - To file an application for a Special Permit to use land in an Apartment District for an Apartment Development, a party entitled to do so shall file an application in ten (10) complete duplicate sets, complying with the Rules and Regulations of the Board of Appeals, plus one such set on mylar (or equivalent material) in readily reproducible form. Such application shall be filed with the Town Clerk acting on behalf of the Board of Appeals. The Town Clerk shall distribute two such sets to the Board of Selectmen and one each to the Planning Board, the Board of Health, the Conservation Commission and the balance to the Board of Appeals. The following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared by professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved:

(1) a topographic map prepared by the U. S. Geological Survey, latest edition, with the exterior bounds of the proposed site plotted thereon in ink.

(2) a general layout plan of the site at a scale of one inch equals three hundred (300) feet, showing all proposed streets, ways, drives, parking areas and easements in the site and their location on the Town's Assessors Maps, and to such accuracy that the Assessors Sheets may be placed over the general layout plan for the purpose of actual transfer. The boundaries of the zoning district in which the site is located shall also be indicated.

(3) an existing feature site plan, at the same scale as the proposed site plan described in sub-section 5.a.(4) hereof, showing all existing features as they occur prior to the proposed land development. This plan shall include both natural features such as watercourses, ponds, lakes, wetlands, topography, vegetative cover, open fields, farmlands and man-made features such as roads, stone walls, quarries, houses or other structures and utilities; also features of historical significance.

(4) a proposed site plan of the planned development area at an appropriate scale showing property lines; names of abutters and the names of owners of land next adjoining the land of abutters as shown on the most recent real estate tax list; sizes and location of proposed structures; existing and proposed land contours at no greater than five (5) foot intervals; size and location of parking areas, driveways, walks and signs; location of water, sewerage and drainage systems; recreational areas and all those features described in sub-section 5.a.(3) hereof which are to be preserved in their existing state together with a description of those which are proposed to be altered or removed. All structures, ways and special features on or of areas extending one hundred (100) feet beyond the bounds of the site area shall also be clearly shown on this plan.

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

(5) architectural drawings including floor plans of dwelling units, overall building plans, sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.

(6) a written statement of proposal to include:

(a) a description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed.

(b) computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units.

(c) an impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives previously set forth herein and the suitability of the soils to accommodate septic tank sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be professionally qualified in their respective fields. Such statements shall be in form and scope as specified by the Board of Appeals and shall be in addition to, but need not duplicate information in, any competent environmental impact statements or studies which are required by and acceptable to other governmental authorities and made available to the Board of Appeals.

(d) all other statements pertinent to the proposal, such as provisions for the permanent protection of open space, conservation areas and features of historical interest, said provisions to run with the land.

b. An application need not be considered to be effectively filed until all data required by the Planning Board to make the determination called for under 4.f hereof has been furnished and either such determination has been made or sixty (60) days has elapsed and complete sets of all other required documentation are received by the Board of Appeals. All time limits specified by law for Board of Appeals action relative to the application shall run from the effective filing date. Provided, however, that for the purposes of time limits specified by law the effective date of filing may be postponed by the mutual agreement of the Board of Appeals and the applicant, despite an initially complete application, so that additional desired data may be submitted to the Board of appeals, with any public hearing to be appropriately postponed.

V-G APARTMENT DISTRICT REQUIREMENTS CONTINUED

c. Within seven calendar days after the effective date of the filing of an application, the Board of Appeals shall transmit copies of the application to its Advisors for their evaluation. The Advisors shall transmit their findings regarding the proposed development to the Board of Appeals within thirty (30) days. If any Advisor fails to report within said 30 days, the Board of Appeals may act without the benefit of such findings. If the effective date of filing is postponed, the time period for Advisor consideration of the application shall be extended accordingly and all additional application data received by the Board of Appeals shall be forwarded to Advisors within seven (7) calendar days after receipt.

d. To assure -

(1) the orderly completion of an apartment development

(2) the proper location and protection of conservation and open spaces

(3) the location and development of recreational areas, and

(4) the location and completion of other amenities and facilities,
a Special Permit may require completion in two or more phases (such as of not exceeding 50 acres of allowable lot area per phase), with specified time limits for each phase; also, that all roads, drives, walks, parking areas, service areas and facilities, water lines, sewerage systems and utility services be completed for the entire apartment development, or specified portions thereof and approved by the Inspector of Buildings of the Town before construction of the next phase or phases can commence.

e. Before any Special Permit hereunder is effective, the applicant may be required by the Board of Appeals to file with the Town a bond or bonds or other security or securities satisfactory to the Board of Appeals guaranteeing performance of the conditions of such Special Permit either by the entirety or by completion of phases thereof, all according to the terms of such Special Permit. The applicant also may be required to pay additional fees to cover design reviews or other special costs of consultants for the Town, all as specified in advance by the Board of Appeals.

f. The conditions of any Special Permit may require that the town be furnished with certifications of completion, by professionally trained and registered persons as aforesaid, covering the specified work when completed and/or stages thereof, such certifications to be satisfactory to the Town's Inspector of Buildings and to be a condition precedent to eligibility for any occupancy permit under sub-section VI-C hereof.

V-G(A) ACCESSORY FAMILY DWELLING UNIT

(Amended May 1995 – ATM, Art. 43)

1. The intent and purpose of this section is to permit accessory dwelling units in single family residential districts subject to the standards and procedures hereinafter set forth. It is also the intent to assure that the single-family character of the neighborhood will be maintained and that the accessory unit remain subordinate to the principal use of the living quarters.

2. Restrictions: Such additional family living unit shall be occupied by not more than two persons, and provided the owner of record is a resident within the structure which includes the accessory family dwelling unit. The existing unit shall accommodate an additional family unit only if:

a. A member of the additional family is related by first degree of kinship, marriage or adoption to the owner of the premises.

b. There is no other living unit on the lot, upon which the accessory unit is located.

3. Adequate provisions shall be made for the proper disposal of sewage, waste and drainage generated by the accessory unit in accordance with the requirements of the Board of Health. Such determination shall be made prior to application for the Conversion and evidence of the same shall be included with such application.

4. Adequate provisions as determined by the Building Inspector as being in compliance with the Massachusetts State Building Code for separate Ingress, Egress, to the outside of each unit. To the extent possible, exterior passage ways and access ways shall not detract from the single family appearance of the dwelling. An interior door way shall be provided between each living unit as a means of access for purposes of supervision and emergency response. All stairways to additional floors shall be enclosed within the exterior walls of the structure.

5. Such accessory dwelling unit shall be limited to a maximum of (600) six hundred square feet in floor area.

6. Floor plans for the accessory unit and the principal residence, along with a certified site plan shall be submitted along with the application.

7. Off-Street Parking shall be provided for residents of both units in accordance with Section V-C of the By-Laws.

8. No occupancy of the additional dwelling unit shall take place without an occupancy permit issued by the Building Inspector.

V-G(A) ACCESSORY FAMILY DWELLING UNIT CONTINUED

The initial Occupancy Permit shall remain in force for a period of (2) two years from the date of issue provided ownership of the premises is not changed. Thereafter permits may be issued by the Building Inspector for succeeding (2) year periods provided that the structure and use continue to comply with the relevant provisions of the State Building Code and Town By-Law. Occupancy Permits shall not be transferable upon change in ownership or change in occupancy. In such event, an affidavit shall be presented to the Building Inspector attesting to the fact that the circumstances under which the occupancy permit was granted will in the future continue to exist. The owner of record is responsible for initiating each application to the Building Inspector. Appropriate fees as established and recorded may be assessed for each such renewal, review, investigation, and processing.

SECTION V-H OPEN SPACE RESIDENTIAL DEVELOPMENT

(Adopted May 2007 – ATM, Art. 46)

1. Purpose
   a. To encourage permanent preservation of open space, agricultural land, forest, forestry land, wildlife habitat, other natural resources including aquifers and watersheds, water bodies and wetlands, and historical and archeological resources.
   b. To conserve and create scenic views, to protect views along scenic roadways, and, where appropriate, to preserve the rural character of the Town.
   c. To allow for greater flexibility and creativity in the design of residential developments.
   d. To minimize the total amount of disturbance of subdivision sites.
   e. To discourage sprawl and encourage development that consumes less open land.
   f. To facilitate the construction and maintenance of housing, streets, utilities and public service in a more economic and efficient manner.
   g. To provide a buffer between new development and existing streets, neighborhoods, active farmland and adjacent park or conservation land.
   h. To provide for the maintenance of open land set aside for active or passive recreational use, stormwater management or conservation lands.
   i. To create neighborhoods with direct visual and/or physical access to open land and with a strong neighborhood identity.
   j. To advance and be consistent with the goals, objective and strategies of the Town's Master Plan and Open Space and Recreation Area Plan.

V-H OPEN SPACE RESIDENTIAL DEVELOPMENT CONTINUED

2. Applicability

A. Open Space Residential Development (OSRD) projects are permitted by right within both Agricultural-Residential A & B (AR-1 and AR-2) and Residential (R-1) zoning districts in accordance with the additional requirements of Site Plan Review and definitive subdivision approval specified herein.

B. No subdivision creating two or more lots from any parcel or set of contiguous parcels in common ownership as of the effective date of by-law may be approved except pursuant to Site Plan Review under the provisions of this section and Section VII of the by-laws. Where the Planning Board finds upon the written request of the Applicant that an OSRD will not achieve the purposes of this section as effectively as a conventional subdivision, this section shall not apply.

3. General Requirements

A. Design Process
The design process shall follow this sequence:

Step 1 - delineation of wetlands, topography and other site features,
Step 2 - delineation of proposed open space,
Step 3 - delineation of potential building sites (including septic systems, private yards and shared amenities),
Step 4 - location and alignment of roads, driveways and utilities
Step 5 - establishment of lot lines.

Evidence of this process shall be provided to the Planning Board during its review.

B. After an application has been submitted, no tree removal, no utility installation, no ditching, no grading or construction of roads, no grading of land or lots, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall be done on any part of the development site until the application has been reviewed and approved as provided by these regulations.

V-H OPEN SPACE RESIDENTIAL DEVELOPMENT CONTINUED

4. Minimum Requirements

A. Density: The total number of lots shall be determined by the Board using the following as guidelines:
1) Conventional subdivision plan (general layout) submitted by the applicant, and
2) Information provided by the applicant indicating the development potential of the land, including but not limited to mapping of wetland resources, soil analyses and percolation tests.

Except as provided below, the total number of lots for building purposes within the tract shown on the plan shall not be more than allowed by conventional zoning.

B. Intensity Regulations: In no instance shall any building lot deviate from the following table.

INTENSITY REGULATIONS
Zoning Districts

	Ag.Res.A	Ag.Res.B	Res.Dist
Minimum Area	20,000 SF	15,000 SF	10,000 SF
Frontage	50 FT	50 FT	50 FT
Minimum Setbacks			
Front	30 FT	30 FT	30 FT
Side	10 FT	10 FT	10 FT
Rear	10 FT	10 FT	10 FT
Max. % of Coverage (Buildings and structures)	25%	25%	25%

Lot Depth as defined under Section I-E and IV-B does not apply.
Lot Width as defined under Sections I-E and IV-A(6) does not apply.

Lots within an OSRD shall not have physical access on a street other than a street created by the OSRD.

C. Open Space. Within an OSRD, no less than fifty (50%) percent of the land area shall be devoted to common open space. The common open space shall not include land set-aside for roads and/or parking uses. No more than fifty (50%) of the minimum common open space shall contain wetlands as defined by M.G.L., C.131, Section 40.

V-H OPEN SPACE RESIDENTIAL DEVELOPMENT CONTINUED

D. Allowable Density Bonuses
Density bonuses may be given at the discretion of the Planning Board based upon the expected public benefit. The bonuses described below may be combined to result in a total density bonus not exceeding 100% of the density as determined in 4(A) above.

For each 80,000 s.f. of additional upland area set aside as permanently restricted open space, one additional lot may be created.

For each additional restricted affordable housing unit in excess of that required under Section V-Q, one additional lot may be created.

If the applicant preserves at least 60% of the parcel as working farmland, an additional lot may be created.

5. Application and Review Process
The application to the Planning Board for Site Plan Review shall include application forms, fees and any other materials required by the Planning Board under its Rules and Regulations and Section VII of the by-laws. Applications shall be filed with the Town Clerk. The application shall be reviewed in conformance with the standards of Section VII and the Planning Board's Rules and Regulations.

The application process is comprised of two steps. In the first step, the applicant shall submit a concept plan, as outlined below, which describes the overall development plan. The Planning Board shall grant or deny a site plan application based upon the information contained in the concept plan. If the permit is granted, the applicant shall submit a definitive plan based upon the concept plan. The Planning Board shall review the plan as a definitive subdivision plan under its Rules and Regulations.

6. Development Standards:
A. Concept Plan Standards: The applicant shall submit the information necessary to demonstrate that the following standards have been met:
1) The development will not cause unreasonable traffic congestion or unsafe conditions both within and outside of the OSRD.
2) The development will provide for and maintain convenient and safe emergency vehicle access to all buildings and structures at all times.
3) The site design shall preserve and, where possible, enhance the natural features of the property, including scenic views, by adapting the location and placement of structures and ways to the existing topography in order to minimize the amount of soil removal, tree cutting and general disturbance to the landscape and surrounding properties.
4) The site design shall identify and ensure preservation of significant and special natural features.

