Town of Northbridge

- MASSACHUSETTS -

CHAPTER 173 –ZONING

PLANNING BOARD
ZONING BOARD OF APPEALS
[NOVEMBER 2012]

Zoning Chapter -173 /available online (www.northbridgemass.org/)

CHAPTER 173 -ZONING

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Trailers –See Ch. 9 § 9-700

Board of Appeals rules & regulations –See Ch. 204

Medical research regulations –See Ch. 7 § 7-300

Planning Board Fees –See Ch. 217

Subdivision of land –See Ch. 222

Wetland Protection –See Ch. 7 § 7-700

[History: Adopted as Amended through 5-18-1979 Annual Town Meeting. Subsequent amendments noted where applicable]

The following Chapter 173 –Zoning Booklet was prepared by the Office of Community Planning & Development. *Pursuant to Massachusetts General Laws, the OFFICIAL Zoning Ordinance (Chapter 173 –Zoning) is maintained in the Office of the Northbridge Town Clerk.* The Town makes no claims or guarantees about the accuracy or currency of the content of this Chapter 173 –Zoning Booklet and expressly disclaims liability for errors and/or omissions in its content.

ARTICLE I
General Provisions

§ 173-1. Title, authority and purpose. *[Amended 5-9-1995 ATM, Art. 38]*

This chapter, which shall be known and may be cited as the "Northbridge Zoning Bylaw," which herein is called "this chapter," is adopted by virtue of and pursuant to the authority granted the Town by MGL C. 40A as now existing or hereafter amended, herein called the "Zoning Act," and in addition to the purposes stated in Chapter 808 of the Acts of 1975, this chapter is adopted for the purpose of giving direction or effect to the development objectives, design standards and recommendations contained in the Northbridge Master Plan of 1994.

ARTICLE II
Definitions

§ 173-2. Terms defined.

A. Word usage. Words used in the present tense include the future: the singular number includes the plural, and the plural the singular; the words "building," "structure," "lot," "land" and "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Words not defined herein shall have the meaning given in Webster's Unabridged Dictionary, Third Edition. Uses listed in the Table of Use Regulations[1] under the classes "Retail and Service" trades and "Wholesale and Manufacturing" trades shall be further defined by the Standard Industrial Classification Manual published by the United States Bureau of the Census.

B. For the purpose of this chapter, certain terms and words shall have the meanings given herein:

ABANDONMENT -- The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises, or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without their replacement by similar equipment or furnishings, or the replacement of the nonconforming use or building by a conforming use or building.

AGRI-TOURISM FARM -- An agricultural-based operation or activity that brings visitors to a working farm of a minimum of 15 acres for recreation, entertainment, or educational purposes. Activities may include hay rides; petting zoo; destination mazes; tours;

workshop; seminars; picnicking; and children play areas. Activities shall not include camping; hunting; apparatus typically associated with amusement parks; or the operation of motorized go-carts or bikes (exclusive of hay and tractor rides). *[Added 5-4-2010 ATM, Art. 15]*

ALTERATION -- Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories, size, use or location of a building or other structure.

BED-AND-BREAKFAST INN -- An owner-occupied dwelling unit that contains no more than four guest rooms where lodging, with or without meals, is provided for compensation. *[Added 10-22-1996 ATM, Art. 22]*

BOARD -- The Board of Appeals of the Town of Northbridge, Massachusetts.

BUILDING -- A combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING, ACCESSORY -- A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building, except with regards to buildings accessory to scientific research, development or related production, which do not have to be located on the same parcel as the principal use.

COMMERCIAL RECREATION, EXERCISE AND ATHLETIC FACILITIES -- An indoor and/or outdoor facility providing for dance studio, athletic field operations, game courts, physical fitness, exercise equipment, locker rooms, jacuzzi and/or sauna and pro shop. Specifically excluding racetrack operations, nightclubs, pool halls, shooting range, game arcades, paintball, laser tag and similar recreational simulations. *[Added 6-15-2004 ATM, Art. 25]*

COMMUNITY FACILITIES -- Premises owned and operated by a governmental or other chartered nonprofit organization, but not including fraternal, sports or similar membership organizations.

DRIVE-IN ESTABLISHMENT -- A premises in which persons while in cars are served, view, purchase and/or consume, as appropriate, food, movies, goods, materials or equipment.

DRIVEWAY, LEGAL SERVICE -- An open space located on a private lot, which is not more than 24 feet in width, built for access to a private garage or off-street parking space.

DWELLING, MULTIFAMILY -- A building containing three or more dwelling units.

DWELLING UNIT -- One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

ESSENTIAL SERVICES -- The erection, construction, alteration or maintenance by public utilities or governmental agencies of underground or overhead gas, electrical, steam or water transmission or distributing systems or collection, communications, supply or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings necessary for the furnishing of adequate service by such public utilities or governmental agencies for the public health or safety or general welfare.

FAMILY -- One or more persons, including domestic employees, occupying a dwelling unit and living as a single nonprofit housekeeping unit.

FLOOR AREA, NET -- The sum of the areas of the several floors of a building, measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used by human occupancy or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this chapter, or any such floor space intended and designed for accessory heating and ventilating equipment.

FRONTAGE -- The length of the line dividing a lot from the right-of-way of the street on which it abuts. Lot frontage shall be measured continuously along the street right-of-way line between the side lot lines. *[Added 5-1-2001 ATM, Art. 18]*

HEIGHT -- The vertical distance from the adjacent ground to the top of the structure or highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof.

HISTORIC INN -- A structure or group of structures, listed individually or as part of a Historic District on the National Register of Historic Places, used or designed for overnight lodging, conference, functions and/or meetings and which may also provide a restaurant and accessory retail sales to lodgers and the public. *[Added 6-17-2003 ATM, Art. 20]*

HOME OCCUPATION -- Accessory use of a residential premises in accordance with the provisions of § 173-13 herein. *[Amended 1-23-1996 STM, Art. 11]*

HOTEL/MOTEL -- A building intended and designed primarily for transient or overnight occupancy, divided into separate units within the same building, with or without public dining facilities. *[Added 1-23-1996 STM, Art. 11]*

INFECTIOUS WASTE -- Infectious waste or physically dangerous medical or biological waste as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulation 310 CMR 16.00, 310 CMR 19.00 and the Department of Public Health, State Sanitary Code 105 CMR 480.000. *[Added 9-23-2003 ATM, Art. 1]*

INFECTIOUS WASTE TRANSFER STATION -- A handling facility where Infectious waste is brought, stored, and/or transferred from one vehicle or container for storage and/or transport off-site to another transfer station or processing facility or for ultimate treatment and/or disposal. *[Added 9-23-2003 ATM, Art. 1]*

INFECTIOUS WASTE PROCESSING FACILITY -- A facility where Infectious Waste is brought, stored, and/or processed in order to render it non-infectious solid waste or otherwise inert. *[Added 9-23-2003 ATM, Art. 1]*

LOADING SPACE -- An off-street space used for loading or unloading and which is not less than 14 feet in width, 45 feet in length and 14 feet in height and containing not less than 1,300 square feet, including both access and maneuvering area.

LODGING, BOARDING OR ROOMING HOUSE -- A building containing more than two rooms for semi-permanent residence (longer than one week) not having cooking facilities and not shared as a single housekeeping unit. Accommodations having individual cooking facilities shall be considered as separate dwelling units. The term "lodging, boarding or rooming house" shall not include bed-and-breakfast inns, nursing homes, dormitories, apartments, motels, hotels, congregate housing or the renting of rooms accessory to a dwelling. *[Added 10-22-1996 ATM, Art. 22[2]]*

LOT -- An area or parcel of land, not including water area, in the same ownership, or any part thereof designated by its owner or owners as a separate lot. For purposes of this chapter, a "lot" may or may not have boundaries identical with those recorded in the Worcester County Registry of Deeds.

LOT, CORNER -- A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection of the street lot lines, or in the case of a curved street, extended lot lines, being not more than 135°.

LOT DEPTH -- The mean horizontal distance between the front lot line and the rear lot line.

LOT LINE, FRONT -- The property line dividing a lot from a street. On a corner lot or through lot, only one street shall be considered as a front line. However, the street frontage on both abutting streets shall comply with the minimum frontage requirement. *[Amended 5-4-1999 ATM, Art. 22]*

LOT LINE, REAR -- The lot line opposite the front lot line, except that in the case of a corner lot, the owner shall have the option of choosing which of the two lot lines which are not street lines is to be considered the "rear lot line."

LOT LINE, SIDE -- Any lot line not a front or rear lot line.

LOT, NONCONFORMING -- A lot lawfully existing at the effective date of this chapter or any subsequent amendment thereto, which is not in conformity with all provisions of this chapter.

LOT, THROUGH -- An interior lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

LOT WIDTH -- The horizontal distance between the side lot lines as measured at the street line and the required front yard depth, which may or may not coincide with the actual front setback line.

MEMBERSHIP CLUB -- A building used to house a nonprofit social, sports or fraternal association or organization and which is used exclusively by members and their guests and usually contains bar facilities.

MOTION-PICTURE ESTABLISHMENT -- Structure or use primarily for the showing of motion-picture films, including drive-in movie establishments.