V-H OPEN SPACE RESIDENTIAL DEVELOPMENT CONTINUED

7. Open Space Use and Design Standard

A. The common open space shall be designed and deeded as protected open space subject to the provisions of Article 97 of the amendments to the Constitution of the Commonwealth of Massachusetts and maintained in accordance with the following standards:

1) Areas to remain as naturally existing woods, fields, meadows, and wetlands shall be maintained and may be improved in accordance with approval by the Planning Board.
2) Common open space shall be planned as large, contiguous units wherever possible. Strips of narrow parcels of common open space are undesirable but may be permitted when necessary for access or as vegetated buffers along the site's perimeter.
3) Common open space may be in more than one parcel provided that the size, shape and location of such parcels are suitable for the designated uses.
4) Common open space may be used for passive recreation, conservation, forestry, agriculture, and natural buffers, subject to approval by the Planning Board.
5) In so far as possible, open space areas shall connect to open space areas on adjacent properties, regardless of ownership.
6) If detention and/or retention ponds are necessary for the construction of the improvements shown on the subdivision plan, such detention and/or retention ponds may be located within the common open space shown on such plan. Such surface systems shall not qualify towards the minimum open space required.
7) Open space proposed to be restricted for agricultural use shall be permanently restricted by deed and may include greenhouses, barns or stables and similar structures for housing poultry or livestock specifically permitted by the Planning Board for inclusion within said open land, but not residences, garages or other buildings.

B. There shall be a buffer at the perimeter of the site consisting of trees, shrubs, vegetation and topographic features sufficient to separate and/or screen the development from abutting properties. This buffer shall be no less than 1.5 times the required setback or greater if the property abuts land within Industrial or Commercial zoning districts. Buffer areas shall remain in their current natural state. If in the opinion of the Planning Board the current natural state is insufficient to adequately separate and/or screen the site from abutting properties, additional trees, shrubs and/or plantings shall be required.

Upon a finding by the Planning Board that a buffer of lesser width would be sufficient to screen and/or separate the development from adjacent property, the buffer may be reduced. The Board may require no-cut easements, conservation restrictions, or the like where the buffer requirement has been reduced. These easements and restrictions shall be on private property and shall not be included in common open space calculations.

V-H OPEN SPACE RESIDENTIAL DEVELOPMENT CONTINUED

8. Common Open Space Ownership and Management

A. Common open space in any ORSD shall be conveyed to:

1) The Town, and may be accepted by it for park or open space use, subject to acceptance by the Town as required by Massachusetts General Laws; or
2) A nonprofit corporation, the principal purpose of which is the conservation of open space; or
3) Homeowners corporation or trust.

In any case where such land is not conveyed to the Town, a conservation restriction prepared in accordance with the provisions of Section 31 and 33, inclusive, of MGL Chapter 184 enforceable by the Town shall be recorded providing that such land shall be kept in an open or natural state and shall not be built upon for residential use or developed for accessory uses such as parking or roadway. Said conservation restriction shall include appropriate provisions to ensure public access.

The applicant must include a program describing how the common open space will be maintained in perpetuity to standards satisfactory to the Planning Board.

B. The open space shall be available for use by the general public, unless the applicant can provide compelling reasons to the Planning Board why such access would be infeasible in whole or in part.

C. The applicant shall include a provision that the common open space will be deeded as approved by the Planning Board as part of the subdivision covenant. In addition, the covenant shall not be released until proof of ownership has been provided to the Planning Board.

D. The Planning Board may require that all or such part of the common open space as the Planning Board deems appropriate shall be clearly identified and marked on the ground prior to the commencement of any construction activity.

V-I RESERVED

V-J FLOOD PLAIN DISTRICT REGULATIONS

1. Purposes - In addition to the purpose in Section I-A of this by-law the purposes of this zone are:

a. To provide that lands in the Town of Holliston, subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof or the public generally or to burden the public with costs resulting from unwise individual choices of land use.

b. To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies and prevent pollution of surface and ground water for the public health and safety of the Town and the watershed areas served by the Town.

c. To assure the continuation of the natural flow pattern of the water courses within Holliston and to preserve natural and manmade flood water storage areas so as to protect persons and property against the hazards of flood inundation.

2. Flood Plain District

The District includes all special flood hazard areas within the Town of Holliston designated as Zone A and, AE on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Holliston are panel numbers 25017C0610E, 25017C0620E, 25017C0627E, 25017C0628E, 25017C0629E, 25017C0631E, 25017C0633E, 25017C0634E, 25017C0636E, 25017C0637E, 25017C0641E and 25017C0642E dated June 4, 2010. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Middlesex County Flood Insurance Study (FIS) report dated June 4, 2010. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Inspector of Buildings. These maps, as well as the accompanying Flood Insurance Study, are incorporated herein by reference.

3. Use and Development Regulations.

All development in this district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: 780 CMR 120.G of the State Building Code, "Flood Resistant Construction…"; 310 CMR 10.00 and 13.00 Wetlands Protection Regulations and Inland Wetlands Restriction, and 310 CMR 15, Title 5 Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

Floodway Data. In special flood hazard areas along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

V-J FLOOD PLAIN DISTRICT REGULATIONS

(Amended May 2010 – ATM, Art. 37)

Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

A. Permitted Uses

The following uses of low flood damage potential which cause no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill or storage of materials and equipment:

1. uses directly related to the conservation of water, plants and wildlife;
2. outdoor recreation activities and facilities, including unpaved play areas, nature study, boating, fishing and hunting where otherwise legally permitted;
3. wildlife management area, landings, foot, bicycle and/or horse paths and bridges, provided such uses do not affect the natural flow pattern of any water courses;
4. grazing and farming, including truck gardening and harvesting of crops;
5. forestry, plant nurseries and orchards.

B. Special Permit Uses

1. No construction requiring any utility, including electric, water, gas and telephone lines, or waste disposal or drainage facilities shall be permitted within the zone unless the Special Permit Granting Authority (SPGA) grants a Special Permit, based on a determination that all utilities are located and constructed so as to minimize or eliminate flood damage.
2. No crossing of a wetland shall be permitted within the zone unless the SPGA grants a Special Permit based on a determination that no reasonable alternative access to land otherwise inaccessible exists and that such access way is constructed so as to avoid significant alteration of wetlands, significant reduction of flood storage capacity and minimizes or eliminates damage due to flooding. In a riverine situation, the Town of Holliston shall notify adjacent communities, the NFIP State Coordinator and FEMA Region I NFIP Program Specialist of alteration or relocation of a watercourse.

C. Prohibited Uses

1. No new building or structure, except fences, shall be erected or constructed.
2. No existing building, structure or use which has been deemed non-conforming shall be extended, changed or altered so as to increase its ground coverage by more than a total of twenty (20) percent; except as allowed by Special Permit under Section I-C of this by-law.
3. No dumping, filling, excavation or relocation of earth products or other site alteration not herein provided for shall be permitted.

V-K VILLAGE CENTER COMMERCIAL DISTRICT

(Amended May 2001 – ATM, Arts. 43&44. Previously amended June 1982 – STM, Art. 12)

1. Objectives - The Village Center Commercial District objectives are the following:

a. Provide convenient business and professional services for Holliston residents and those passing through.

b. Facilitate the development and maintenance of small businesses.

c. Promote a compact, pedestrian-oriented environment.

d. Develop harmonious visual relations between the Village Center Commercial District and its surroundings.

e. Promote pedestrian and vehicular safety and convenience.

f. Provide for mixed uses in the center of Holliston compatible with its historic village character where residents are able to walk to shops, services and public transportation.

2. Design Requirements - The following are required of all new construction or alterations in the Village Center Commercial District:

a. Storage areas, exposed machinery installations, service areas, truck loading areas, and similar features shall be located out of sight from any public way.

b. Provisions shall be made for emergency vehicle access to all exterior faces of any new building.

c. Storm water shall be collected and disposed of without surface flows across any public sidewalk.

d. No new parking shall be created within a required front yard.

e. Flashing, moving or neon lights are not permitted. Signs must not be internally lit. There shall be no more than one stand alone sign on a single lot. (See Section V-B Exterior Signs)

V-K VILLAGE CENTER COMMERCIAL DISTRICT CONTINUED

3. Design Guidelines - Only permitted uses determined by the Building Inspector to comply with at least six of the following eight guidelines may be allowed without a special permit:

a. Not less than half the area of the required front yard shall be landscaped, and any existing trees of 3" trunk diameter (measured at four feet above grade) shall be preserved.

b. The majority of off-street parking shall be provided to the rear of the front line of the building.

c. If new construction, the design need not be imitative of an historical style.

d. If alteration of or addition to an existing structure, the change shall employ materials, colors, and textures as well as massing, size, scale and architectural features which show consideration of the original structure. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

e. The size and detailing of architectural elements shall reflect domestic, rather than monumental scale.

f. Except for windows and minor trim, the building shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal. Doors and windows should have a solid appearance with substantial sills, rails, mullions, muntins and frames.

g. Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a non-metallic finish.

h. Signs shall not comprise an area greater than 15% of a building's street façade nor shall they obscure architectural details of historic structures. Permanently affixed window signs shall not occupy more than 10% of the window surface area.

Procedure - At the time of application for a building permit, applicant shall also provide Building Inspector with a list of the Design Guideline items that will be adhered to pursuant to requirements of this Section V-K. Those applications for building permits involving interior construction or alteration only, or involving exterior construction or alteration and which, in the opinion of the Building Inspector, meet at least six of the eight Design Guidelines set forth in Section V-K, shall be processed by the Building Inspector. A copy of the approved application, the applicant's Design Guidelines and the Building Permit shall be provided by the Building Inspector to the Design Advisory Committee within three (3) days of issuance of the Building Permit.

V-K VILLAGE CENTER COMMERCIAL DISTRICT CONTINUED

Determinations by the Building Inspector are subject to appeal to the Board of Appeals by any party having standing, as provided at Section 8 of Chapter 40A, General Laws.

Applicants not meeting at least six of the eight Design Guidelines may apply for a Special Permit from the Special Permit Granting Authority.

4. Mixed Use Requirements - The following requirements apply to apartment and multifamily dwellings in the VC District in lieu of the requirements of Section V-G. Apartment and multifamily dwellings shall be allowed only if located above first floor commercial use of a building. More than one dwelling unit is permitted on a lot. Buildings constructed shall be designed to incorporate architectural elements used in surrounding neighborhood and shall have similar massing. No village residential units shall be constructed unless a Special Permit has been granted by the Planning Board in accordance with the requirements of MGL, c. 40A, s. 9.

5. Special Permits - All applications for Special Permits within the Village Center Commercial District shall be referred by the Special Permit Granting Authority to the Design Advisory Committee (see Section VI-J) for its review and comment. Any departure from the recommendations of the Design Advisory Committee in the decision shall be explained in a written report from the Special Permit Granting Authority to the Design Advisory Committee, to be sent within a week of the Board filing its decision with the Town Clerk, provided that the Design Advisory Committee report was received prior to the close of the Special Permit Granting Authority hearing.

Special Permits in the Village Center Commercial District shall be granted only upon determination by the Special Permit Granting Authority that none of the district objectives specified at V-K are violated and after consideration of the following:

1. Suitability of the site for the proposed use.
2. Impact on neighborhood visual character.
3. Adequacy of facilities, including sewage disposal, water supply and storm water management.
4. Degree to which the proposed project complies with the goals of the Master Plan and this bylaw.
5. Impact on traffic flow patterns and existing streets.
6. Adequacy of parking.

Special Permits for yard and lot coverage reductions may be authorized by the Board of Appeals, as provided at Section IV-B, but only where doing so facilitates maintaining pedestrian-scaled compactness and continuity of interest without reducing yards which abut premises residentially used or zoned, without creating harmful overshadowing (especially of solar energy devices) or privacy reduction on adjoining premises, and where there is adequate access for fire or other emergency and public services, adequate arrangements for parking, and all State Building code requirements will be met.

V-L GROUNDWATER PROTECTION DISTRICT

(Amended May 2000 – ATM, Art. 35 and October 1983 – STM, Art.20)

1. Purposes - In addition to the purposes of Section I-A of this by-law, the purposes of this District are:

A. To protect, preserve and maintain the existing and potential groundwater supply and groundwater recharge areas within the known aquifers of the Town.
B. To preserve and protect present and potential sources of water supply for the public health and safety.
C. To protect the groundwater and groundwater recharge areas of the Town from adverse development or land use practices.

2. Special Definitions - The following definitions apply to specialized words or terms associated with this District.

A. Aquifer - Geologic formation composed of rock or sand and gravel that contains significant amounts of potentially producible potable water.
B. Area of Influence - The area which experiences drawdown by a pumping well as plotted on a two-dimensional (map) surface, usually ellipsoidal in shape.
C. Cone of Depression - A three-dimensional conical concavity produced in a water table by a pumping well.
D. Glaciofluvial - Pertaining to an unconsolidated geologic deposit which was formed by, or in association with, glacial meltwater streams, typically resulting in the deposition of sand and gravel-sized particles.
E. Glaciolacustrine - Pertaining to an unconsolidated geologic deposit which was formed by, or in association with, a glacial lake environment, typically resulting in the deposition of sand, silt and clay-sized particles. References to such deposits within this by-law refer to the more coarse grained sediments such as would be associated with a delta.
F. Groundwater - The subsurface water present in aquifers and recharge areas.
G. Impervious Surface - Material or structure on, above or below the ground that does not allow significant amounts of surface water to penetrate into the soil.
H. Leachable Wastes - Waste materials including solid wastes, sludge and agricultural wastes that are capable of releasing water borne contaminants to the surrounding environment
I. Mining of Land - The removal of geologic materials such as topsoil, sand and gravel, metallic ores or bedrock.
J. Process Wastes - Non-domestic, non-toxic, non-hazardous, liquid or solid waste by-products associated with the manufacture or preparation of a product, including, but not limited to, hardware, dry goods, foodstuffs and printed materials,
K. Recharge Areas - Areas composed of permeable, porous materials that collect precipitation or surface water and transmit it to aquifers.
L. Sanitary Waste - Wastewaters arising from ordinary domestic water use as from toilets, sinks and bathing facilities, and containing such concentrations and types of pollutants as to be considered normal wastes.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

M. Saturated Thickness - The depth of permeable soil actually saturated with water to the capacity of the soil to containing water under normal conditions of temperature and pressure.