OWNER -- The duly authorized agent, attorney, purchaser, devisee, trustee or any person having a vested or equitable interest in the use, structure or lot in question.

PARKING SPACE -- An off-street space having an area of not less than 200 square feet, plus access and maneuvering space, whether inside or outside a structure, for exclusive use as a parking stall for one motor vehicle.

PUBLIC UTILITY -- A structure or use by a public-service corporation.

RECORDED -- Recorded in the Worcester District Registry of Deeds or registered in the Land Court.

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

SIGN, BUSINESS -- A sign used to direct attention to a service, product sold or other activity performed on the same premises upon which the sign is located.

SIGN, IDENTIFICATION -- A sign used simply to identify the name, address and title of an individual family or firm occupying the premises upon which the sign is located.

SIGN, MONUMENT-STYLE -- A monument-style sign is a ground sign with low overall height. This type of sign does not have a visible pole and generally has a decorative base and if lighted shall be externally lit. Said signage including its base shall not exceed six feet in height and 20 square feet in area in the Business One (B-1) and Heritage (H) Zoning Districts. *[Added 10-23-2007 ATM, Art. 10*]

SIGN, SURFACE AREA OF:

(1) For a sign either freestanding or attached, the area shall be considered to include all lettering, wording and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, but not including any supporting framework and bracing which are incidental to the display itself.

(2) For a sign painted upon or applied to a building, the area shall be considered to include all lettering, wording and accompanying designs or symbols, together with any backing of a different color from the finish material of the building face.

(3) Where the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or windows, the area shall be considered to be that of the smallest quadrangle which encompasses all of the letters and symbols.

SPECIAL PERMIT -- A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and the approval of the Board and in accordance with provisions of § 173-47.

SPECIAL PERMIT GRANTING AUTHORITY -- The Board of Appeals or, where designated, the Planning Board or the Board of Selectmen, which shall hear and decide applications for special permits. *[Amended 1-23-1996 STM, Art. 11]*

STREET -- Either a public way or a way which the Town Clerk certifies is maintained and used as a public way, or a way shown on a plan theretofore approved in accordance with the Subdivision Control Law[1] or a way in existence when the Subdivision Control Law became effective in the Town. A street shall have, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction so as to provide for year-round access by fire, police and emergency vehicles, as well as for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. *[Amended 1-23-1996 STM, Art. 11]*

STRUCTURE -- A combination of materials assembled at a fixed location to give support or shelter, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, bin, fence, sign, flagpole or the like.

STRUCTURE, NONCONFORMING -- A structure at the time the structure was constructed but which is not in conformity with all the provisions of this chapter.

SUBSTANTIALLY DIFFERENT USE -- Any use which is not permitted either by right or by special permit from the Board of Appeals within the district in which the lot is located.

SUBSTANTIALLY GREATER EXTENT -- An accessory use which exceeds 40% of the floor area of the existing structure or any principal use which encroaches into any yard or setback area.

TATTOO PARLOR/BODY PIERCING STUDIO -- An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following:

(1) Placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in permanent coloration or alteration of the skin by means of use of needles or other instruments designed to contact or puncture the skin.

(2) Creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. *[Added 10-22-2002 ATM, Art. 9]*

USABLE OPEN SPACE -- Space in a yard or within a setback area on a lot that is unoccupied by buildings, unobstructed to the sky, not devoted to service driveways or off-street loading or parking spaces and available to all occupants of the building on the lot, expressed as a percentage of gross floor area.

USE -- The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

USE, ACCESSORY -- A nonresidential use subordinate to the principal use of a structure or lot, not the principal use, which is located on the same lot as the principal structure and where not more than two regularly employed persons, other than residents living on the premises, are employed and which does not constitute, in effect, a conversion of the premises to one not permitted. An "accessory use" to scientific research, development or related production does not have to be located on the same parcel as the principal use.

USE, NONCONFORMING -- A use lawfully existing at the time the use was commenced but which is not in conformity with the provisions of this chapter.

USE, PRINCIPAL -- The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter. Any other use within the main structure or the use of any other structure or land on the same lot and incidental or supplementary thereto and permitted under this chapter shall be considered an accessory use.

VARIANCE -- Such departure from the terms of this chapter as the Board, upon petition or appeal in specific cases, is empowered to authorize under the terms of § 173-48 herein.

YARD -- A portion of a lot, other than a court on the same lot as the principal building, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

YARD, FRONT -- A space extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

YARD, REAR -- A space, unoccupied except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE -- An unoccupied space extending for the full length of a building between the nearest building wall and the side lot line.

ARTICLE III
Zoning Districts Established

§ 173-3. Districts enumerated.

The Town of Northbridge, Massachusetts, is hereby divided into zoning districts to be designated as follows:

Residential One	R-1	
Residential Two	R-2	
Residential Three	R-3	
Residential Four	R-4	
Residential Five	R-5	
Residential Six	R-6	
Business One	B-1	
Business Two	B-2	
Business Three	B-3	*[Added 9-11-1990 STM, Art. 20]*
Industrial One	I-1	
Industrial Two	I-2	
Heritage	H	*[Added 5-13-1980 ATM, Art. 39]*
Floodway	FW	*[Added 5-10-1983 ATM, Art. 10]*
Floodplain	FP	*[Added 5-10-1983 ATM, Art. 10]*
Forest Products Overlay	FPOD	*[Added 6-26-1990 STM, Art. 1]*
Open Space Development Overlay	OSDOD	*[Added 11-14-2000 ATM, Art. 22]*

§ 173-4. Establishment of Zoning Map. *[Amended 5-10-1983 ATM, Art. II; 5-5-2009 ATM, Art. 21; amended 5-3-2011 ATM, Art 24, amended 10-25-2011 ATM, Art. 11, amended 2-21-2012 STM, Art. 1, 6 & 7]*

The location and boundaries of the zoning districts are hereby established as shown on a map entitled "Zoning Map of the Town of Northbridge, Massachusetts," dated July 2012, which accompanies and is hereby declared to be part of this chapter.

§ 173-5. District boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules apply:

A. Where a boundary is indicated as a street, railroad, watercourse or other body of water, it shall be construed to be the center line or middle thereof, or where such boundary approximates a Town boundary, then to the limits of the Town boundary.

B. Where a boundary is indicated as following approximately or parallel to a street, railroad, watercourse or other body of water, it shall be construed to be parallel thereto and at such distance there from as shown on the Zoning Map. If no dimension is given, such distance shall be determined by the use of the scale shown on the Zoning Map.

C. Where a dimensioned boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as a definite elevation, it shall be construed as the datum mean sea level of the United States Geological Survey.

§ 173-6. Purpose of Heritage District. *[Added 5-13-80 ATM, Art. 39; amended 2-21-2012 STM, Art. 2]*

The purpose of this district is to preserve and reinforce the visual and historical character of the Memorial Square Area of the Town of Northbridge by regulating the type and intensity of uses which may be proposed within it. Specifically, it is the intention of the provisions for this district to provide for uses which have characteristics similar to those of the uses existing at the time of enactment of this section. The Planning Board shall be the Special Permit Granting Authority within the Heritage District. By Special Permit, an existing use may also be changed or altered to two or more uses permitted in the district under the Table of Use Regulations (Section 173-12), subject to the requirement that such new use(s) shall further preserve the historic character of the main structures, outbuildings and landscape within the subject property. The Special Permit may also authorize and define allowed accessory uses to the new use(s). Alterations which result to the overall square-footage of any structure contained within the subject property shall be limited to 25% of the existing footprint of

that structure. A Special Permit application proposing new structures, additions, or exterior alterations shall be referred to the Northbridge Historical Commission for its consideration, review and report, such report to be submitted to the Planning Board within 35 days of the Commission's receipt of a copy of the application.

ARTICLE IV
Interpretation and Application

§ 173-7. Interpretation of provisions.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the Town of Northbridge, Massachusetts; and except for the Zoning Bylaw adopted by the Town Meeting of 1938 and all subsequent amendments thereto, the provisions of this chapter are not intended to repeal, amend, abrogate, annul or in any way impair or interfere with any lawfully adopted law, statute, ordinance, bylaw, covenants, regulations or rules. Whenever the regulations made under the authority hereof differ from those prescribed by any law, statute, ordinance, bylaw or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

§ 173-8. Application of provisions.

Except as herein provided or as specifically exempted by the Zoning Act, the provisions of this chapter shall apply to the following: the erection, construction, reconstruction, alteration and use of buildings and structures and use of land. Any existing conforming use, structure or lot shall not by any action become nonconforming, and any existing nonconforming use, structure or lot shall not become nonconforming or further nonconforming as provided herein.

ARTICLE V
Use Regulations

§ 173-9. Applicability of use regulations.

Except as provided by the Zoning Act or in this chapter, in each district no building, structure or land shall be used or occupied except for the purposes permitted in the district as prescribed in this article. Any use not listed shall be construed to be prohibited.

§ 173-10. Designations used in Table of Use Regulations.

In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter “P”. Those uses that may be permitted by special permit in the district, in accordance with § 173-47, shall be designated by the letter “S”. Uses designated "-" shall not be permitted in the district.

§ 173-11. Uses subject to other regulations.

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this chapter.

§ 173-12. Table of Use Regulations.[2] *[Amended 5-13-1980 ATM, Art. 39, amended 2-21-2012 STM, Art. 3]*

In the Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter “P”. Those uses that may be permitted by special permit in the district, in accordance with § 173-47, shall be designated by the letter S. Uses designated "-" shall not be permitted in the district. [EN]

[Editor’s Note: The Table of Use Regulations is included at the end of this chapter]

§ 173-13. Permitted home occupations.

The following uses are hereby specifically declared to be customary home occupations within the meaning of this chapter:

A. The use of a room or any area in a dwelling or in a subordinate building thereto as an office, studio or workshop, provided that:

(1) No stock-in-trade is regularly maintained for display or sale.

(2) No offensive noise, vibration, smoke, dust, odor, heat or glare is produced.

(3) There is no exterior display and no exterior sign (except as hereinafter permitted in this chapter).

(4) There is no exterior storage of material or equipment, including the exterior parking of commercial vehicles, and no other exterior indication of such use or variation from the residential character of the premises.

B. Private greenhouses, tool shed, playhouse or other similar structure for domestic storage or use.

C. The keeping of animals, principally for personal enjoyment or household use.

D. Private garage for not more than three vehicles, one of which may be a commercial vehicle if not exceeding 2 1/2 tons in load capacity.

§ 173-14. Unregistered and disabled vehicles.

No person shall suffer or permit two or more unregistered motor vehicles or parts thereof to remain on his premises, and no person shall suffer or permit any unregistered or disabled motor vehicle or parts thereof to remain within 75 feet of any public way, unless a written permit is issued therefor by the Board of Selectmen. Said permit shall not be required for vehicles or parts thereof stored or garaged inside of buildings.

§ 173-15. Trailers.

A. Trailer camps or parks shall not be permitted in any zoning district.

B. Utility trailers and trailers used primarily for recreational purposes may be parked in any zoning district.

C. A trailer may be lived in for a period of no more than four months in any residential district, provided that a special permit has been issued by the Board of Selectmen. In such cases, such trailer shall be subject to the same requirements as for a one-family detached dwelling for the zoning district in which it is located.

D. The Building Inspector may grant a temporary permit for the use of a trailer or trailers for business use in connection with a construction project.

E. The owner and occupier of a residence which has been destroyed by fire or other natural holocaust may place a mobile home on the site of such residence, and said owner or occupier may reside in such mobile home for a period of time not to exceed 12 months while the residence is being rebuilt. Any such mobile home shall be subject to the provisions of the State Sanitary Code.

§ 173-16. Permitted uses in Industrial One (I-1) District and Limited Industrial District (I-2). *[Amended 1-25-1992 STM, Art. 1; 6-11-2002 ATM, Art. 23; 10-23-2007 ATM, Art. 13]*

Uses permitted in Industrial One (I-1) District and Limited Industrial District I-2 include:

A. Office for administrative, executive, professional, sales and other similar use.

B. Laboratory for scientific, agricultural or industrial research.

C. Light industrial use, including manufacturing, storage, processing, fabrication, packaging and assembly, provided that such activities will not be offensive, injurious or noxious because of sewage and refuse, vibration, smoke or gas, fumes, dust or dirt, odors, danger of combustion or unsightliness.

D. Printing or publishing establishments.

E. Horse racing facility and all accessory uses incidental to a horse track, on a site containing at least 50 acres, provided that no accessory uses will be permitted on the site until a track is constructed for live horse racing; and further provided, however, that notwithstanding the provisions of the first sentence of § 173-49.1D (3) (c), the period for site plan review shall be 90 days.

F. With a special permit, year-round greenhouse or stand for wholesale or retail sale of agricultural or farm products.

G. With a special permit, stores usually selling a combination of two or more of the following: dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food.

H. With a special permit, establishment primarily selling food and drink for home preparation and consumption or on its premises.

I. With a special permit, personal service establishments.

J. With a special permit, motion picture establishment.

K. With a special permit, miscellaneous business offices and services.

L. With a special permit, hotels and motels.

M. With a special permit from the Planning Board, planned business development.

§ 173-16.1. Forest Products Overlay District (FPOD). *[Added 6-26-1990 STM, Art. 1, amended 10-23-2012 ATM, Art 15]*

A. In area(s) of the Town designated as Forest Products Overlay District(s), the existing underlying zoning designation shall remain applicable and any use permitted in the underlying zone shall continue to be permitted on the terms and conditions provided for such uses in such underlying district.

(1) The boundaries of the Forest Products Overlay District (FPOD) are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission dated October 2012.

B. In a Forest Products Overlay District, the following uses shall be permitted:

(1) Planting, growing and harvesting timber.

(2) Cutting, packaging and warehousing cord wood and wood products.

(3) Storage and maintenance of equipment directly related to any of the foregoing activities.

C. Within the Forest Products Overlay District, cutting and packaging of cord wood and wood products shall not be conducted within 300 feet of any public or private street or within 300 feet of any dwelling without the express written permission of the owner and only while such permission remains in force. Cutting or packaging or warehousing shall only be conducted as long as a visual barrier screens such activity from streets and dwellings, and so long as noise generated by the activity does not create a public nuisance.

D. In the Forest Products Overlay District, the frontage, area and setback requirements of the underlying district shall apply.

§ 173-17. Planned townhouse development.

A. General. In a Residential Six (R-6) District, the Board of Appeals may grant a special permit in accordance with Subsection G, Site plan review, hereafter, for the construction of a planned townhouse development subject to the provisions of this and other sections intended to encourage:

(1) Optimum utilization of natural land features and characteristics through a greater design flexibility;

(2) The preservation of open space for conservation, outdoor recreation or park purposes; and

(3) Efficient provision of municipal services.

B. Definitions. For the purposes of this section, the following terms shall have the meanings indicated:

PLANNED TOWNHOUSE DEVELOPMENT -- A subdivision to be developed as an entity by a landowner with residential buildings comprising three or more dwelling units and having an exterior entrance serving no more than two dwelling units unless otherwise permitted by the Board of Appeals by special permit. Each unit shall have a screened yard or balcony.

C. Basic requirements. A proposed planned townhouse development shall meet the following basic requirements:

(1) The minimum tract size shall be 10 acres.

(2) All dwelling units shall be served by municipal water and sewerage.

D. Number of dwelling units permitted. The number of dwelling units permitted in a planned townhouse development for which a special permit is issued shall not exceed an average of eight dwelling units per net buildable acre.

E. Design requirements.

(1) A minimum distance of 35 feet shall be maintained between any two structures unless it can be shown that a reduction in that distance will better serve the design.

(2) A minimum of 30% of the total tract area or 2,000 square feet per dwelling unit, whichever is greater, shall be set aside and not built upon or paved, but shall be landscaped and/or left in its natural state with an acceptable balance of trees, shrubs and grass.

(3) A landscaped side or rear yard buffer area of at least 50 feet in width shall be provided adjacent to each property line of the tract. All buffer areas shall be planted or preserved in its natural state with a mixture of coniferous and deciduous trees and shrubs and shall be maintained so as to protect adjacent properties with a natural visual barrier.

(4) Each tract shall include organized recreational areas, such as for tennis, play and swimming, easily accessible to building complexes, of a size equal to 300 square feet per dwelling unit. Such areas shall not be included in the buffer area.

(5) All utilities shall be placed underground.

(6) Open spaces provided in Subsection E(2) above shall be used for conservation, outdoor recreation or park purposes and shall be of a size and shape appropriate for its intended use as determined by the Board of Appeals. Such open space land shall be conveyed to and accepted by the Town of Northbridge or to all homeowners within such tract jointly or to a trust, the beneficiaries of which shall be the homeowners within such tract. Such trust shall have as one of its purposes the maintenance of such land for conservation, recreation or park purposes. The future ownership of such un-subdivided land, which may differ from parcel to parcel, shall be specified by the Board of Appeals as a condition of the special permit.

F. Parking requirements. Two paved, off-street parking spaces shall be provided for each dwelling unit. Each parking area shall be conveniently located to those dwelling units for which they are intended but shall not be located within the designated buffer area.

G. Site plan review.

(1) General. The application for a special permit for a planned townhouse development shall be accompanied by a site plan, a copy of which shall also be submitted to the Planning Board. Such plan for a planned townhouse development shall show the following;

(a) Soil culture of the land, such as wooded, pasture, rock outcrops or swampy.

(b) Proposed landscaping and use of land which is to be reserved for conservation, recreation or park use, including any proposed structure thereon.

(2) Report by Planning Board. The Planning Board shall submit, in writing, to the Board of Appeals its report and recommendations as to said application for special permit, to include at least the following:

(a) A general description of the tract in question and surrounding areas.

(b) An evaluation of the appropriateness of the proposed development and the extent to which the objectives of planned townhouse development are accomplished.

(c) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

(3) Action by Board of Appeals.