N. Solid Wastes - Any discarded solid material, putrescible or non-putrescible, consisting of all combustible and non-combustible solid material including, but not limited to, garbage and rubbish.

O. Toxic or Hazardous Materials - Any substance or mixture of such physical, chemical or infectious characteristics in sufficient quantity as to pose a significant actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalines, and all substances defined as Toxic or Hazardous under MGL, c. 21C and 21E and 310 CMR 30.00, and also such products as solvents and thinners in quantities greater than normal household use. Also refer to Section I-D of this by-law.

P. Wetlands - As defined by M.G.L., Chapter 131, Section 40. Also refer to section V-I of this by-law.

Q. Zone I – As defined by 310 CMR 22.02 (1), Zone I is the protective radius required around a public water supply well or wellfield which must be owned by the water supplier or controlled through a conservation restriction. For public water system wells with approved yields of 100,000 gpd or greater, the protective radius is 400 feet.

R. Zone IA – As defined by the Town of Holliston as a special zone, the cone of influence of all existing (confirmed by long-term pump test) municipal wells within the town.

S. Zone II – The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at the well's maximum allowable rate with no recharge from precipitation), exclusive of overlapping Zone IA areas.

T. Zone III – The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II.

3. Establishment and Delineation of Groundwater Protection District - For the purpose of this district, there are hereby established within the town, certain groundwater protection areas, consisting of aquifers and/or aquifer recharge areas. Aquifers and aquifer recharge areas are determined by standard geologic and hydrologic investigations which may include drilling observation wells, utilizing existing boring data and stratigraphic profiles, conducting seismic surveys or other geophysical techniques, performing pumping tests, water sampling and geologic mapping. The boundaries of this district are delineated on maps at a scale of 1" - 600' entitled "Aquifer Protection District, Town of Holliston" and 1"=1000' entitled "Zone II and Zone III Delineation" (1998, Earth Tech) on file in the office of the Town Clerk and Inspector of Buildings, which maps are hereby made part of this by-law.

These boundaries reflect the best hydrogeologic information available as of the date of the maps. In the event of a dispute about the location of district boundaries on an individual property and the criteria of Zones I, IA, II and III, below, the criteria shall control.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

The Groundwater Protection District includes the aquifer itself, the land above the aquifer and the aquifer's significant areas of recharge, consisting of:

A. Zone I – Zone I is the 400 foot protective radius required around Holliston's public water supply wells which are be owned by the water supplier or controlled through a conservation restriction.

B. Zone IA - Cone of influence of all existing (confirmed by long-term pump test) municipal wells within the town.

1) The cones-of-depression and respective areas of influence and recharge generated by the municipal wells after at least five (5) days of continuous pumping at their respective rated capacities.

C. Zone II - Major aquifers and primary areas of recharge.

1) All of the five principal aquifers within the Town of Holliston, including: (1) the Hopping Brook Aquifer; (2) the Jar Brook Aquifer; (3) the Lake Winthrop Aquifer (4) the Dopping Brook Aquifer; and (5) the Bogastow Brook Aquifer as delineated on the aforesaid Aquifer Protection District maps.

2) Any unconsolidated geologic deposit exhibiting an average saturated thickness of 20 feet or greater and an average transmissivity of 1000 square feet per day or greater.

3) All DEP-designated "Zone II" areas of public water supplies as set forth in 310 CMR 22.21, exclusive of all Zone II areas meeting the criteria of Zone IA above.

D. Zone III - Secondary recharge areas.

1) All land contiguous to Zone II, above, underlain by glaciofluvial or glaciofluvial/lacustrine deposits in which the prevailing direction of groundwater flow is toward Zone II, above.

2) Contiguous wetlands, waterbodies, or streams which contribute surface water flow to Zone II, above.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

4. Use Regulation - The Groundwater Protection District shall be considered as overlaying other zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to all the provisions of this district. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

Within the Groundwater Protection District, these regulations shall apply:

A. To the extent permitted in the underlying districts, the following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders or approvals required by local, state or federal law, or regulations shall have been obtained.

1) Zone 1: Permitted Uses

a. Current and future land uses within the Zone I shall be limited to those land uses directly related to the operation and maintenance of the public water supply system or to other land uses which the public water supplier has demonstrated have no significant impact on water quality.

2) Zone IA: Permitted Uses

a. All ordinary and customary uses associated with the maintenance and upkeep of residential homes, outbuildings and grounds and commercial and industrial buildings and grounds. Non-intensive agricultural and horticultural uses: pasture, hay, light grazing, gardening, lawns, compost piles, nursery, forestry, conservation and harvesting provided that chemical fertilizers, herbicides, pesticides and similar leachable materials are not stored outdoors or in any other manner which would permit leakage thereof. Where the application is made of fertilizers, pesticides, herbicides or other toxic or hazardous materials in sufficient quantity, groundwater quality monitor test wells may be installed and periodically sampled and tested at the Town's expense. Test wells shall be located by a professional geologist, hydrologist or engineer trained and experienced in hydrogeology. Sampling will be conducted by an agent of the Board of Water Commissioners.

b. Necessary public utilities/facilities designed so as to prevent contamination of groundwater.

c. Residential development of single family detached dwelling on lots of at least 80,000 square feet in area, such that no more than 10 percent of the building lot is rendered impervious and on-site domestic sewage disposal does not exceed 55 gallons per day per 10,000 square feet of lot area.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

d. Commercial development limited to retail shopping, business or professional office or industrial development limited to storage of non-toxic, non-hazardous materials on lots of at least 80,000 square feet in area such that no more that 40% of the building lot is rendered impervious. Roof, parking and drive runoff must be recharged on-site to the maximum extent practicable with parking and drive runoff discharge to oil/gas trap catch basins with appropriate sumps prior to recharge as per current DEP Stormwater Management Guidelines; and on-site domestic sewage disposal is less than or equal to 55 gallons per day per 10,000 square feet of lot area.

e. Residential buildings and structures existing on the effective date of this by-law may be maintained, repaired or altered including the addition of accessory buildings or uses, provided that such alterations or additions shall not increase the total amount of impervious surface on the lot to more than 10% of the total lot area, or more than 50% of the impervious cover already present. On-site sewage disposal shall be limited to 55 gallons per day per 10,000 square feet of lot area or increases totaling 50% of existing volume (as of April 1, 2000), whichever is greater.

3) Zone II: Permitted Uses

a. All uses permitted in Zone IA, above, and the following uses to the extent permitted in the underlying district.

b. Residential development of single family detached dwellings or any residential building, structure or use other than single-family dwellings on lots of at least 40,000 square feet in area, such that no more than 20% of the building lot is rendered impervious and on-site sewage disposal is equal to, or less than, 110 gallons per day per 10,000 square feet of lot area, but no greater than 15,000 gpd.

c. New commercial and new industrial development must recharge roof, parking and drive runoff on site to the maximum extent practicable with parking and drive runoff discharged to oil/gas trap catch basins with appropriate sumps prior to recharge as per current DEP Stormwater Management Guidelines.

d. Subject to the provisions of the underlying zoning district, commercial and industrial building and structures existing on lots on the effective date of this by-law may be maintained, repaired, expanded and altered, including the addition of accessory buildings and structures on the same lot, notwithstanding any change of ownership or occupancy of said lot and buildings, and may be used for any purpose permitted or allowed under the underlying by-law subject to the provisions of Section 4(D) Special Permits below.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

e. Residential buildings and structures existing on the effective date of this bylaw may be maintained, repaired or altered, including the addition of accessory buildings or uses, provided that such alterations or additions shall not increase the total amount of impervious surface on the lot to more than 20% of the total lot area, or more than 50% of the impervious cover already present. On-site sewage disposal shall be limited to 110 gallons per day per 10,000 square feet of lot area.

4) Zone III: Permitted Uses.

a. All uses permitted and as regulated in the underlying zoning districts.

b. New commercial and new industrial development must recharge roof, parking and drive runoff on site to the maximum extent practicable with parking and drive runoff discharged to oil/gas trap catch basins with appropriate sumps prior to recharge per current DEP Stormwater Management Guidelines.

B. Prohibited Uses

1) Zone III: Prohibited Uses.

a. Disposal of solid wastes, other than brush and stumps.

b. Storage of road salt or de-icing chemicals which permits leakage into the groundwater.

c. Any commercial and industrial use which involves underground storage of toxic or hazardous materials.

2) Zone II: Prohibited Uses.

a. All uses prohibited in Zone III.

b. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 32.31.

c. Landfills and open dumps as defined in 310 CMR 1 9.006.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

d. Landfills receiving only wastewater residuals and/or septage (wastewater residuals "monofills") pursuant to M.G.L chapter 21, paragraphs 26 through 53; M.G.L. chapter 111, paragraph 17; M.G.L. chapter 83, paragraphs 6 and 7, and any regulations promulgated thereunder.

e. Automobile graveyards and junkyards, as defined in MGL Chapter 140B, paragraph 1;

f. Facilities that generate, treat, store, or dispose of hazardous waste subject to M.G.L. chapter 21C and 310 CMR 30.00 as amended, except for:

1) very small quantity generators, as defined under 310 CMR 30.00;
2) household hazardous waste centers and events under 310 CMR 30.39;
3) waste oil retention facilities required by M.G.L. Chapter 21(52A);
4) water treatment works approved by the DEP in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;

g. Storage of liquid petroleum products including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983.

h. The following petroleum product-based uses are not prohibited:

1) normal household use, outdoor maintenance, and heating of a structure;
2) waste oil retention facilities required by statute, rule, or regulation;
3) emergency generators required by statute, rule or regulation;
4) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that storage for such uses, listed in items a. through d. above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill the size of the container's total storage capacity;

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

i. Storage of liquid hazardous materials, as defined in M.G.L. Chapter 21E, and/or liquid petroleum products unless the storage container is above ground level, and on an impervious surface, and either:
   1) in container(s) or above-ground tank(s) within a building, or
   2) outdoors in covered container(s) or above-ground tank(s) in an area that has a containment system designed and operated to
   3) hold either 10% of the total possible storage capacity of all containers, or 110% of the largest container's storage capacity, whichever is greater;

   however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;

j. Storage of sodium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

k. Storage of animal manure, unless the storage container is covered or contained in accordance with the specifications of the Natural Resource Conservation Service;

l. Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except temporary removal excavations (45 days allowed to replenish to design height) for building foundations, roads, or utility works;

m. Discharge to the ground of non-sanitary wastewater including industrial and commercial process wastewater, except:
   1)The replacement or repair of an existing treatment system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and
   2)Treatment works approved by DEP designed for the treatment of contaminated ground or surface waters and operated in compliance with 314 CMR 5.05 (3) or 5.05 (13).

n. Stockpiling and disposal of snow and ice removed from highways and streets located outside of Zone II that contain sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.

o. Storage of commercial fertilizers, as defined in M.G.L chapter 128 paragraph 64, unless the storage container is a structure designed to prevent the generation and escape of contaminated runoff or leachate; and

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

p. Any floor drainage systems in existing facilities in industrial or commercial process areas or hazardous material and/or hazardous waste storage areas, which discharge to the ground without a DEP permit or authorization. Any existing facility with this type of drainage system is required to either seal the floor drain (in compliance with state plumbing code, 248 CMR 2.00), connect the drain to a municipal sewer system (with all appropriate permits and pre-treatment), or connect the drain to a holding tank meeting the requirements of all appropriate DEP regulations and policies.

3) Zone IA: Prohibited Uses.

a. All uses prohibited in Zones III and II.

b. Storage of sludge and septage.

c. Publicly- or privately-owned wastewater treatment works.

4) Zone 1: Prohibited Uses

a. All uses prohibited in Zones III, II, and IA.

c. All current and future land uses within the Zone I not directly related to the operation and maintenance of the public water system or to other land uses which the public water supplier has demonstrated have significant impact on water quality are prohibited within the Zone I.

C. The following uses are permitted subject to approval of the Planning Board under the provisions of Section V-H of this by-law.

1) Zone IA. Subdivision plans submitted under Section V-H of this by-law may reduce cluster lot sizes to 40,000 square feet, but total sewage disposal volume for a cluster development subdivision may not exceed the total disposal volume for the conventional subdivision plan based on 55 gallons per day per 10,000 square feet.

2) Zone II. Subdivision plans submitted under Section V-H of this by-law may reduce cluster lot sizes to 25,000 square feet, but total sewage disposal volume for a cluster development subdivision may not exceed the total disposal volume for the conventional subdivision plan based on 110 gallons per day per 10,000 square feet.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

D. The following uses are permitted only under the terms of a special permit issued by the Special Permit Granting Authority.