(a) The Board of Appeals shall not take any action on a petition for a special permit for a planned townhouse development until a public hearing is held in accordance with MGL C. 40A, §§ 9 and 11, and until the Planning Board shall have submitted its written recommendations to the Board of Appeals or 35 days shall have elapsed from the date of submission of the site plan and application for a special permit to the Planning Board. In determining whether to grant a special permit for a proposed townhouse development which meets the minimum standards stated herein, the Board of Appeals shall consider:

[1] The report and recommendation of the Planning Board.

[2] The general objectives of planned townhouse development.

[3] The existing and probable future development of surrounding areas.

[4] The appropriateness of the proposed development in relation to the topography, soils and other characteristics of the tract in question.

(b) Where its decision differs from the recommendations of the Planning Board, the Board of Appeals shall state in its decision the reasons therefor.

(4) Relationship to other Town regulations. Nothing contained herein shall in any way exempt a proposed subdivision from compliance with the rules and regulations of the Planning Board, nor shall it in any way affect the right of the Board of Health and of the Planning Board to approve, with or without conditions and modifications, or disapprove a subdivision plan in accordance with the provisions of such rules and regulations and of the Subdivision Control Law. [EN]

(5) Conditions of approval. The Planning Board shall not recommend and the Board of Appeals shall not grant a special permit for a planned townhouse development if it appears that because of soil, drainage, traffic or other conditions the granting of such permit would be detrimental to the neighborhood or to the Town or inconsistent with the purposes of planned townhouse. In granting a special permit, the Board of Appeals shall impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or upon its own initiative.

§ 173-18. Floodway and Floodplain Districts. *[Added 5-10-1983 ATM, Art. 10, amended 5-3-2011 ATM, Art. 23, amended 10-23-2012 ATM, Art. 15]*

A. Purpose. The purposes of the Floodway and Floodplain Districts are to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the floodplain and to preserve and maintain the groundwater table and water recharge areas within the floodplain.

B. District delineation. *[Amended 11-13-2001 ATM, Art. 12, Amended 5-3-2011 ATM, Art. 23]*

(1) The Floodplain Overlay District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Northbridge designated as Zone A and AE, on the Worcester 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 Worcester County FIRM that are wholly or partially within the Town of Northbridge are panel numbers 25027C0837E, 25027C0840E, 25027C0841E, 25027C0842E, 25027C0843E, 25027C0844E, 25027C0863E, 25027C1002E, 25027C1006E, 25027C1007E, 25027C1026E and 25027C1030E dated July 4, 2011. 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 Worcester County Flood Insurance Study (FIS) report dated July 4, 2011. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

(2) The floodway boundaries are further defined by the Flooding Data Tables contained in the Flood Insurance Study. The FIRM, FBFM and Study are incorporated herein by reference and are on file in the office of the Town Clerk. In the event of discrepancy between the Zoning Map and the FIRM, FBFM or Study, the FIRM, FBFM or Study shall control. Within the Floodplain District, where the flood elevation is not provided on the FIRM and existing flood elevation is not provided on the FIRM, any proposed user or applicant shall obtain any existing flood elevation data and it shall be reviewed by the Building Inspector, who may rely on it to comply with this chapter or the Building Code if it is sufficiently detailed and accurate.

(3) The boundary of the Floodway and Floodplain Districts are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.

C. Floodway use regulations. Only the following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed, provided that they do not require structures, fill or storage of materials or equipment:

(1) Agricultural uses such as farming, grazing, truck farming, horticulture and forestry and nursery uses.

(2) Outdoor recreational uses, including fishing, boating and play areas, etc.

(3) Conservation of water, plants and wildlife; wildlife management; and foot-, bicycle and horse paths.

(4) Temporary nonresidential structures used in connection with fishing or with growing, harvesting or storage of crops raised on the premises.

(5) Buildings lawfully existing prior to May 10, 1983.

(6) In Zones AE, along watercourses that have a regulatory floodway designated on the Northbridge FIRM encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. *[Amended 10-28-1997 ATM, Art. 21; 11-13-2001 ATM, Art. 12, Amended 5-3-2011 ATM, Art. 23]*

D. Floodplain District use regulations.

(1) The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and nonstructural activities, whether permitted by right or by special permit, must be in compliance with MGL C. 131, § 40, and with the requirements of the following: *[Amended 10-28-1997 ATM, Art. 21]*

(a) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas.

(b) Wetlands Protection Regulations, Department of Environmental Protection (DEP).

(c) Inland Wetlands Restriction, DEP.

(d) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP.

Any variation 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.

(2) No structure or building shall be erected, constructed, substantially improved or otherwise created or moved and no earth or other materials shall be dumped, filled, excavated or transferred unless a special permit is granted by the Zoning Board of Appeals. Said Board may issue a special permit hereunder (subject to other applicable provisions of this chapter) if the application is in compliance with the following provisions:

(a) The proposed use shall comply in all respects with the provisions of the underlying district.

(b) Within 10 days of receipt of the application, the Board shall transmit one copy of the development plan to the Conservation Commission, Planning Board, Board of Health, Town Engineer, Building Commissioner and the Board of Selectmen. Final action shall not be taken until reports have been received from the above Boards or until 35 days have elapsed.

(c) All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer is provided by the applicant

demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

(d) The Board may specify such additional requirements and conditions as it finds necessary to protect the health, safety and welfare of the public and the occupants of the proposed use or take any other action relating thereto.

(3) New construction and improvements. *[Added 9-22-1987 STM, Art. 11]*

(a) Please refer to the Massachusetts Building Code. *[Amended 10-28-1997 ATM, Art. 21]*

(b) Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

E. Base flood elevation and floodway data. *[Added 10-28-1997 ATM, Art. 21, Amended 5-3-2011 ATM, Art. 23]*

(a) Floodway data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the base available federal, state, local or other floodway data shall be used to prohibit the encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(b) Base flood elevation data. Base flood elevation data must be provided by applicants, based upon a study for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

F. Definitions. As used in this section, the following terms shall have the meanings indicated: *[Added 9-22-1977 STM, Art. 11; Amended 10-28-1997 ATM, Art. 21]*

LOWEST FLOOR -- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

START OF CONSTRUCTION -- For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. "Permanent construction" does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure.

G. Notification of watercourse alteration. The Town will notify, in a riverine situation, the following of any alteration or relocation of a watercourse: *[Added 10-28-1997 ATM, Art. 21, Amended 5-3-2011 ATM, Art.23]*

(a) Adjacent communities.

(b) Bordering states (optional).

(c) NFIP State Coordinator Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700 Boston, MA 02114-2104

(d) Massachusetts Office of Water Resources, 100 Cambridge Street, Boston, MA 02202.

(e) NFIP Program Specialist. Federal Emergency Management Agency, Region I 99 High Street, 6th Floor, Boston, MA 02110

(f) FEMA Region I, RM 462, J.W. Mcormack Post Office and Courthouse, Boston, MA 02109.

§ 173-18.1. Retreat lots. *[Added 5-2-1989 STM, Art. 23]*

For the purpose of creating reasonable use of backland for residential uses, there may be established so-called retreat lots, pork chop lots or hammer head lots, the building upon which may be authorized by the issuance of a special permit by the Zoning Board of Appeals as special permit granting authority, subject to the following requirements:

A. Said lot shall be entirely within a residential zoning district (R-1, R-2, R-3, R-4, R-5).

B. Said lot has a minimum street frontage of not less than 40 feet and a width of not less than 40 feet at all points between the street and the nearest part of the principal building.

C. The area of said lot is to be at least twice the minimum lot size allowed in R-1 and R-2, three times the minimum in R-3, four times the minimum in R-4 and five times the minimum in R-5.

D. The minimum lot width at the building line equals or exceeds the required street frontage distance.

E. Said lot shall otherwise be in compliance with all requirements of the Zoning Chapter applicable to the zoning district in which said lot is located.

F. Said lot shall not have contiguous frontage with any other lot which has been granted a special permit pursuant to this section.

G. At the time the application for a special permit is submitted, all other lots contiguous to said lot shall conform to the requirements of the zoning district in which it is located.

H. Said lot shall not be further subdivided.

I. The access of said lot shall be within the boundary lines of the lot and shall not be subject to any right-of-way nor any public or private easement.

J. No permit shall be issued, pursuant to this chapter, unless said lot is situated on a public way accepted by the Town of Northbridge.

K. Said lot shall be in harmony with the general purpose and intent of the Zoning Chapter.

§ 173-18.2. Erosion control. *[Added 1-23-1996 STM, Art. 17]*

Site design, materials and construction processes shall be designed to avoid erosion damage, sedimentation or uncontrolled surface water runoff by conformance with the following:

A. Grading or construction which will result in final slopes of 15% or greater on 50% or more of lot area or on 30,000 square feet or more on a single lot, even if less than half the lot area, shall be allowed only under special permit from the Planning Board, which shall be granted only upon demonstration that adequate provisions have been made to protect against erosion, soil instability, uncontrolled surface water runoff or other environmental degradation. Applications and plans for such special permits shall be referred to the Conservation Commission for its advisory review.

B. All slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of four inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber.