1) Zone IA: Special Permits

a. Any use involving the retention of less than 50% of lot area in its natural state with no more than minor removal of existing trees and ground vegetation.

b. The mining of land strictly for on-site use, subject to the provisions of Section V-E hereof.

c. Expansion of pre-existing nonconforming uses to the extent allowed by Section I-C hereof.

d. Uses calling for greater impervious cover than prescribed in Section V-L (4)(A) provided that the use planned calls for an on-site method of recharging proposed increases in runoff waters.

2) Zone II: Special Permits

a. Any use involving the retention of less than 30% of lot area in its natural state with no more than minor removal of existing trees and ground vegetation.

b. Any use involving on-site disposal of process wastes from operations other than personal hygiene and food for residents, patrons and employees.

c. Any use other than a single-family dwelling with a sewage flow, as determined by Title 5 of the State Environmental code, exceeding 110 gallons per day per 10,000 square feet of lot area or exceeding 15,000 gallons per day regardless of lot area.

d. Expansion of pre-existing non-conforming uses to the extent allowed in the underlying district. The Special Permit Granting Authority shall grant such approval so long as such expansion program conforms to underlying intensity and parking regulations unless it shall find that such expansion is substantially more detrimental to the water supply than the presently existing use with reference to factors other than mere change in size or intensity of use.

e. Publicly and privately owned wastewater treatment works.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

3) Zone III: Special Permits

a. Expansion of pre-existing non-conforming uses to the extent allowed in the underlying district. The Special Permit Granting Authority shall grant such approval so long as such expansion program conforms to underlying intensity and parking regulations unless it shall find that such expansion is substantially more detrimental to the water supply than the presently existing use with reference to factors other than mere change in size or intensity of use.

b. Any commercial and industrial use which involves as a principal activity the manufacture, storage, transportation or disposal of toxic or hazardous materials but does not include any underground storage.

E. Procedures for Issuance of Special Permit.

1) Each application for a special permit shall be Special Permit Granting Authority (SPGA) and shall be accompanied by 10 copies of all documents. Such special permit shall be granted if the SPGA determines, in conjunction with other town agencies as specified in Section (2) below, that the intent of this by-law as well as its specific criteria give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to water quality which would result if the control measures failed. The SPGA shall explain any departures from the recommendations of the other town agencies in its decision.

2) The SPGA shall transmit one copy each to the Board of Health, Town Engineer, if any, Inspector of Buildings, Conservation Commission, and Water Commissioners for their written recommendations. Failure to respond in writing to the Clerk of the SPGA within 45 days shall indicate approval by said agencies.

3) Application Contents. The site plan shall be drawn at a scale determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its contents shall at a minimum include the information specified within Article VII of the Planning Board's Rules and Regulations and the following additional information where pertinent: 1. A complete list of chemicals and other potentially hazardous materials to be used or stored on premises in quantities greater than those associated with normal household use, 2. For those activities using or storing such hazardous materials, a Hazardous Materials Management Plan shall be prepared and filed with the Fire Chief and Board of Health, 3. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

V-L GROUNDWATER PROTECTION DISTRICT CONTINUED

4) Review Criteria. The SPGA shall not grant a Special Permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The proposed use must: 1. In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District and 2. Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation and other water-related natural characteristics of the site to be developed. The SPGA may adopt regulations to govern design features of projects.

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

V-M SPECIAL PERMIT FOR LOW OR MODERATE INCOME HOUSING

(Added May 2001 - ATM, Art. 39)

1. Intent - The purpose of this section is to provide a mechanism for the construction of low cost dwellings to satisfy the needs of the present and future inhabitants for low cost housing through reduction of minimum lot area, frontage and setback requirements upon specific review and the granting of a Special Permit by the Zoning Board of Appeals.

2. Definitions - For the purposes of this section, the following terms shall have the definitions given:

   a. Affordable dwelling unit: A dwelling unit created under this section, which is restricted for low and moderate income households in accordance with the terms of a Special Permit and use restriction.

   b. Low and moderate income household: A household with an annual income not exceeding eighty percent (80%) of the median household income for the Boston Metropolitan Area; or a household in similar income group which is eligible for housing assistance under a state or federal housing subsidy program.

   c. Median household income: The median household income for the Boston Metropolitan Area, Middlesex County portion, as determined from time to time by the U.S. Department of Housing and Urban Development.

V-M SPECIAL PERMIT FOR LOW OR MODERATE INCOME HOUSING CONTINUED

d. Use restriction: A contract, mortgage agreement, deed restriction, condition of zoning Approval, or other legal instrument which restricts the sale, resale, or rental price and occupancy of an affordable dwelling unit to a resident or residents of Holliston, a former resident or residents of Holliston, or a person or persons employed in the town of Holliston with qualified incomes.

3. Special Permit for Reduction of Lot Area and Frontage: The Zoning Board may grant a Special Permit to allow construction of a single family dwelling unit on a parcel of land in a Residential or Agricultural-Residential zoning district with less than the required minimum lot frontage, area and setbacks, provided that the following criteria are met:

a. The following dimensions in Dist. B Ag-Res and Res Dist. Shall be maintained:

Lot Area	20,000 square feet
Continuous Frontage	80 feet
Front Yard	30 feet
Side Yard	20 feet
Rear Yard	30 feet

b. The following dimensions in Dist. A Ag-Res shall be maintained:

Lot Area	40,000 square feet
Continuous Frontage	110 feet

c. One of the following conditions shall apply:

1. The lot existed as a separate lot of record, not owned in common ownership with any adjacent parcel, as of January 1, 2001.

2. The lot will be created through division of a lot, or group of lots under common Ownership, existing on January 1, 2001, such that the remainder of the original lot will conform to all the requirements of the Zoning by-law. Only one such undersized lot may be created from any lot, or from any group of lots under common ownership, existing as of January 1, 2001.

V-M SPECIAL PERMIT FOR LOW OR MODERATE INCOME HOUSING CONTINUED

d. The affordable dwelling unit permitted by this section shall be restricted for purchase or rent by low or moderate income households, in accordance with the standards set forth in this section.

e. All other requirements of Section IV-B and the remainder of the Zoning By-Laws shall be met.

4. Use restriction: Any lot created under this section shall be subject to a use restriction conforming to the following criteria:

a. The restriction shall be assured for the longest period allowed by law. However, the Permit Granting Authority may allow for a lesser period.
b. The restriction shall be recordable as a condition of deed or mortgage.
c. The restriction shall have a legal mechanism for compliance that occurs without Town intervention.
d. The restriction shall include a process for verification of compliance.
e. The restriction shall ensure that the affordable dwelling unit may only be sold to income-qualified buyers at an affordable price, or leased to income-qualified tenants at affordable rents. The following guidelines shall be used to determine affordability:
   1. Affordable sales price: Not more then two hundred twenty-five percent (225%) of median household income.
   2. Affordable rent: Not more than twenty percent (20%) of median monthly household income.
   3. Adjustment for size of dwelling: Maximum sales price and rents may be adjusted to reflect the size of the dwelling unit by adding ten percent (10%) for each bedroom in excess of three, or by subtracting ten percent (10%) for each bedroom less than three.
f. The restriction shall provide that the affordable dwelling unit must be sold or rented on a fair and open basis.

5. Required Findings: Before granting a Special Permit for an affordable dwelling unit under this section, the Zoning Board should make the following findings:

a. The proposed affordable dwelling unit will be in harmony with the general purpose and intent of the Zoning By-law.
b. The increase in density resulting from the grant of the Special Permit will not adversely affect the surrounding neighborhood.
c. The requested reduction in lot area, frontage and setbacks can be accomplished without jeopardizing public health or safety, and without detriment to the environment.
d. The period during which the affordable dwelling unit will be restricted is reasonable in relation to the density increase granted.

V-M SPECIAL PERMIT FOR LOW OR MODERATE INCOME HOUSING CONTINUED

6. Special Permit Conditions: The Board of Appeals shall impose conditions specifying the affordability and occupancy of the restricted unit, and may impose additional conditions which it deems appropriate in accordance with Section VI-D.

V-N PERFORMANCE STANDARDS

(Amended May 2008 – ATM, Art. 38. Previously amended May 1997 – ATM, Art. 31)

1. Compliance. No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection included herein. The inspector of buildings may require an applicant for a building or occupancy permit to supply, at his expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. Payment of such expert advice to the Inspector of Buildings shall be made, or guaranteed by bond or other legally binding device, before further consideration of the application shall continue. After a permit is issued in accordance with this section, continuing compliance is required. When the Inspector of Buildings suspects a subsequent violation he may, as necessary, obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the Town.

2. Water quality. No person shall discharge or cause to be discharged into the municipal storm drain system, watercourse or ground any materials of such nature or temperature as can contaminate such water body or water supply, or cause emission of dangerous or offensive elements in reaction thereto, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

The construction, use, maintenance or continued existence of illicit connections to the municipal storm drain system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past and all lines conveying sewage to the municipal storm drain system or watercourse.

Exemptions include water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration, uncontaminated pumped groundwater (e.g. sump pumps), air conditioning condensation, springs, non-commercial washing of vehicles, firefighting activities and any other water source not containing pollutants.

3. Air quality. No building or occupancy permit shall be issued for any facility discharging materials into the air, except in conformity with "Regulations as Amended for the Control of Air Pollution in the Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control." The provisions of said regulations shall apply to dust, flash, gas fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof in the ambient air space.

V-N PERFORMANCE STANDARDS CONTINUED

4. Noise. No use shall be permitted within the town of Holliston which, buy reason of excessive noise generated therefrom, would cause nuisance or hazard to persons or property. Exempt from the provisions of this subsection are (a) vehicles not controlled by an owner or occupant of a lot within the town, (b) temporary construction activities occurring during the hours of 7 a.m. to 6 p.m. on weekdays, (c) occasionally used safety signals, warning devices, emergency pressure relief valves, or other such temporary activity, (d) use of power tools and equipment such as lawn mowers, snow blowers, chainsaws, tractors, and similar equipment for the maintenance of property between the hours of 7 a.m. and 8 p.m. on weekdays and 8 a.m. and 6 p.m. on weekends. For the purposes of this by-law the standards in the following table shall apply:

a. Noise Standards:
Table E-1

For Sounds Generated Continuously From any Source Not Otherwise Exempted Above, and Measured	Maximum Permitted Sound Levels (in dBA*)
(a) At or beyond the lot line of an adjacent or nearby residence or institutional use, weekdays during the hours of 7a.m. to 6p.m.	60
(b) At or beyond the lot line of an adjacent or nearby residence or institutional use, Sundays or during the hours of 6 p.m. to 7 a.m. weekdays	50
(c) At or beyond the lot line of an adjacent business use	65
(d) At or beyond the lot line of an adjacent industrial use	70

*dBA shall mean the A-weighted sound pressure levels in decibels, as measured by a general purpose sound level meter complying with the provision of "American National Standards Institute." The instrument shall be properly calibrated and set to the A-weighted response scale, and the meter set to the slow response. Reference pressure shall be 0.0002 microbars.

b. Exceptions for Intermittent Noise. The levels (dBA) specified in Table 1 may be exceeded by ten (10) dBA, weekdays during the hours of 7 a.m. to 6 p.m., but not at any other time, for a period not to exceed twenty (20) minutes during any one (1) day.

V-N PERFORMANCE STANDARDS CONTINUED

c. Impact Noise. Impact noise such as from a punch press, drop forge hammer, or similar equipment, shall be measured using the fast response of the sound level meter, and shall not exceed the levels specified in Table 1 by more than ten (10) dBA.

5. Solid Waste Storage. Any accessory receptacle or structure with holding capacity of at least one hundred (100) cubic feet for temporary storage of solid or liquid waste materials, including garbage, rubbish, junk, discarded bulk items and similar waste items shall be located not less than ten (10) feet from any structure and shall be screened from all adjacent premises and streets from which it would otherwise be visible. Screening materials shall not be attached to any structure.

6. Other Requirements

a. No vibration, odor, glare, or flashing shall be detectable without instruments at any lot line of a residential or institutional use.

b. Cinders, dust, fumes, gases, odors, smoke radiation, refuse or other waste materials shall be effectively confined to the premises and treated or disposed of in accordance with state, federal, and town laws and regulations.

c. No process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in excess of ten (10) percent in line voltage off the premises.

d. All activities involving, and all storage of, inflammable and explosive materials shall be provided with adequate safety devices against hazards from fire and explosion, and with adequate fire-fighting and fire suppression equipment standard in this industry. Burning of waste materials in the open contrary to state law is prohibited.

e. All materials which may be edible by or attractive to rodents or insects shall, when stored in or outdoors, be stored in tightly closed containers.

SECTION V-O ANTENNAE
(Amended May 1998 – ATM, Art. 18)

1. Purpose - This Section is adopted by the Town for the regulation and restriction of the construction, erection, installation, placement and/or use of antennas and other devices that perform the functions of antennas, and of accessory telecommunications structures, equipment and facilities and similar devices, within all zoning districts in the Town.

SECTION V-O ANTENNAE CONTINUED

2. Definitions

As used in this Section V-O the following words and terms shall have and include the following respective meanings:

Antenna – Any apparatus acting as an intentional radio-frequency and/or wireless transmitter and/or receiver used in the carriage of wireless telecommunication services.

Device – Any antenna or other apparatus that performs the function of antennas, together with any telecommunications structures, equipment and facilities ancillary and/or accessory thereto; by way of example and not limitation, "device" shall mean among other things panel antennas, whip antennas, pole antennas, dish and cone-shaped antennas, other free-standing antennas and personal wireless service facilities. The term "device" is intended to include facilities for the provision of wireless telecommunications services regulated by the Federal Communications Commission ("FCC") and defined as "personal wireless services" in Section 704, or other sections of the Federal Telecommunications Act of 1996 as amended; including, by way of example but not limitation, personal wireless services include cellular telephone services, so –called personal communications services ("PCS"), and paging services.

Free Standing Device – A monopole wireless service facility not requiring guy wires for support; and any other device mounted on the ground and not mounted on any existing building or structure.

Height – A distance measured from the average finished grade of the land surrounding the device to its highest point, surface or projection, in the case of free-standing devices, or a distance measured from the average finished grade of the land surrounding the exterior walls to the highest point, surface or projection of the device, in the case of devices mounted on existing buildings.

The definitions herein, especially that of a "device," are intended to encompass such devices as they may evolve through technological advances.

3. Applicability

Other provisions of this Zoning By Law notwithstanding, the regulations and restrictions set forth herein shall apply to the construction, erection, installation, placement and/or use of devices (including but not limited to personal wireless service facilities) and free-standing devices, antennas of federally licensed amateur radio operators and so-called satellite dishes, on land, buildings or structures within the Town of Holliston. The terms of this Sections shall override any conflicting terms elsewhere in the Zoning By Law, particularly including, but not limited to, Section VI-D 3, Variances, and paragraph 6a of Section III-A, Schedule of Use Regulations, regarding public service corporations and the height restrictions in Section IV-B Schedule of Intensity Regulations.

SECTION V-O ANTENNAE CONTINUED

No device exterior to an enclosed building and/or structure, whether mounted thereon or free-standing shall be constructed, erected, installed, placed and/or used on land, buildings and/or structures within the Town of Holliston on or after May 4, 1998 except in accordance with the provisions of this Section V-O. Devices in existence prior to May 4, 1998 shall be maintained and shall be kept in good condition. The Inspector of Buildings shall order the removal, repair or securing of any device for public safety purposes that is determined, by the Inspector of Buildings, to be hazardous to life or property, in poor condition, disrepair or damaged by storm or other cause.

4. Regulations and Restrictions

a. General Standards

The construction, erection, installation and/or placement of all devices, except devices for customary private household use as further described in paragraph 4.B(1) and devices used by amateur radio operators pursuant to paragraph 4.B.(3), whether allowed by right in accordance with paragraph 4.B., upon the granting of a Special Permit pursuant to paragraph 4,C, or pursuant to the provisions of paragraph 6b of Section III-A, Schedule of Use Regulations, are subject to the following general standards:

(1) ***Screening, Landscaping and Preservation of Existing Vegetation.***

Whenever possible devices shall be sited so as to minimize the visibility of such devices from adjacent property and shall be suitably screened from abutters and residential neighborhoods. To the extent feasible installation of freestanding devices shall minimize the removal of existing trees and other vegetation.

(2) ***Camouflage.***

To the extent reasonably possible, devices shall be camouflaged by location and/or design to disguise them from public view, whether by designing the device so as to disguise it as an existing or new building or structure appropriate in type and scale to its location (e.g., a light standard adjacent to a recreational area, a flagpole in a park, a silo in a field) where the antennae are hidden within or mounted on a structure so as to make them essentially invisible, or whether located in a place and manner that renders the device essentially invisible (e.g., siting the device within existing trees, providing effective screening by the use of landscaped buffers which camouflage the device at the time of planting and are effective year-round).

(3) ***Height.***

A device shall be designed and installed at the minimum height necessary for the reasonable and proper functioning of the telecommunications services to be provided by the device at that location. Freestanding devices shall not exceed 40 feet in height unless the Zoning Board makes the findings under paragraph 4.C.(3)d. required for installation of a device at a height greater than 40 feet.

SECTION V-O ANTENNAE CONTINUED

(4) ***Color***

Free-standing, wall mounted and roof mounted devices shall be painted or otherwise colored or finished in a manner which aesthetically minimizes the visibility of the devices in the surrounding landscape or on the building or structure to which they are attached.

(5) ***Fencing***

Any fencing necessary to control access to devices shall be compatible with the character of the area.

(6) ***Signs***

There shall be no advertising permitted on or in the vicinity of devices. There shall be a sign not exceeding 4 square feet in area at each installation which shall display a phone number where the person responsible for the maintenance of the installation may be reached on a 24 hour basis. All other signage shall be consistent with the provision of Section V-B.

(7) ***Lighting***

Night lighting of installations shall be prohibited except for such lighting as may be necessary for emergency repair purposes, public safety purposes or Federal Aviation Administration regulations.

(8) ***Personal Safety***

When devices are mounted in locations above or in the vicinity of pedestrian areas or other areas open to the public such installations shall be made in a manner that does not impede or restrict the movement of pedestrians nor pose a hazard to any person.

(9) ***Prohibitions***

a. Lattice style towers and facilities requiring three or more legs and/or guy wires for support are not allowed.

b. Advertising signs are not allowed

c. Fences using razor wire or barbed wire or similar wire types shall not be allowed.

SECTION V-O ANTENNAE CONTINUED

b. By Right Provisions

The following devices may be constructed, erected, installed, placed and/or used within the Town subject to the issuance of a building permit by the Inspector of Buildings in those instances when a building permit is required:

(1) A device for customary private household use such as a conventional chimney-mount television antenna or home satellite dish not over 3 feet in diameter;

(2) A device or (combination of devices) installed on a building or other structure provided that such a device or combination of devices, including its supports, is:

a. finished in a manner designed to be aesthetically consistent with the exterior finish of such building or structure and otherwise in accordance with the General Standards set forth in paragraph 4.A; and

b. mounted in such a manner so that it does not:

(i) obscure any window or other exterior architectural feature;

(ii) extend above the highest point of the building or structure by more than 12 feet

(iii) extend beyond the face of any wall, or exterior surface in the case of structures that do not have walls, by more than 18 inches;

(iv) extend below the top of the wall, or exterior surface in the case of structures that do not have walls, of a one-story building or structure; or

(v) extend more than 8 feet below the top of the wall, or exterior surface in the case of structures that do not have walls, or a multi-story building or structure; and

c. is comprised or devices which do not individually or in the aggregate have a visible surface area facing surrounding streets and adjacent properties that exceeds 50 square feet in area;

SECTION V-O ANTENNAE CONTINUED

(3) A device owned by and located on the property of an amateur radio operator licensed by the FCC, which device shall be installed at the minimum height necessary for the proper functioning of amateur radio communications in accordance with the licensing requirements for that location.

(4) A device installed wholly within and not protruding from the interior space of an existing building or structure (including interior space behind existing roofs or within existing mechanical penthouse space) or behind existing rooftop mechanical screens in such a manner that the device would not be visible from surrounding streets and from adjacent properties and only for so long as such device remains wholly within such space or behind such roofs or screens.

All other devices shall require a special permit in accordance with paragraph 4.C.

c. Special Permit Provisions

In reviewing special permit applications for devices, the Zoning Board may hire an independent consultant, cost for same to be borne by the applicant in accordance with Chapter 583 of the Acts of 1989.

The Zoning Board may issue a special permit in accordance with Section VI-E for:

(1) A device (or combination of devices) installed on a building or structure, where such device or combination exceeds any one or more of the dimensional requirements of paragraph B above;

(2) All other devices, provided the Zoning Board finds:

a. that the device complies with the General Standards set forth in paragraph 4.A

b. that the requested installation is essential to the proper functioning of the telecommunications services to be provided by the device at that location and that an alternative installation (or installations), which would meet the By-Right provisions of paragraph 4.B., is not workable;

c. that the requested installation will not adversely impact adjacent property materially;

SECTION V-O ANTENNAE CONTINUED

d. in the case of a free standing device, that the center point of the base of the monopole is set back from the property lines of the lot on which such device is located by a distance equal to the overall vertical height of the monopole and mounted device plus five feet, unless the applicant demonstrates that due to topography and/or other characteristics of the site lesser setbacks shall not pose any public safety danger to any adjacent properties; and

e. that the overall height does not exceed 40 feet, unless the Zoning Board also finds that a greater height is essential to the proper functioning of the telecommunications services to be provided by the device at that location and that a less intrusive, alternative installation (or installations) is not workable.

5. Certification and Evidence

In all cases, whether use is By-Right or otherwise, the owner and/or operator of any device except as described in paragraph 4.B.(1) and 4.B.(3) shall, prior to installation of any device and annually thereafter, file with the Inspector of Buildings a certificate attesting that the device is in use and submit copies of the device's current FCC license, evidence of continuing insurance coverage, and underlying lease agreement with the land and/or structure owner, a periodic (at least annual) maintenance schedule for the device and evidence that the device complies with the applicable standards of the Federal Communications Commission and the Federal Aviation Administration.

6. Cessation of Use

Each device, except as described in paragraph 4.B.(1) and 4.B.(3), shall be removed within one (1) year of cessation of use by the owner and/or operator of the device or, in the absence of a current owner and/or operator, by the owner of the property or structure on which the device is located.

Should the owner and/or operator, or the owner of the land or structure on which the devise is located, fail to remove a device within one (1) year of cessation of use, the Town may remove the same. A performance guarantee may be required as a condition of any special permit granted under this Section, in an amount deemed sufficient to cover the Town's cost of the demolition and removal of the device in the event of cessation of use.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS

1. Intent - The following Senior Residential Dwelling Development requirements and procedures for complying therewith are designed to satisfy the needs of the present and future inhabitants of the town for senior residential dwelling units while ensuring that such development and uses will not result in abuses detrimental to the health, comfort, safety and welfare of both the residents of the senior residential dwelling units and the Town as a whole. Nor shall any Senior Residential Dwelling Development be detrimental to any abutting property. Senior residential dwelling developments in Holliston shall be allowed only according to the terms of a Special Permit and the provisions of this sub-section V- P. However, the provisions of this sub-section shall not apply to Federal and State subsidized housing for the elderly or low income constructed or operated under the supervision of the Holliston Housing Authority.

2. Objectives - In all actions taken hereunder, the Special Permit Granting Authority and its Advisors shall be guided by the following policy objectives:

a. To provide safe and comfortable senior residential dwelling units for all persons age fifty-five (55) or older, regardless of race, creed or income level.

b. To insure proper use and conservation of land and its environment by relating proposed senior housing to the natural and man-made features and conditions of the development site, including:
   (1) slope and topography;
   (2) surface and sub-surface bedrock and soil drainage conditions;
   (3) location with respect to adjacent streets and buildings;
   (4) vegetative cover, bodies of water and wetlands; and
   (5) other features of recognized conservation or historical significance.

c. To encourage owners and developers to design and build high quality senior residential dwelling structures with accompanying conveniences and appropriate site development by promoting proper consideration of physical planning factors such as:
   (1) recreational areas and facilities;
   (2) outdoor lighting and screening thereof;
   (3) parking areas, driveways, pedestrian movement, streets and traffic flow;
   (4) protection of open space including wooded and wetland areas;
   (5) suitable placement of buildings and facilities in relation to the site and surrounding influences;
   (6) design and layout of building interiors and exteriors; and
   (7) adequacy of senior services and conveniences.

d. To promote orderly physical, social and economic development in the Town of Holliston.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

3. Establishment and Delineation of Senior Residential District - Senior Residential Dwelling Developments may be permitted under this Section V-P only within Senior Residential Development Districts. The boundary of the Senior Residential District is delineated on a map consisting of one sheet entitled "Senior Residential District", dated April 2005 (revised May 2006) on file in the office of the Town Clerk, which map is hereby made part this by-law. *(Amended May 2006 – ATM, Art. 44. Previously amended May 2005 – ATM, Art. 40, October 2003 – STM, Arts. 23 and 28, May 2002 – ATM, Art. 25 and October 2001 – STM, Art. 10.)*

4. Common Land and/or Open Space Requirement

a. Ownership of Common Land or Open Space - All common or open space land hereunder shall either be owned :

(1) by a Condominium Association whose membership includes the owners of all units contained in the tract. The developer shall include in the deed to owners of individual units beneficial rights in said common land, and shall grant a separate conservation restriction to the Town of Holliston, satisfactory to the Holliston Conservation Commission and the Planning Board, over such land pursuant to Chapter 184, Sections 31-33, General Laws, to insure its perpetual use for those purposes approved by the Condominium Association under Section V-P 4b of this by-law and those purposes specified in Section 31 of chapter 184, General Laws. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Section 32 of Chapter 184, General Laws. In addition, the developer shall be responsible for the maintenance of the common land until such time as the Condominium Association is capable of assuming said responsibility. In order to ensure that the association will properly maintain the land deeded to it under this section, the developer shall cause to be recorded at the Middlesex South District Registry of Deeds a Declaration of Covenants and Restrictions which shall, at a minimum, provide for the following:

(a) mandatory membership in an established Condominium requirement of ownership of any lot in the tract.

(b) provisions for maintenance assessments on all units in order to ensure that the common land is maintained in a condition suitable for the uses approved by the Condominium Association under Section V-P 4b of this by-law. Failure to pay such assessments shall create a lien on the property assessed enforceable by either the Condominium Association or the owner of any unit.

(c) provisions which, so far as possible under the existing law, will ensure that the restrictions placed on the use of the common land pursuant to section V-P 4b of this by-law will not terminate by operation of law.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

(2) or, by the Town of Holliston, for park or open space use, subject to acceptance by the Town as required by Massachusetts General Laws. *(Amended October 2003 – STM, Art. 22)*

(3) or, by a non-profit organization, satisfactory to the Planning Board, the principal purpose of which is the use and protection of common open space in perpetuity.

b. Status of Common Land or Open Space - The common land or open space shall remain undeveloped and in its natural state, but, subject to the approval of the Condominium Association and Conservation Commission under V-P 4a(1), to approval by vote of the Town Meeting under V-P 4a(2) or approval of such non-profit organization under V-P 4a(3) such land may be used for any of the following purposes:

(1) grazing, agriculture and forestry

(2) playing fields

(3) other outdoor recreational facilities permissible under Chapter 184, Sections 31-33, General Laws.