C. No area or areas totaling two acres or more on any parcel or contiguous parcels in the same ownership shall have existing vegetation clear-stripped or be filled six inches or more so as to destroy existing vegetation unless in conjunction with agricultural activity, or unless necessarily incidental to construction on the premises under a currently valid building permit, or unless within streets which are either public or designated on an approved subdivision plan, or unless a special permit is approved by the Planning Board on condition that runoff will be controlled, erosion avoided and either a constructed surface or cover vegetation will be provided not later than the first full spring season immediately following completion of the stripping operation. No stripped area or areas which are allowed by special permit shall remain through the winter without a temporary cover of winter rye or similar plant material being provided for soil control, except in the case of agricultural activity where such temporary cover would be infeasible.

D. The Building Inspector shall require the submission of information from the building permit applicant, in addition to that otherwise specified herein, necessary to ensure compliance with these requirements, including, if necessary, elevations of the subject property, description of vegetative cover and the nature of impoundment basins proposed, if any.

E. In granting a special permit under Subsections A or C, the Planning Board shall require a performance bond to ensure compliance with the requirements of this section.

F. Hillside areas, except naturally occurring ledge or bedrock outcropping or ledge cuts, shall be retained with vegetation cover as follows:

Average Slope	Minimum Land to Remain in Vegetation
10.0% - 14.9%	25%
15.0% - 19.9%	40%
20.0% - 24.9%	55%
25.0% - 29.9%	70%
30.0% and above	85%

§ 173-18.3. Adult entertainment. *[Added 10-28-1997 ATM, Art. 19]*

A. Authority and purpose.

(1) This section is enacted pursuant to MGL C. 40A and pursuant to the town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting location of and preventing the clustering and concentration of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

(2) It is the purpose of this Adult Entertainment Bylaw to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented business that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate, adverse impacts on the property values of residential and commercial property and adverse impacts on the quality of life. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Northbridge and its inhabitants.

(3) The provisions of this bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matters of materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States or the Commonwealth of Massachusetts, nor to restrict or deny rights to distribute or exhibit such matter or materials. Neither is it the purpose or intent of this bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

B. Definitions.

ADULT BOOKSTORE -- An establishment having as a substantial or significant portion of its stock-in-trade books, magazines and other matter which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL C. 272, § 31.

ADULT MOTION PICTURE THEATERS -- An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined by MGL C. 272, § 31.

ADULT PARAPHERNALIA STORE -- An establishment having as a substantial or significant portion of its stock devices, objects, tools or toys which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in MGL C. 272, § 31.

ADULT VIDEO STORE -- An establishment having a substantial or significant portion of its stock-in-trade videos, movies or other film, material which is distinguished or characterized by its emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in said MGL C. 272, § 31.

ESTABLISHMENTS WHICH DISPLAY LIVE NUDITY -- Any establishment which provides live entertainment for its patrons, which include the display of nudity as defined in MGL C. 272, § 31.

C. Rules and application requirements. Adult entertainment uses shall be prohibited in all zoning districts except the Industrial-Two Zone (I-2) and may be permitted only upon the grant of a special permit by the Zoning Board of Appeals. Such a special permit shall not be granted unless each of the following standards has been met:

(1) The application for a special permit for an adult use shall provide the name and address of the legal owner of the establishment, the legal owner of the property and the manager of the proposed establishment.

(2) No adult entertainment use special permit shall be issued to any person convicted of violating the provisions of MGL C. 119, § 63, or MGL C. 272, § 28.

(3) Dimensional requirements.

(a) Any such proposed use shall be located:

[1] A minimum of 200 feet from the nearest residential district designated by the Northbridge Zoning Bylaws;

[2] A minimum of 2,000 feet from any public school, public library, day-care facility or religious facility;

[3] A minimum of 1,000 feet from any public playground, park or recreational area, youth center;

[4] A minimum of 4,000 feet from any other adult use;

[5] A minimum of 2,000 feet from the nearest establishment licensed under MGL C. 138, § 12.

(b) The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any of the other designated uses set forth above.

(4) All building openings, entries and windows shall be screened in such a manner to prevent visual access to the interior of the establishment by the public.

(5) No adult entertainment use shall be allowed to display for advertisement or other purpose any signs, placards or other materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words defined in MGL C. 272, § 31.

(6) No adult entertainment use shall be allowed to disseminate or offer to disseminate adult entertainment matter or paraphernalia, as described in Subsection B., Definitions, to minors or suffer minors to view displays or linger on the premises.

(7) Compliance with the off-street parking requirements set forth in the Northbridge Zoning Bylaws.

(8) No adult entertainment use shall have any flashing lights visible from the establishment.

(9) No adult entertainment use shall have a freestanding accessory sign.

(10) No adult entertainment use shall be established prior to submission and approval of a site plan by the Zoning Board of Appeals. The site plan shall depict all existing and proposed buildings, parking spaces, driveways, service areas and other open uses. The site plan shall show the distances between the proposed adult entertainment use and the boundary of the nearest residential zoning district and the property line of each of the uses set forth in Subsection (C)3 above.

D. Conditions. The special permit granting authority may impose reasonable conditions, safeguards and limitations on a special permit granted.

E. Expiration. A special permit to conduct an adult entertainment use shall expire after a period of two calendar years from its date of issuance and shall be automatically renewable for successive two-year periods thereafter, provided that a written request for such renewal is made to the special permit granting authority prior to said expiration and that no objection to said renewal is made and sustained by the special permit granting authority based upon the public safety factors applied at the time that the original special permit was granted.

F. Severability. The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

ARTICLE VI
Area, Height and Bulk Regulations

§ 173-19. Applicability of regulations.

The regulations for each district pertaining to minimum lot area, minimum lot width, maximum height of buildings, maximum number of stories, maximum building area, minimum usable open space, minimum front yard depth, minimum side yard width, minimum rear yard depth and minimum residential net floor area shall be as specified in this article and as set forth in the Tables of Area Regulations and Height and Bulk Regulations [EN] and subject to the further provisions of this article.

[Editor's Note: The Table of Area Regulations is included at the end of this chapter]

§ 173-20. Table of Height and Bulk Regulations.

Height and bulk regulations shall be as follows:

Table of Height and Bulk Regulations

District	Maximum Permitted Height (feet)[1]	Maximum Permitted Height (stories)	Maximum Building Coverage of Lot (covered area as percent of total lot area)
R-1	40	3	10
R-2	35	2 1/2	20
R-3	35	2 1/2	25
R-4	40	2 1/2	40
R-5	45	3	50
R-6	40	2 1/2	see §173-17
B-1	30	2	75
B-2	20	1	75
B-3[2]	45	3	60
I-1	30	2	75
I-2	45	3	50

NOTES:

1 Any maximum height permitted in this chapter shall not apply to:

a. Community facility and public utility structures, provided that the side and rear yards or setbacks required in the district for the highest permitted principal structure shall be increased two feet in width for each foot by which the height of such structure exceeds the height permitted in the district.

b. Necessary appurtenant structures such as: church spire, belfry, cupola, smokestack, monument, flagpole, radio or television tower, mast, antenna, aerial, airplane hangar, roof tank, building service equipment, roof structure other than a penthouse, chimney or parapet wall or any similar appurtenance, provided that any such structure shall set back from the vertical plane of the required building setback line one foot horizontally for each two feet of extra height.

c. Special industrial structures such as: a cooling tower and other similar structure where the industrial process requires a greater height, provided that any such structure shall not occupy more than 15% of the lot area and shall be not less than 50 feet from any lot line.

2 *[Added 9-11-1990 STM, Art. 20]*

ARTICLE VII
Signs

§ 173-21. Compliance with regulations.

All signs shall comply with the regulations for the erection and construction of signs contained in the Northbridge Building Code. In addition, no sign shall be permitted except as follows.

§ 173-22. Signs permitted in any residential district.

Signs permitted in any Residential District shall include:

A. One sign for each dwelling unit, provided that such sign shall not exceed two square feet in surface area. If lighted, it shall be illuminated with white light by indirect method only; and it shall not be used other than for identifying the occupancy.

B. One sign for each community facility or public utility use, provided that the sign shall not exceed 12 square feet in surface area. If lighted, it shall be illuminated with white light by indirect method only; and it shall set back at least 1/2 of the required depth of the front yard.

C. One unlighted sign offering premises for sale or lease for each parcel in one ownership, provided that it shall not exceed four square feet in surface area; and it shall set back at least 1/2 of the required depth of the front yard.

D. One unlighted temporary sign of a painter or other artisan, erected during the period such person is performing work on the premises on which such sign is erected, provided that it shall not exceed four square feet in surface area; and it shall set back at least 1/2 of the required depth of the front yard.

§ 173-23. Signs permitted in any business district.