Use of the common land, when held by a Condominium Association, may be restricted to lot owners and their guests and other persons approved by the Condominium Association. Either the Condominium Association, the Town or such non-profit organization shall have the right to place reasonable restrictions on the use of the common land or open space which has been deeded to it in order to ensure its continuing suitability for the purposes authorized by this section, and no structure shall be erected upon said land except as incident to the above uses and no such structure shall be more than 15 feet in height. Further, the Condominium Association shall have the right to retain subsurface easements under the common or open space for the common benefit of the Association and its unit owners for public or private wells, utilities, subsurface drainage and subsurface sewage disposal systems.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

c. Size of Common Land or Open Space - In no case shall less than twenty five (25%) percent of the total land area of the tract be set aside as common land or open space, hereinafter referred to as the "Minimum Common Land or Open Space"; of the Minimum Common Land or Open Space no more than one-half shall be classified as wetlands as defined by 310 CMR 10. Further, no less than one-fourth (1/4th) of the Minimum Common Land or Open Space which is not classified as wetlands, shall remain undeveloped and in its natural state.

d. Approval of Condominium Documents - The Master Deed, Condominium Trust and Unit Deed, Condominium Plan and any restrictive covenant shall be approved by the Planning Board.

5. Special Definitions – In addition to those contained elsewhere in the Zoning By-Laws.

a. Age-Restricted Development or Senior Residential Dwelling Development – A multi-family development, on one parcel or contiguous parcels totaling at least fifteen acres in size, specifically designed and intended for persons of age fifty-five or over within the meaning of MGL, c. 151B, s. 4 (6) and 42USC, s. 3601, et seq. and approved under this Zoning By-Law. One-hundred percent of the dwelling units within such a development shall each be occupied by a person who is fifty-five years of age and shall be subject to a deed restriction.

b. Building Area - The total ground area, taken on a horizontal plane at the finished grade level, of each building and accessory building but not including uncovered entrance platforms, terraces and steps.

c. Floor Area - The total floor area of one dwelling unit within its exterior or common enclosing walls, exclusive of basement.

d. Basement - A portion of a building situated partly or wholly below ground level.

e. Building Height - The vertical distance measured from the mean finished grade of the ground adjoining the building; or the lowest finished grade under sloping conditions described in sub-section 6.c. hereof; to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between the eaves and ridge, for gable, hip and gambrel roofs.

f. Screening - A natural or constructed buffer that will serve to reduce noise levels, odors and/or act as an appropriate visual barrier of such size, kind and location as will protect the public, the neighboring properties and the occupants of the site units.

g. Street Line - The boundary of a street right of way.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

6. Special Requirements - In addition to those contained elsewhere in the Zoning Laws of Holliston.

a. Building Separation - As a practical design goal, the desired distance between buildings shall be 35 feet. However, depending upon architectural, aesthetic, land planning, topographical and ground factors, the Special Permit Granting Authority may permit such distance to be less than 35 feet but in no case shall such distance be less than 20 feet.

b. Parking - On-site paved parking areas with minimum dimensions as specified in the Planning Board Regulations and adequate provision for aisles, drives, visitor parking and snow disposal shall be provided. All off-street parking shall be located a minimum of twenty feet (20') from property lines. Separate buildings and areas for parking garages may be permitted if located and designed so as to complement the building design and site layout. Each Unit shall have a minimum of two parking and/or garage spaces. Parking for any amenities such as a recreation building shall satisfy the requirements of Section V-C, Off Street Parking.

c. Building Height - No building shall exceed two and one-half stories in height exclusive of basements, or thirty-five feet (35') in height.

d. Dwelling Units Per Building - No structure containing senior residential dwellings shall contain more than twenty-four (24) dwelling units. *(Amended October 2003 – STM, Art. 21)*

e. Dwelling Unit Space - All dwelling units shall have minimum floor areas as follows:

(1)	One bedroom unit	700 square feet
(2)	Two bedroom unit	850 square feet
(3)	Three bedroom unit	1000 square feet

f. Minimum Lot Size - The minimum lot size for a Senior Residential Dwelling Development is 15 acres However the minimum lot size shall be 5 acres if the property or portion thereof is located within the V-C or within 1000 feet of the V-C district.

g. Road Length - The maximum length of a private dead end street shall not exceed 3,000 feet, provided however, no section of the private dead end street shall exceed 1,000 feet without a portion of the street having two (2) separate access points (such as a looped road), and provided further, turn around areas shall be spaced not more than 750 feet apart.

h. Density - The total number of dwelling units shall not exceed five (5) times the net developable area in the tract.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

i. Bedrooms - No senior residential dwelling unit shall have more than three (3) bedrooms.

j. Screening - All sewage facilities, service areas and equipment, conveniences and recreational areas shall have screening from abutting properties.

k. Setback Dimensions - No portion of any senior residential dwelling building or accessory building shall be less than fifty feet (50') from any abutting properties outside of the development.

l. Environmental Protection - There shall be no filling, draining, altering or relocation of any stream, lake, pond or wetland except that performed in full compliance with applicable laws, the requirements of all pertinent governmental agencies, and the requirements and recommendations of the Special Permit Granting Authority.

m. Exterior Antennas – Individual outdoor antennas or other apparatus for radio or television reception or transmission are forbidden, except that master antennas serving multiple numbers of units may be allowed subject to Special Permit Granting Authority approval.

n. Exterior Lighting and Screening - Non-glaring exterior lighting shall be planned, installed and operated so as to best serve each building or group of buildings. Parking areas, drives and other roadways shall be designed and landscaped so as to insure that all dwelling units are screened from motor vehicle headlights.

o. Landscaping - The site shall be preserved and enhanced by retaining and protecting trees, shrubs, ground cover, stone walls and other site features insofar as practicable. Additional new plant material shall be added for privacy, shade, beauty of buildings and grounds. Landscape screening shall be provided for within required setbacks.

p. Recreation - Suitable outdoor recreation space, with adequate provisions for activities shall be permitted, such as common open space for recreation such as walking paths. Any such applications for recreation shall contain measures to assure proper maintenance.

q. Roadways - Roads and driveways within the development shall meet such width, grades, and construction standards as the Planning Board shall determine, based upon the standards provided in the regulations governing subdivisions, as the same may be waived or modified by the Planning Board to meet site conditions and design requirements.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

r. Rubbish Disposal - Rubbish and garbage disposal facilities with screening shall be provided in full conformity with all applicable health or other laws and regulations and shall be protected against scattering of contents, rodent or other unhealthy infestation or condition or odor transmission.

s. Water, Sewerage and Utilities - All supply lines shall be underground.

t. Restrictions and Easements - Restrictions, easements or other appropriate legal agreements shall be furnished to the satisfaction of the Special Permit Granting Authority that will protect such amenities in perpetuity. Such agreements shall be duly recorded and become fully effective before any senior residential dwelling multi-family development work commences.

u. Occupancy - Each unit in a senior residential dwelling development shall be occupied by at least one person age fifty-five (55) or older. Children under the age of eighteen (18) may not reside in a senior residential dwelling unit for more than six (6) months in any nine (9) month period. In the event of the death of the qualifying owner/occupant(s) of a senior residential dwelling unit, foreclosure or other involuntary transfer such as by a Court Order of a senior residential dwelling unit which creates a disqualifying transfer, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

v. Exterior Signs – The following exterior signs are permitted:

(a) All signs permitted under Section V-B Exterior Signs, Subsection 1 of this Zoning By-Law.

(b) One non-flashing sign not over twelve square feet on the premises indicating the name of the development at each entrance to or from a public way.

7. Private sewage disposal systems or treatment plants shall be allowed in Senior Residential Dwelling Developments established pursuant to the requirements of a Special Permit Granting Authority.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

8. Administration -

a. Application Procedures - To file an application for a Special Permit for a senior residential dwelling unit or development, a party entitled to do so shall file an application complying with the Rules and Regulations of the Planning Board for Site Plan Review submittals. In addition, the following design and other documents shall be made a part of every such application with each site plan, architectural drawing, and statement required hereunder to be prepared by professionally trained and registered persons who are qualified by both education and experience to prepare the particular plan, drawing or statement involved:

(1) Architectural drawings including floor plans of dwelling units, overall building plans, sections, elevations and construction details. This shall be supplemented by architectural renderings of proposed finished buildings and surroundings.

(2) written statement of proposal to include:

(a) A description of the number of parking spaces to be provided, the size and use of the facilities, including conveniences, to be constructed and the structural system to be employed.

(b) Computations showing the percentage of building area per lot area and stating the floor area of the planned dwelling units.

(c) An impact statement or statements depicting the projected effect of the proposed development in relation to the Intent and Objectives previously set forth herein and the suitability of the soils to accommodate sewage disposal systems shall be furnished by engineers, hydrologists and other parties as appropriate, all of whom shall be professionally qualified in their respective fields.

(d) Financial information including the value of the units and the project upon completion, together with a schedule of completion and the estimated tax revenues of the project over a five-year period after completion. Included in the revenue schedule should be a projection of increased costs of public services from the project (i.e. schools, roads, police, fire, etc.).

(e) All other statements pertinent to the proposal, such as provisions for the permanent protection of open space, conservation areas and features of historical interest, said provisions to run with the land.

b. Bonding - In granting the Special Permit, the applicant may be required by the Special Permit Granting Authority to file with the Town a bond or bonds or other security or securities satisfactory to the Special Permit Granting Authority guaranteeing performance of the conditions of such Special Permit either by the entirety or by completion of phases thereof, all according to the terms of such Special Permit.

SECTION V-P SENIOR RESIDENTIAL DWELLING DEVELOPMENT REQUIREMENTS CONTINUED

c. Findings – In granting a Special Permit, the SPGA shall make the following findings:

(1) The site is appropriate for senior residential use and there are supportive services within a reasonable distance or reasonable transportation services are being offered in the petition.

(2) The use will not create a hazard or nuisance to abutters, vehicles or pedestrians on the site or adjacent roadways.

(3) Adequate and appropriate facilities (e.g. parking and recreation) have been provided.

(4) The development includes appropriate measures to control and mitigate drainage and traffic impacts.

(5) The development will not have a negative impact upon Town services.

(6) Exterior design and layout is in harmony with the character of the surrounding properties and the Town.

(7) The Development does not have a detrimental impact on the neighborhood or the natural environment and is in harmony with the long-range plan of the Town.

V-Q INCLUSIONARY HOUSING

(Added October 2005 – STM, Art. 13)

1. Purpose and Intent - The purpose of this Bylaw is to outline and implement a coherent set of policies and objectives for the development of affordable housing in compliance with Holliston's Affordable Housing Plan, the Holliston Zoning Bylaw, G.L. c. 40B sec. 20-23 and ongoing programs within the Town to promote a reasonable percentage of housing that is affordable to low and moderate income buyers. It is intended that the affordable housing units that result from this Bylaw will be considered as Local Initiative Program (LIP) dwelling units in compliance with the requirements for the same as specified by the Department of Housing and Community Development and that said units shall count toward the Town's requirements under G. L. c. 40B sec. 20-23.

2. Definitions

a. Affordable Housing Unit. A dwelling unit that qualifies as a local initiative unit under the Commonwealth's Local Initiative Program (760 CMR 45.00) and meets the requirements of a subsidized housing unit for purposes of listing in the subsidized housing inventory under G. L. c. 40B Sec. 20-23.

b. Qualified affordable housing unit purchaser. An individual or family with a household income that does not exceed 80% of the Holliston area median income, with adjustments for household size, as reported by the most recent information from the United Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD).

3. Applicability

a. Division of Land. This Bylaw shall apply to the division and/or subdivision of land held in single ownership as of the effective date of this Bylaw, or anytime thereafter, into eight (8) or more lots or the development of eight (8) or more dwelling units on a single lot and shall require a special permit from the Planning Board under the provisions for a Cluster Development (Section V-H) of the Zoning Bylaw unless otherwise exempted below. A Special Permit shall be required for land divisions pursuant to G. L. c. 40A sec. 9 as well as for "conventional" or "grid" divisions pursuant to G. L.c. 41 sec. 81-L and sec. 81-U, including those divisions of land that do not require subdivision approval (G.L c.41, s.81-P).

The Planning Board shall determine whether the proposed project location is suitable for a Cluster Development under the terms and provisions of this Section and Section V-H. If the Planning Board determines that the proposed location is suitable for a Cluster Development, any further subdivision of the land into eight (8) or more lots shall be accomplished only through the provisions of Section V-H and this Section (V-Q). If the Planning Board determines, after discussion and analysis, that the location is best suited for

V-Q INCLUSIONARY HOUSING CONTINUED

subdivision under a conventional subdivision design, the Planning Board shall so inform the applicant. The applicant may then proceed to design a conventional subdivision plan under the provisions of the Subdivision Control Law and the Holliston Subdivision Rules and Regulations and the provisions of Section V-H shall not apply. In cases where the Planning Board determines that the project location is not suitable for a Cluster Development, and where the proposed division of land is for eight (8) or more lots or the development of eight (8) or more dwelling units on a single lot, the Planning Board's special permit powers shall be limited to enforcing the provisions of Section V-Q of the Zoning Bylaw. In either case, however, a Special Permit from the Planning Board shall be required.

4. Mandatory Provision of Affordable Units - The Planning Board shall, as a condition of approval of any development referred to in Section V-Q or Section V-P (Senior Residential Dwelling Development), require that the applicant for Special Permit approval complies with their obligation to provide affordable housing pursuant to Section 6 of this Bylaw.

5. Bonus for Cluster Development pursuant to Section V-H Subject to Planning Board Discretion - In the Planning Board's sole discretion, the allowable number of dwelling units within a land division, subdivision or development subject to the requirements of Section V-H and Section V-Q may be increased by up to ten percent (10%) beyond the maximum number of dwelling units allowed pursuant to the underlying zoning requirements and as calculated pursuant to Section V-H (g) of the Bylaw but that in no instance shall more than one (1) bonus unit be granted per additional unit of affordable housing provided by the applicant. Where the Planning Board allows an increase in unit density, the Planning Board shall make affirmative findings that the density increase was appropriate in light of the public benefits offered by the applicant and as consistent with G.L. c.40A s.9 and this Bylaw.

6. Provision of Affordable Units - The Planning Board shall deny an application for a special permit for development under Section V-Q if the applicant for special permit approval does not agree to the following requirements:

a. At least ten percent (10) of the lots in a division of land, or units in a multiple unit development subject to this Bylaw shall be identified as affordable housing units in any one or combination of methods provided for below. (Fractions of a lot or dwelling unit shall be rounded up to the nearest whole number, such that a development proposing eleven (11) dwelling units shall require two (2) affordable units; a development proposing twenty-one (21) dwelling units shall require three (3) affordable units, and so on).

(i) Dwelling units shall be constructed or rehabilitated on the locus subject to the special permit;

(ii) Dwelling units shall be constructed or rehabilitated on a locus different than the one subject to the special permit (see Sections 7 and 9, below);

V-Q INCLUSIONARY HOUSING CONTINUED

(iii) An applicant may offer, and the Planning Board with the approval of the Board of Selectmen, may accept donations of land in fee simple, on or off site, that the Planning Board determines to be suitable for the construction of affordable housing units. The value of such donated land shall be equal to or greater than the value of the construction or set-aside value of the affordable units. The Planning Board may require, prior to accepting donated land as satisfaction of the requirements of this Bylaw, that the applicant submit appropriate documentation regarding the ownership of the property, including, but not limited to, surveys and investigations of the property that have been completed, and appraisals of the land in question, as well as data that may be relevant to the determination of equivalent value.

(iv) If and when the Town of Holliston establishes an Affordable Housing Trust Fund pursuant to G.L. c.44, s. 55C, cash payment into the Affordable Housing Trust Fund subject to Section 12, below.

The applicant may offer, and the Planning Board may accept, any combination of the Section 6.a (i)-(iv) requirements provided that in no event shall the total number of units, land area or cash payments provided be less than the equivalent number or value of affordable units required by this Bylaw.

7. Provisions Applicable to Affordable Housing Units On- and Off-Site

a. Siting of affordable units – All affordable units constructed or rehabilitated under Section 6(a)(i) of this Bylaw shall be identified on a plan and/or referenced in the special permit and situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

b. Minimum design and construction standards for affordable units – Affordable housing units within market rate developments shall be integrated with the rest of the development and shall be compatible in design, appearance, construction and quality of materials with market-rate units.

c. Timing of construction or provision of affordable units or lots – Where feasible, affordable housing units shall be provided coincident to the development of market rate units, but in no event shall the development of affordable units be delayed beyond the schedule noted below:

V-Q INCLUSIONARY HOUSING CONTINUED

MARKET-RATE UNIT %	AFFORDABLE HOUSING UNIT%
Up to 30%	None required
Up to 50%	At least 30%
Up to 75%	At least 50%
75% plus 1	At least 70%
Up to 90%	At least 100%

Fractions of units shall not be counted.

8. Marketing Plan for Affordable Units - Applicants under this Bylaw shall submit a marketing plan or other method approved by the Planning Board, to the Planning Board for approval, which describes how the affordable units will be marketed to potential homebuyers. This plan shall include a description of the lottery or other process to be used for selecting buyers. The marketing plan must describe how the applicant will accommodate local preference requirements, if any, established by the Board of Selectmen, in a manner that complies with the nondiscrimination in buyer selection guidelines of the Local Initiative Program.

9. Provision of Affordable Housing Units Off-Site - As an alternative to the requirements of Section 6 (a), an applicant subject to the Bylaw may develop, construct or otherwise provide affordable units equivalent to those required by Section 6 (a) off-site of the development, as approved by the Planning Board. All requirements of this Bylaw that apply to on-site provision of affordable units, shall apply to provision of off-site affordable units. In addition, the location of the off-site units to be provided shall be approved by the Planning Board as an integral element of the special permit review and approval process.

10. Maximum Incomes and Selling Prices: Initial Sale -

a. The developer of the housing units or his/her agent shall verify prior to transferring title that each prospective purchaser of an affordable housing unit created under this Bylaw is a household of low or moderate income, as defined by the Commonwealth's Local Initiative Program (LIP). Toward this end:

i) The developer shall engage a qualified certifying agent, acceptable to the Planning Board, to receive purchase applications, obtain and review documentation concerning sources and amounts of household income, and certify to the Town that all purchasers approved for an affordable unit meet income eligibility requirements.

V-Q INCLUSIONARY HOUSING CONTINUED

ii) The developer is responsible for making arrangements, acceptable to the Planning Board, to provide annual certifications to the Town as may be required to place and maintain the affordable units on the Commonwealth's Chapter 40B Subsidized Housing Inventory (SHI).

b. The maximum allowable purchase price for affordable units created under this Bylaw shall comply with the requirements of this Bylaw as described in Section 11, below.

11. Preservation of Affordability; Restrictions on Resale - Each affordable unit created in accordance with this Bylaw shall have the following limitations governing its resale. The purpose of these limitations is to preserve the long-term affordability of the unit and to ensure its continued availability to qualified purchasers in the future. The resale controls shall be established through a deed rider or an affordable housing restriction as defined by G.L. c.184, Section 31, recorded at the Middlesex County Registry of Deeds, and shall be in force in perpetuity, or for as long a period as is lawful. The affordable housing use restriction shall meet the requirements of the Local Initiative Program.

Limitations:

a. Resale price – Sales beyond the initial sale to a qualified affordable income purchaser shall include the initial discount rate between the sale price and the unit's appraised value at the time of resale. This percentage shall be recorded as part of the restriction on the property. For example, if a unit appraised for $300,000 is sold for $225,000 because of this Bylaw, it has sold for seventy-five percent (75%) of its appraised value. If, several years later, the appraised value of the unit at the time of proposed resale is $325,000, the unit may be sold for no more than $243,750, or seventy -five percent (75%) of the appraised value of $325,000. Notwithstanding the foregoing, the resale price of an affordable unit shall in no event exceed that amount which will require a household earning eighty percent (80%) of the most recent area median income number, as published by the U.S. Department of Housing and Urban Development and adjusted for the household size that corresponds with the number of bedrooms in the affordable unit, to spend a maximum of thirty percent (30%) of the household's annual income on housing costs. Housing costs shall include principal, interest, property tax, insurance payments and association or condominium fees.

b. Right of first refusal to purchase – The purchaser of an affordable housing unit developed as a result of this Bylaw shall agree to execute a deed rider prepared by the Town, granting, among other things, the Town's right of first refusal for a period not less than the maximum period allowable under guidelines set by the Department of Housing and Community Development for Local Initiative Units as defined by the Local Initiative Program, to purchase the property or assignment thereof, in the event that, despite diligent efforts to sell the property, a subsequent qualified purchaser cannot be located.

V-Q INCLUSIONARY HOUSING CONTINUED

c. The Planning Board shall require, as a condition for special permit approval under this Bylaw that the deeds to the affordable housing units contain a restriction against renting or leasing of said unit(s) during the period for which the housing unit(s) contains a restriction on affordability.

d. The Planning Board shall require, as a condition for special permit approval under this Bylaw, that the applicant comply with the mandatory set asides of Section 6 of this Bylaw and accompanying restrictions on affordability, including the execution of a deed rider or an affordable housing restriction as set forth in Section 11 of this Bylaw. The Building Commissioner shall not issue an occupancy permit for any affordable unit until the dwelling unit's deed rider or affordable housing restriction is recorded at the Middlesex County Registry of Deeds.

12. Fees in Lieu of Affordable Housing Units - As an alternative to Section 6 (a)(i) through (a)(iii), an applicant may contribute a cash payment to the Holliston Affordable Housing Trust Fund, if and when said Fund is established pursuant to G.L. c. 44 s.55C, to be used for the development of affordable housing by the Town or its designees, in lieu of constructing and offering affordable units within the locus of the proposed development or off-site.

a. Calculation of fees-in-lieu of units. The applicant for development subject to this Bylaw may pay a fee in lieu of the construction of affordable units. For each affordable unit not constructed or provided through one or a combination of the methods specified in Section 6 (a)(i) through (a)(iii), the fee shall be an amount equal to the difference between the median sale price for new single-family homes built in Holliston during the preceding three (3) fiscal years, as determined and reported by the Board of Assessors, and the purchase price of a home that is affordable to a qualified purchaser.

(i) For developments other than single family detached structures (e.g. duplexes or multi-family condominiums), the Planning Board may substitute the median sale price for these dwelling unit types built in Holliston during the preceding three (3) fiscal years for the median sale price of new single-family homes.

(ii) The methodology used to determine an affordable purchase price shall comply with Local Initiative Program guidelines in effect at the time of application for a Special Permit.

(iii) The assumptions used to determine an affordable purchase price, including but not limited to minimum down payment, mortgage interest rate, term, closing and other costs shall be consistent with first-time homebuyer mortgage products available from commercial lending institutions located in or serving Holliston at the time of application for a special permit, all in accordance with the Inclusionary Housing Submission Requirements and Procedures Manual adopted by the Planning Board and filed with the Town Clerk.

(iv) Upon adoption of this Bylaw by Town Meeting, the Planning Board shall prepare and adopt an Inclusionary Housing Submission Requirements and Procedures Manual after holding a public hearing on the same.

b. Schedule of fees in lieu of payments. Fees in lieu of payments shall be paid according to the schedule set forth in Section 7(c), above.

SECTION VI - ADMINISTRATION

VI-A ENFORCEMENT

This by-law shall be enforced by the Inspector of Buildings.
(Amended March 1978 – STM, Art. 1)

VI-B BUILDING OR USE PERMIT

No building shall be constructed or reconstructed and no use of a building or land shall be begun or changed without a permit having been issued by the Inspector of Buildings. No permit shall be issued until the construction, reconstruction, alteration, or use, as proposed, shall comply in all respects with the provisions of this by-law or with a decision rendered by the Permit Granting Authority or Special Permit Granting Authority.

Any application for such a permit shall be accompanied by a plan accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this by-law. A record of all applications, plans and permits shall be kept on file by the Inspector of Buildings.

VI-C OCCUPANCY

No building erected, altered, or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit, signed by the Inspector of Buildings, which permit shall not be issued until the building and its uses and the uses incident thereto, comply in all respects with this by-law.

VI-D BOARD OF APPEALS

There is hereby established a Board of Appeals of three members and two associate members to be appointed by the Selectmen, as provided in Chapter 40A of the General Laws

The Board of Appeals shall have the following powers:

1. Appeals - To hear and decide an appeal by any person entitled to such as appeal under Section 8, Chapter 40A General Laws.

2. Special Permits - To hear and decide an application for a Special Permit as provided by sections of this by-law. In issuing a Special Permit, the Board of Appeals may impose appropriate conditions and safeguards.
(Amended April 1973 – ATM, Art. 20. Previously amended December 1971 – STM, Art. 4.)

3. Variances - To grant upon appeal or upon petition with respect to particular land or structures, a use or dimensional variance from the terms of this by-law where the Board of Appeals specifically finds that:

a. Literal enforcement of the provisions of this by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant owing to circumstances relating to:

(1) soil condition

(2) shape, or

(3) topography of such land or structures, especially affecting such land or structures but not generally affecting the zoning district in which it is located; and

b. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this by-law.

The Board of Appeals may impose conditions, safeguards and limitations both of time and of use.

If the rights authorized by a variance are not exercised within one year of the date of grant of such variance, they shall lapse and may be re-established only after notice and a new hearing.

VI-D BOARD OF APPEALS CONTINUED

The Board of Appeals shall establish procedures and shall conduct its meeting consistent with the provisions of Chapter 40A or other provisions of the General Laws and of this by-law. Seconding a motion shall not be required in order to take action on an item before the Board of Appeals.

If the granting or denial by the Board of Appeals of an appeal would result in or constitute the issuance of a building permit, the Board of Appeals shall issue to the owner and to the applicant if other than the owner, a copy of its decision, certified by the Permit Granting Authority, containing the name and address of the owner, identifying the land affected, setting forth compliance with any statutory requirements for such a decision and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and with the Town Clerk. No building permit resulting from or constituted by such a decision shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days has elapsed and, pursuant to the applicable provisions contained within Chapter 40A General Laws as amended, no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for the county and district in which the land is located, and indexed in the grantor index under the name of the owner of record, or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

Not less than fourteen days prior to any public hearing, the Board of Appeals shall notify and, upon request, cause copies of all supporting plans and documents to be sent to the Planning Board.