Signs permitted in the business districts shall include any sign permitted in the R Districts, subject to the same provisions of use, and any two of the following types of signs:

A. One pole sign for each street frontage of an automotive service establishment within a Business Two (B-2) and/or a Business Three (B-3) District shall be permitted, provided that it shall not exceed 60 square feet in surface area, no portion of it shall set back less than five feet from any street lot line, it shall not be erected so that any portion of it is over 30 feet above the ground or sidewalk and, if lighted, it shall be illuminated internally with white or blue lights only. *[Amended 10-23-2007 ATM, Art. 10]*

B. One wall sign for each lot street frontage of each building unit, provided that it shall be attached to the main wall of a building, it shall not project horizontally more than 12 inches there from, it shall be erected no more than 30 feet above the ground or sidewalk, it shall not exceed 60 square feet in surface area and, if lighted, it shall be illuminated internally or by reflector method with white or blue lights only. *[Amended 10-26-1993 ATM, Art. 11]*

C. One projecting sign for each lot, street frontage of each building unit, provided that it shall be attached to the main wall of a building, it shall project horizontally not more than six feet there from, it shall be erected at a height of not less than 10 feet nor more than 30 feet above the ground or sidewalk, it shall not exceed 40 square feet in surface area and, if lighted, it shall be illuminated internally with white or blue lights only.

D. Freestanding signs within the Business One (B-1) and Heritage (H) Zoning District shall be limited to monument-style. Freestanding pylon type or pole signs shall not be permitted within the Business One (B-1) and Heritage (H) Zoning Districts. *[Added 10-23-2007 ATM, Art. 10*]

§ 173-24. Signs permitted in any industrial district.

A. One wall sign for each building unit, provided that it shall be attached to the main wall of a building, it shall not project horizontally more than 12 inches there from, it shall be erected at a height of not less than 10 feet nor more than 40 feet above the ground or sidewalk, it shall not exceed 100 square feet in surface area and, if lighted, it shall be illuminated by reflector method with white or blue lights only.

B. One projecting sign for each building unit, provided that it shall be attached to the main wall of a building, it shall project horizontally not more than six feet there from, it shall be erected at a height of not less than 10 feet nor more than 40 feet above the ground or sidewalk, it shall not be more than 100 square feet in surface area and, if lighted, it shall be illuminated by reflector method with white or blue lights only.

C. One ground sign for each building unit, provided that it shall not exceed 150 square feet in surface area, it shall set back at least 1/2 the depth of the required front yard and, if lighted, it shall be illuminated by reflector method with white or blue lights only.

D. Any identification sign, provided that it shall not be more than 40 square feet in surface area, it shall set back at least 1/2 the depth of the required front yard and, if lighted, it shall be illuminated internally or by reflector method with white or blue lights only.

§ 173-25. Miscellaneous regulations.

A. Any traffic or directional sign owned and installed by a governmental agency shall be permitted.

B. A sign or its illuminator shall not, by reason of its location, shape or color, interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

ARTICLE VIII
Off-Street Parking and Loading

§ 173-26. Provision for parking and loading required.

In any district, if any structure is constructed, enlarged or extended and any use of land is established or any existing use is changed, parking and loading spaces shall be provided in accordance with the following tables. An existing structure which is enlarged or an existing use which is extended shall be required to provide parking and loading spaces in accordance with the following tables for the expanded area or use unless the increase in units or measurements amounts to less than 25%, whether such increase occurs at one time or in successive stages.

§ 173-27. Off-street parking, loading and landscaping standards. *[Amended 6-20-1989 ATM, Art. 11]*

A. General standards. Parking or loading spaces existing and being maintained in any district in connection with any existing use on the effective date of this section shall hereafter remain so long as said use remains, unless an equivalent number of parking or loading spaces are constructed elsewhere conforming to the requirements of the following tables, provided that this regulation shall not require the maintenance of more parking and loading spaces than is required under the following provisions.

B. Definitions. As used herein, the following words and phrases shall have and include the following respective meanings:

DRIVEWAY -- An area on a lot, in addition to parking and maneuvering spaces and aisles, which is designed or used to provide for passage of motor vehicles to and from a street or way.

MANEUVERING AISLE -- A maneuvering space which serves two or more parking spaces, such as the area between two rows of parking spaces.

MANEUVERING SPACE -- An open space in a parking area which is used or required for maneuvering a motor vehicle into a parking space but not used for the parking or storage of motor vehicles.

PARKING AREA -- An open space either used or required for parking of five or more motor vehicles, including necessary maneuvering space, but not including parking on a lot for the passenger car of residents and guests of a one-family dwelling on said lot.

PARKING SPACE -- An open space exclusive of maneuvering area and driveway for the parking of one motor vehicle.

C. Off-street and/or loading requirements. In any district, if any structure is constructed, enlarged and/or extended and any use of land established or any existing use changed after the effective date of this section, parking and loading spaces shall be provided in accordance with the following tables. An existing structure which is enlarged or an existing structure which is extended after the effective date of these regulations shall be required to provide parking and loading spaces, and landscaping in accordance with the following tables for the entire structure or use unless the increase in units or measurements amounts to less than 25% of the existing structure, whether such increase occurs at one time or in successive stages.

Table of Off-Street Parking Standards

Use	Number of Parking Spaces
Residential	
Single-family, two-family and multifamily dwelling units	2 per dwelling unit
Community facilities	
Churches/religious establishments	1 per 300 square feet of nfs*
Places of public assembly	1 per 300 square feet of nfs
Schools	1 per 300 square feet of nfs
Commercial uses	
Professional/general office	1 per 250 square feet of nfs
General retail	1 per 225 square feet of nfs
Banks/financial institutions	1 per 225 square feet of nfs
Restaurants	1 per 100 square feet of nfs
Theaters	1 per 275 square feet of nfs
Home occupations	1 per 200 square feet of nfs
Bowling alley	2 per lane
Industrial and institutional	
Wholesale industrial	1 per 1,000 square feet of nfs
Manufacturing	1 per 750 square feet of nfs
Industrial and institutional (continued)	
Hospital	1 per 3 beds
Convalescent or nursing home	1 per 3 beds
Medical offices	1 per 250 square feet of nfs

*For the purposes of this section of the Northbridge Zoning Bylaws, net floor space (nfs) shall be the actual occupied area, not including unoccupied areas or thickness of walls.

Table of Off-Street Loading Standards

Use	Number of Loading Spaces
Business, industrial, community facility (school, church, town building, recreation, etc.) or public utility establishments	1 per 7,500 square feet of nfs and an additional or space per each additional 15,000 square feet of nfs

D. General parking and loading requirements.

(1) The off-street permanently provided parking spaces required for the uses listed in the above table shall be on the same lots as the use they are intended to serve or, when practical difficulties prevent their establishment upon the same lot, they shall be established no further than 300 feet from the premises to which they are appurtenant. The required parking spaces shall not be located on the other side of a public street, unless a safe and sufficient road crossing exists or will be provided.

(2) The loading spaces required for the uses listed in the above table shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this section.

(3) The minimum dimensions of parking spaces and maneuvering aisles shall be in accordance with the following table:

Minimum Parking Space and Aisle Dimensions for Parking Areas

Angle of Parking (degrees)	Width of Parking Space (feet)	Depth of Parking Space (feet)	Width of Maneuvering Aisle (feet)
61 to 90	9.0	18	24
46 to 60	9.0	18	18
45	9.0	18	15
Parallel	8.0	22	12

(4) The number of driveways shall be limited to two per street line. Driveways shall be located so as to minimize conflict with traffic on public streets.

(5) The width of a driveway for one-way traffic shall be not less than 15 feet as measured at its narrowest point. The width of a driveway for two-way use shall be a minimum of 18 feet as measured at its narrowest point and a maximum of 24 feet.

(6) Driveways shall be arranged for the free flow of vehicles at all times; and the maneuvering spaces and aisles shall be so designed that all vehicles may exit from and enter onto a public street by being driven in a forward direction.

(7) All parking areas shall be so arranged and designed that the only means of access and egress to and from such area is by driveway meeting the requirements of this section.

(8) All portions of all parking spaces and maneuvering aisles shall be set back a minimum of five feet from any wall of any building. Each off-street parking space shall be designed so that any motor vehicle may proceed to and from said space without requiring the moving of any other vehicle.

(9) Loading spaces shall be at least 600 square feet in area for the first 7,500 square feet of net floor space and 500 square feet for each additional 15,000 square feet of net floor space.

(10) Parking and loading areas shall be graded, surfaced with a durable, all-season non-dusting material, drained and suitably maintained to the extent necessary to avoid the nuisance of dust, erosion or any water flow onto streets or adjoining property.

(11) The applicant may be required to provide curbing, wheel stops or other devices to prevent motor vehicles from being parked or driven into the required setback area or the landscaped area.

(12) A sufficient number of handicapped spaces shall be conveniently provided on site in accordance with local regulations and requirements.

(13) Applicants using these regulations to design parking, loading and landscaping areas are encouraged to locate parking areas in the rear and on the sides of the primary use structure wherever possible.

E. Residential driveway requirements. *[Added 1-23-1996 STM, Art. 16]*

For the purpose of promoting the safety of the residents of the town, an application for a building permit for a residential structure shall include a plan, at a scale of one inch equals 20 feet, showing the driveway serving the premises, and showing existing and proposed topography at ten-foot or three-meter contour intervals. All driveways shall be constructed in a manner ensuring reasonable and safe access from the street serving the premises to the building site of the residential structure on the premises, for all vehicles, including, but not limited to, emergency, fire and police vehicles. The Building Inspector shall not issue a building permit for the principal structure on the premises unless all of the following conditions have been met: *[Added 1-23-1996 STM, Art. 16]*

(1) Except in access strips of less than 50 feet in width to rear lots, no driveway shall be located within 10 feet of any side or rear lot line except by special permit by the Planning Board after a determination that said driveway will provide safe and reasonable access for all vehicles.