Within fourteen days of a decision or action, the Board of Appeals shall file in the office of the Town Clerk and with the parties in interest at their last known addresses a detailed record of its proceedings, setting forth clearly the reason or reasons for its decision and of its official action, or in the event of a failure of the Board of Appeals to act within the statutorily established time limit, an indication of such fact.

All applications for appeals, special permits or variances to the Board shall be made on appropriate forms in accordance with the rules and Regulations of the Board of Appeals. All such applications shall be accompanied by a fee as shall be then currently required by the Board of Appeals and filed with such applications in the Office of the Town Clerk.
(Amended May 1992 – ATM, Art. 35. Previously amended October 1967 – STM, Art. 14)

4. In the case of an appeal, special permit or variance to the Board for a designated Priority Development Site, the 180-day review period specified under MGL, c. 43D shall apply. *(Amended May 2010 – ATM, Art. 36)*

VI-E SPECIAL PERMIT GRANTING AUTHORITY

1. This zoning by-law provides for specific types of uses which shall only be permitted in specified districts upon the granting of a Special Permit, as provided herein. Special Permits may be granted only for uses which are in harmony with the general purpose and intent of this zoning by-law, and shall be subject to general or specific provisions as set forth herein, and such permits may also impose conditions, safeguards, and limitations on time and use, in order to further the objectives of this zoning law by-law.

2. The Special Permit Granting authority may grant a Special Permit for uses designated A in Section III-A, Schedule of Use Regulations, or elsewhere as authorized by this by-law where such uses are designated.

2a. The Special Permit Granting Authority shall be empowered to make findings in accordance with I-C, Non-Conforming Uses, Structures and Lots, and Section 6 of Chapter 40A of the General Laws. Such findings shall be deemed to be special permits and shall be governed by the procedural requirements for special permits set forth in Section 9 of Chapter 40A of the General Laws and in this By-Law. *(Amended May 1992 – ATM, Art. 33)*

3. The Special Permit Granting Authority shall establish procedures and shall conduct its meetings consistent with the provisions of Chapter 40A or other provisions of the General Laws and of this by-law.

4. In the case of a designated Priority Development Site, the 180-day review period specified under MGL, c. 43D shall apply. *(Amended May 2010 – ATM, Art. 36)*

5. Before granting a Special Permit, the SPGA shall consider the proposed use in relation to the site as well as the adjacent uses and structures and shall find that there will be no significant adverse effects to the neighborhood or the town, considering the following criteria:

a. The degree to which the proposed use complies with the dimensional requirements of the by-law, is in an appropriate location and does not significantly alter the character of the neighborhood; the project is compatible with existing uses and other uses allowed by-right in the district and is designed to be compatible with the character and the scale of neighboring properties.

b. To the extent feasible, the proposal has been integrated into the existing terrain and surrounding landscape, minimizing the impacts to the aquifer and/or recharge area, wetlands, steep slopes, and floodplains.

c. Adequate and appropriate facilities shall be provided for the proper operation of the proposed use, including screening and provisions for convenient and safe vehicular and pedestrian circulation within the site and in relation to adjacent streets and properties.

d. The proposed project shall not create any significant emission of noise, dust, fumes, noxious gases or any other adverse environmental impact including stormwater, erosion and sedimentation.

e. There shall be no unreasonable glare from lighting, whether direct or reflected, onto ways, the night sky or onto adjacent properties. *(Amended May 2012 – ATM, Art. 33)*

VI-F REPETITIVE PETITIONS

No proposed zoning by-laws or amendments thereto which have been unfavorably acted upon by a Town Meeting shall be considered by the Town Meeting within two years after the date of such unfavorable action unless the adoption of such proposed zoning by-law or amendment thereto is recommended in the final report of the Planning Board. No appeal, application or petition which has been unfavorably and finally acted upon by the Special Permit Granting Authority or Permit Granting Authority shall be acted favorably upon within two years after the date of final unfavorable action unless said Special Permit Granting Authority or Permit Granting Authority finds, by a unanimous vote of a board of three members, or by a vote of four members of a board of five members or by a two-thirds vote of a board of more than five members, specific and material changes in the conditions upon which the previous unfavorable action was based, and describes such changes in the record of its proceedings, and unless all but one of the members of the Planning Board consents thereto and after notice is given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

VI-G PENALTY

(Amended June 1969 – STM, Art. 11)

Any person violating any provision of this by-law, any condition under which a Permit or Special Permit is issued, or any decision rendered by the Board of Appeals may be required to end such violation forthwith, may suffer revocation of the applicable permit, or may be fined not more than One Hundred Dollars ($100.00) for each offense or such other amount as the laws of Massachusetts may hereafter provide. Each occasion of violation and each day that such violation continues shall constitute a separate offense.

In addition to the procedures set forth above, the provisions of this Zoning By-Law may also be enforced, by the Building Inspector, by non-criminal complaint pursuant to the provisions of General Laws Chapter 40, Section 21D in the following manner:

a. A written warning, clearly stating the nature of the violation, the section of the by-law violated, the required corrective action and the right of appeal to the Board of Selectmen, shall be issued to an alleged violator. This warning may be appealed to the Selectmen within twenty-one (21) days from receipt.
b. Thirty (30) days after issuance of the warning, a fine may be imposed in accordance with the provisions of General Laws Chapter 40, Section 21D if the violation is not corrected or an appeal has not been made to the Board of Selectmen within the aforementioned twenty-one (21) days, or upon appeal, the Selectmen find that the warning is legitimate.

Each day on which a violation exists shall be deemed a separate offense. The penalty for violation of any provision of this by-law shall be $25.00 for the first offense; $50.00 for the second offense and $100.00 for the third and subsequent offense. *(Amended May 2000 – ATM, Art. 34 and May 1988 – ATM, Art. 12)*

VI-H AMENDMENT

This by-law may be amended from time to time in accordance with the provision of Section 5 of Chapter 40A, General Laws.

VI-I VALIDITY

The invalidity of any section or portion of a section or of any provision of this by-law shall not invalidate any other section, portion of section or provision thereof. If any such section, portion of a section or provision be determined to be invalid, the next most restrictive use or provision that could be valid or is valid shall apply. *(Amended June 1969 – STM, Art. 11)*

VI-J DESIGN ADVISORY COMMITTEE

(Amended June 1982 – STM, Art. 12)

1. Membership - A Design Advisory committee of five members is hereby established, and shall be appointed by the Selectmen for three year terms (except so arranged initially that no more than two terms expire each year). Members shall include, if possible, one retail merchant operating in Holliston, and one person trained in graphic design, architecture, landscape architecture, or other visual design field. In addition, a member or associate member of the Board of Appeals shall be designated by that Board as a non-voting sixth member of the Design Advisory Committee.

2. Procedure - All applications for building permits within the Village Center Commercial District, involving exterior construction or alteration, shall be referred by the Building Inspector to the Design Advisory Committee for review, as provided at Section V-K.3. The Design Advisory Committee shall review such material and may send suggestions for changes to the applicant for his/her consideration; these recommendations are advisory only.

Appeals and applications for special permits within the Village Center Commercial District shall be referred by the Town Clerk to the Design Advisory Committee for its review and comment. Absence of a report by the Design Advisory Committee shall not be cause for delay in the rendering of a decision by the Board of Appeals.

Any departure by the Board of Appeals from the recommendations of the Design Advisory Committee in the decision shall be explained in a written report from the Board of Appeals to the Design Advisory Committee, the Board of Selectmen, and Planning Board, such report to be delivered to the above named within one (1) week of the filing of the decision of the Board of Appeals, provided that the Design Advisory Committee report was received prior to the close of the Board of Appeals hearing.

SECTION VI-K PLANNING BOARD ASSOCIATE
(Amended October 1998 – STM, Art. 15)

There shall be one Associate Member of the Planning Board in cases where the Planning Board acts as the SPGA. Such position of Associate Member shall be subject to the following:

a. The Associate Member shall serve by appointment made by a majority vote of the Planning Board.
b. Within thirty (30) days after the Town is notified that this sub-section is approved, or within thirty (30) days after this sub-section becomes effective without action by the Attorney General, the Planning Board shall appoint an Associate Member by majority vote. The term of office of this first appointment shall expire on June 1, 1999 or until a successor is appointed and qualified. Thereafter, an Associate Member shall be appointed on an annual basis by the Planning Board.
c. In the event of a vacancy in the position of Associate Member, the position shall be filled in the same manner as in the case of the original appointment.
d. The Chairperson of the Planning Board may require such Associate Member to be in attendance at special permit hearings, and may designate such Associate Member to sit on the Board for the purpose of acting on a special permit application in the case of absence, inability to act, or conflict of interest, on the part of any member of the Planning Board, or in the event of a vacancy on the Board.

SECTION VII - SITE PLAN REVIEW

(Amended May 2001 – ATM, Art. 46. Previously amended May 2000 – ATM, Art. 38 and May 1997 - ATM, Article 37.)

1. Purpose. The purpose of this section is to enable the Town to review and, to the extent necessary, provide for the imposition of reasonable terms and conditions on certain uses of land within the Town. More specifically, site plan review is intended to ensure that development within the Town shall, to the extent reasonably possible, harmonize with the neighboring land uses and structures, with particular attention paid to the preservation of structures of historical significance, natural features and open space, and the promotion of public safety with respect to vehicular and pedestrian activity both exterior and interior to the locus. Overall, the goal of this section is to promote the health, safety, convenience, morals and welfare of Holliston residents, and to enhance the attractiveness of the Town of Holliston as a place to live, visit and shop.

2. Applicability of Site Plan Review.

a. Site Plan Review shall not apply to single family homes and their accessory structures (or a two family or semi-detached homes per Section III-A, paragraph 14 of the Zoning By-Laws), including additions or enlargements to same which are as a matter of right or as to which relief may be granted by special permit or variance.

SECTION VII - SITE PLAN REVIEW CONTINUED

b. Apart from 2.a., in all districts: i. No building or accessory structure (whether otherwise allowed by right or by special permit) shall be: (1) erected, (2) enlarged or be subject to any change in the location of the exterior walls so as to increase the building footprint by ten percent or more, (3) increased in its gross floor area by more than twenty five percent (25%), whether accompanied by exterior construction or not, ii. No parking area shall be physically expanded by an increase in parking surface area of ten percent (10%) or more, iii. No changes in use resulting in an increase in parking area requirements greater than or equal to 10 spaces, iv. No new or expanded outside storage of materials, and v. No new drive-thru facilities or non-accessory solar energy generation systems shall be allowed except in conformity with a site plan bearing an endorsement of approval by the Planning Board.

An application for site plan approval shall be in conformance with the Planning Board's Site Plan Review Rules and Regulations, which shall be filed with the Town Clerk, Planning Board and the Inspector of Buildings. The Rules and Regulations shall set forth the documentation that must accompany an application for site plan approval.

3. Planning Board as a Special Permit Granting Authority. The Planning Board shall serve as the Special Permit Granting Authority for any Site Plan approval application that also requires a Special Permit under Section I-C, I-D, III, V-K, V-L or V-P of the Zoning By-Law. The Planning Board shall provide in its Rules and Regulations that hearings for such special permit/site plan review applications shall comply with the time limitations and procedural requirements of G.L.c.40A, Sections 9 and 11.

4. Procedure for Approval. Any person desiring approval of a site plan under this Section shall submit an original and fifteen (15) copies of the completed application with supporting documentation and appropriate fee directly to the Planning Board. The Board shall promptly transmit one copy of such plan to the following Town agencies: Building Inspector, Board of Health, Conservation Commission, Water Commissioners, Police Chief, Fire Chief, Board of Selectmen, Design Advisory Committee (as applicable)and Highway Superintendent. The Town agencies shall report any recommendations in writing to the Planning Board. A town agency that does not report recommendations to the Planning Board within thirty (30) days of filing date of the application shall be presumed to lack opposition to it.

5. General Conditions for Approval. In considering a site plan application under this Section, the Planning Board shall ensure, to a degree consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations of the district in which located, that there is:

a. protection of adjoining premises against seriously detrimental or offensive uses on the site;
b. convenience and safety of vehicular and pedestrian movement within and without the site, and in relation to adjacent streets, property or improvements;

SECTION VII - SITE PLAN REVIEW CONTINUED

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

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

e. provision for emergency access and operations within the site;

f. provision for off-street loading, unloading and parking of vehicles incidental to the normal operation of the establishment;

g. development that to the extent reasonably possible harmonizes with neighboring land uses and structures.

h. compliance with the Board's adopted design guidelines.

After an application has been submitted, no tree removal, no utility installation, no ditching, grading or construction of drives, no grading of lots or land, no excavation except for purposes of soil testing, no dredging or filling, and no construction of buildings or structures shall commence on any part of the development site until the application has been reviewed and approved in accordance with these regulations.

No building permit shall be issued unless the site plan has been approved by the Planning Board. No permanent Certificate of Occupancy shall be issued until the applicant either complies with all requirements of the approved site plan or posts surety with the Planning Board to ensure completion.

6. Authority of the Board. The Planning Board shall have the power to require that technical data and study results be provided by the applicant to support the site plan and resulting findings.

The Planning Board shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions sufficient to justify such action within the intent of this Section. Minor changes to the approved site plan may be approved by the Inspector of Buildings at his discretion. Any proposed changes that the Inspector of Building determines not to be minor shall be submitted to the Planning Board in the form of a new site plan. All of the provisions of this Section applicable to approval shall, where apt, be applicable to such modifications or amendments.

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

7. Enforcement. The provisions of this section shall be enforced by the Inspector of Buildings in accordance with the provisions of Section VI of the Zoning By Law.