(2) The grade of each driveway shall not exceed 15% unless the Planning Board shall grant a special permit after a determination that said driveway will provide safe and reasonable access for vehicles.

(3) Driveways shall be surfaced with a durable, all-season nondusting material, drained and suitably maintained to the extent necessary to avoid any nuisance by reason of dust, erosion or water flow onto streets or adjoining property.

(4) Common driveways serving not more than three lots may be allowed on special permit by the Planning Board, after consideration of the criteria set forth in § 173-47 herein. A common driveway must satisfy all of the following conditions:

(a) The center line intersection with the street center line shall not be less than 45°;

(b) A minimum width of 15 feet shall be maintained over its entire length;

(c) The common driveway shall be paved;

(d) The driveway shall be located entirely within the boundaries of the lots being served thereby;

(e) Proposed documents shall be submitted to the Planning Board demonstrating that, through easements, restrictive covenants or other appropriate legal devices, the maintenance, repair, snow removal and liability for the common driveway shall remain perpetually the responsibility of the private parties or their successors-in-interest.

F. Landscaping requirements. All nonresidential parking lots shall be effectively landscaped to reduce the visual impact of glare, headlights and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots shall be adequately shaded to reduce the amount of reflected heat. *[Amended 1-23-1996 STM, Art. 10]*

(1) Landscaping adjacent to street right-of-way. A landscaped area shall be provided between parking areas and any adjacent public street, sidewalk or right-of-way as follows:

(a) A landscaped area at least 15 feet wide.

(b) Sufficient trees arranged so that a vegetated buffer is effectively provided from the public street.

(c) A masonry wall, solid fence, earth berm or hedge maintained at least 30 inches in height may be required in the landscaped area.

(2) Landscaping adjacent to contiguous properties. Landscaping shall be provided between parking areas and contiguous properties as follows:

(a) A landscaped area at least 10 feet wide.

(b) A masonry wall, solid fence, earth berm, hedge or combination thereof at least five feet high may be required if abutting property is a residential use. When contiguous properties are located within a business or industrial district, only a naturally vegetated or landscaped buffer shall be required to the rear and sides of the lots when not abutting a public right-of-way.

(3) Landscaping in interior areas. Landscaping areas shall be provided for interior parking areas so as to provide visual and climactic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicle circulation.

(a) Interior parking areas shall be deemed to be all parking areas.

(b) At least 5% of the gross area of the interior parking area shall be landscaped. These landscaped areas shall include trees sufficient to provide shading of parking areas.

(c) Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet. Landscaping between rows of parking shall be at least eight feet in width.

(4) Trees required by the provisions of this section shall be at least two inches in diameter measured at one foot above ground level and a height of five feet at the time of planting; and shall be of a species characterized by rapid growth and 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.

(5) No landscaping, tree, fence, wall or similar screening shall be maintained in the vicinity of any corner, street, intersection or access way intersecting a public right-of-way that is determined to be an obstruction to visibility.

G. Exceptions. For the purposes of this section, the Planning Board may grant relief via a special permit from the requirements of this section either upon appeal or upon written request of the applicant, where, after a public hearing thereon, one or more of the following situations occur: it shall find that literal enforcement would cause a substantial hardship; or that literal compliance is impractical because of the size, width or grade of the lot or the use to which it is to be put or because a lesser area would, except in unusual circumstances, accommodate the motor vehicles of all persons using the building at any time; or less stringent requirements would carry out the other purposes of this section; or because of factors peculiar to the lot or building involved not generally affecting the zoning district in which it is located.

§ 173-28. Area, construction and lighting standards.

All parking or loading areas containing over five spaces, including automobile service and drive-in establishments, shall be either contained within structures or subject to the following:

A. The area shall be effectively screened on each side which adjoins or faces the side or rear lot line of a lot situated in any R District. The screening shall consist of a solid fence or wall not less than three feet nor more than six feet in height or shrubbery planted not

less than three feet apart on center, at least two feet from the lot line, and all maintained in good condition. The screening required by this subsection shall be set back from each street the same as if it were a main building wall.

B. The area and access driveways thereto shall be surfaced with a durable and dustless material and shall be graded and drained so as to dispose of all surface water accumulation.

C. A substantial bumper of masonry, steel or heavy timber or concrete or macadam curb stop shall be placed at the edge of surfaced areas, except driveways, in order to protect abutting structures, properties and sidewalks.

D. Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from the adjoining premises used for residential purposes.

ARTICLE IX
Nonconforming Uses, Structures and Lots

§ 173-29. Applicability of provisions.

The provisions of this article affecting nonconforming uses, structures and/or lots cited herein and certain related nonconformities shall apply under the provisions of this chapter and established districts as enacted initially or as subsequently amended.

§ 173-30. Extensions and alterations. *[Amended 5-4-1999 ATM, Art. 21]*

A. Extension or alteration of a preexisting nonconforming single- or two-family structure shall be permitted by right provided that such activity meets the following conditions:

(1) It complies with the current setback requirements.

(2) It complies with the current height and bulk regulations.

B. Preexisting nonconforming structures, other than single- or two-family structures, or uses may be extended or altered, provided that no such extension or alteration shall be permitted unless there is a finding by the Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming structure or use to the

neighborhood. This section shall not apply to billboards, signs and other advertising devices subject to the provisions of MGL C. 93, §§ 29 through 33 and to C. 93D or to establishments which display live nudity for their patrons, as defined in § 9A of MGL C. 40A, adult bookstores, adult motion-picture theaters, adult paraphernalia shops, or adult video stores subject to the provisions of § 9A.

§ 173-31. (Reserved) [2]

[2] [Editor's Note: Former § 173-31, Residential lot of record, was repealed 5-9-1995 ATM, Art. 38]

§ 173-32. Nonconforming lots or open space.

Any nonconforming lot or open space on the lot (yards, setbacks, courts, usable open space or building area) if already smaller or greater, as the case may be, than that required shall not be further reduced or increased so as to be in greater nonconformity. Any off-street parking or loading space, if already less than the number required to serve its intended use, shall not be further reduced in number.

§ 173-33. Change of nonconforming use to another.

A. Any nonconforming use of a structure may be changed to another nonconforming use, provided that the changed use is not a substantially different use.

B. Any nonconforming use which has been once changed to a permitted use or another nonconforming use which is not a substantially different use shall, except a commercial greenhouse in any R District, not again be changed to another nonconforming use.

C. Any nonconforming lot which has come into conformity shall not again be changed to another nonconforming lot.

§ 173-34. Rebuilding of damaged structures.

Any nonconforming structure damaged by fire or other cause may be rebuilt for the same nonconforming use, provided that such reconstruction is started within one year.

§ 173-35. Abandoned nonconforming uses. *[Amended 5-9-1995 ATM, Art. 38]*

Any nonconforming use, except for agriculture, horticulture or floriculture use, of a structure and/or lot which has been abandoned or not used for a continuous period of two years or more shall not be used again except by a conforming use.

§ 173-36. Moving.

Any nonconforming structure shall not be moved to any other location on the lot or any other lot unless every portion of such structure, the use thereof and the lot shall be conforming.

§ 173-37. Unsafe structures.

Any structure determined by the Building Inspector to be unsafe may be restored to a safe condition, provided that such work on any nonconforming structure shall not place it in greater nonconformity, and provided further that if the cost to restore any structure shall exceed 50% of its physical replacement value, it shall be reconstructed only as a conforming structure and used for a conforming use.

ARTICLE X
Administration and Enforcement

§ 173-38. Enforcement authority.

It shall be the duty of the Building Inspector to administer and enforce the provisions of this chapter.

§ 173-39. Building permits required.

It shall be unlawful for any owner or person to erect, construct, reconstruct, alter or move a structure or building without applying for and receiving from the Building Inspector the required building permit therefor.

§ 173-40. Previously approved permits.

The status of previously approved permits shall be as determined by the Zoning Act.

§ 173-41. Certificate of use and occupancy required.

It shall be unlawful to use or occupy any structure or lot for which a permit is required herein without the owners applying for and receiving from the Building Inspector a certificate of use and occupancy.

§ 173-42. Establishment of fees.

Fees shall be established by the Selectmen.

§ 173-43. Conformance with subsequent amendments.

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

§ 173-44. Notice of violation.

The Building Inspector shall serve a notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure, change in use or extension or displacement of use of any structure or building or lot in violation of the provisions of this chapter or in violation of any approved plan, information or drawing pertinent thereto or in violation of a permit or certificate issued under the provisions of this chapter, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the Building Inspector. Any owner who, having been served with a motion, ceases any work or other activity shall not leave any structure or lot in such condition as to be a hazard or menace to the public safety, health, morals or general welfare. The Building Inspector shall have the power to require that such premises be put in such condition as he directs.

§ 173-45. Violations and penalties.

A. If the notice of violation and order is not complied with promptly, the Building Inspector shall request the Selectmen to institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation.

B. The penalty for any violation of this chapter shall be $25 per day that such violation continues. Fines will commence 60 days after notice of the violation is sent, certified mail, to the property owner. Fines can be reconsidered by the Zoning Board of Appeals. This chapter may be enforced by the noncriminal method provided in MGL C. 40, § 21D. The enforcing person for such noncriminal disposition shall be the Building Inspector or his designee. *[Added 9-10-1985 STM, Art. 7; amended 5-9-1995 ATM, Art. 38; 10-22-1996 ATM, Art. 25]*

§ 173-46. Board of Appeals.

A. Membership. There shall be a Board of Appeals of five members. There shall be four associate members, who may act in the absence of any regular member or in the case of inability to act or conflict of interest on the part of any regular member.

B. Appointment. Members of the Board in office at the effective date of this chapter shall continue in office. Hereafter as terms expire or vacancies occur, the Board of Selectmen shall make appointments pursuant to the Zoning Act.

C. Powers. The Board shall have those powers granted under the Zoning Act.

D. Adoption of rules. The Board shall adopt rules to govern its proceedings pursuant to the Zoning Act.

E. Appeals. Appeals to the Board may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of the Zoning Act, by the Central Massachusetts Regional Planning Agency or by any person, including an officer or board of Northbridge or of any abutting city or town, aggrieved by an order or decision of the Building Inspector or other administrative official in violation of the Zoning Act or this chapter. Appeals to the Board shall be taken in accordance with the rules of the Board and the Zoning Act.

§ 173-47. Special permits.

Certain uses, structures or conditions are designated as in special permits in § 173-12, Table of Use Regulations, and elsewhere in this chapter. Upon application duly made to the Board, the Board may, in appropriate cases and subject to appropriate conditions and safeguards, grant a special permit for such uses.

A. Action upon application. *[Amended 5-9-1995 ATM, Art. 38]*

(1) In acting upon an application for a special permit, the special permit granting authority shall take into consideration the following criteria:

(a) The appropriateness of the specific site as a location for the proposed use or structure;

(b) The adequacy of public sewerage and water facilities, or the capabilities of the site for on-lot sewerage and water provision;

(c) Impact on the character of the neighborhood;

(d) The safety of vehicles and pedestrians and the traffic to be generated by the proposed use or structure;

(e) The adequacy of other public facilities to ensure proper operation of the proposed use or structure;

(f) Consistency with the 1994 Master Plan of the town.

(2) The special permit granting authority may grant a special permit, after consideration of all of the criteria set forth above, where it determines that the benefits of the proposed use or structure outweigh the detriments to the neighborhood and the town.

B. The Board shall also impose, in addition to the conditions specified for the following uses, such additional conditions to those specified in this chapter as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this chapter, including but not limited to the following: front, side or rear yards greater than the minimum required by the chapter; screening, buffers or planting strip, fences or walls, as specified by the Board; modification of the exterior appearance of the structures: limitation upon the size, number of occupants, method and time of operation or extent of facilities, regulation of number and location of driveways or other traffic features; and off-street parking or loading or other special features beyond the minimum required in this chapter.

(1) For the erection of a structure intended for human occupancy on a lot in the West River drainage basin, the use shall be permitted in the zoning district in which the lot in question is located, and the floor level of any area to be occupied by human beings and the ground level shall be at an elevation above mean sea level of at least 269 feet, as determined by the 1953 United States Geological Survey. All land in Northbridge within the West River drainage basin which is below this

elevation is subject to flooding as the result of the construction of the West River Dam, a flood control project for the Blackstone River.

(2) Planned Business Development. *[Amended 6-11-2002 ATM, Art. 24]*

Purpose. A Planned Business Development (PBD) allows for the comprehensive and integrated development of a plot of land by permitting a mixture of open space, commercial and light industrial uses, which can be combined in a compatible relationship with each other. Multiple buildings may be allowed on an individual lot and multiple uses may be allowed in each building. The PBD provides greater flexibility in the design and layout of buildings, parking areas, and open space.

Applicability. The Planning Board may issue a special permit for a Planned Business Development, if the development application is determined to be sufficiently advantageous to render it appropriate to depart from the normal requirements of the district to the extent authorized by the Zoning Bylaw and the development meets the following requirements:

(a) Said development shall be located in a Business District (B-1, B-2, B-3) and/or an Industrial District (I-1, I-2); *[Amended 10-23-2007 ATM, Art. 14]*

(b) Said lot shall be at least three acres in size;

(c) A development plan shall be presented for the entire area described in the application and applicants must file a site plan under § 173-49;

(d) Uses allowed in a Planned Business Development located in any B District shall be any use permitted by right or by special permit in any B District;

(e) Uses allowed in a Planned Business Development located in any I District shall only be any use permitted by right or by special permit in any I District; *[Amended 10-23-2007 ATM, Art. 14]*

(f) Multiple buildings may be allowed on individual lots and multiple uses may be allowed in each building;

(g) The development area shall be served by common parking areas and have common exits and entrances;

(h) Developments are subject to a maximum building coverage of 80% of the lot in any Business District and 60% of the lot in any Industrial District. *[Amended 10-23-2007 ATM, Art. 14]*

(i) Parking: The number of parking and loading spaces required shall be determined by using the standards for each use as provided elsewhere in this Zoning Bylaw. The Planning Board may allow a reduction of the required number of spaces by up to 25% if it can be demonstrated that two or more uses within a single development can share parking areas due to different hours of normal activity. A change in use of one of the businesses shall require the construction of the full amount of parking otherwise required unless the Planning Board grants a special permit to allow the parking reductions to remain in effect.

(j) Said development shall be in harmony with the general purpose and intent of this provision of the Zoning Bylaw.

(k) For Planned Business Developments in any Industrial District, developments shall comply with § 173-101, Design standards, of Article XVI, the Route 146 Overlay District Bylaw. *[Amended 10-23-2007 ATM, Art. 14]*

(l) No building or structures (except fencing) in a Planned Business Development shall be erected within 50-feet of a residential district boundary. *[Added 05-01-2012 ATM, Art. 23]*

C. Special permits shall only be issued following public hearings held within 65 days after the filing of an application with the special-permit granting authority, a copy of which shall forthwith be given to the Town Clerk by the applicant.

D. A special permit granted under this section shall lapse within two years, including such time required to pursue or await the determination of an appeal referred to in Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced, except for good cause, or, in the case of a permit for construction, has not begun by such date, except for good cause.

§ 173-48. Variances. *[Amended 5-9-1995 ATM, Art. 36]*

Upon an appeal or a petition, with respect to particular land or structures, the Board may grant a variance from the terms of this Zoning chapter where the Board specifically finds that, owing to circumstances relating to the soil conditions, shape or topography or such land or structure and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the chapter would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that 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 chapter. The Board of Appeals shall not grant use variances in any residential district of the town. In authorizing such variance, the Board may impose limitations both of time and use, such as but not limited to those specified in § 173-47A and B, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter, or the Board may take any other action in relation thereto.

§ 173-49. Site plan review.

A. A site plan for a permitted use shall be reviewed and approved by the Building Inspector. The purpose of this review is to assure compliance with this chapter. The site plan shall be prepared by a professional architect, professional engineer or registered land surveyor and shall be submitted in triplicate to the Building Inspector.

B. The plan shall indicate all property boundaries, use and ownership of adjacent land and location of buildings thereon within 200 feet of the property lines, driveways, driveway opening, parking and loading spaces, service area and all facilities for screening, surface, lighting, signs, sewage, refuse and other waste disposal, drainage, dust and erosion control and landscaping.

§ 173-49.1. Site plan review by Planning Board. *[Added 9-11-1990 STM, Art. 21]*

A. Purpose. The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town of Northbridge by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics and community values in the town.

B. Applicability.

(1) The site plan review and approval provisions of this section shall apply to the following types of structures and uses (excluding subdivisions for detached single-family dwellings):

(a) Any new structure or group of structures under the same ownership on the same lot or contiguous lots with at least 6,000 square feet of gross floor area or requiring the provision of 10 or more parking spaces under § 173-27, Off-Street parking, loading and landscaping standards.

(b) Any improvements, alteration or change in use which either results in an increase of 6,000 square feet of gross floor area or requires an addition of 10 or more parking spaces to the amount required by § 173-27 prior to such improvement, alteration or change in use.

(c) Any new structure, group of structures, improvement, alteration or change in use, as defined above, which either results in the increase of 4,000 square feet of gross floor area or requires the provision of seven or more parking spaces, when any portion of the lot or parcel of land on which said structure or use is located lies within 200 feet of a residential district.

(2) The calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements calculated from the date of enactment of this section.

C. Basic requirements.

(1) No building permit can be issued for the proposed development unless an application for site plan review has been prepared in accordance with the requirements of this section and unless such application has been approved by the Planning Board.

(2) No occupancy permits shall be granted by the Building Inspector until the Planning Board has given its approval that the development and any associated off-site improvements conform to the approved application for site plan review and approval, including any conditions imposed by the Planning Board.

(3) A temporary occupancy permit may be granted with the approval of the Planning Board subject to conditions for completion of work (which shall include a requirement for surety, in an amount and form to be determined by the Planning Board), imposed by the Planning Board.

D. Application and review procedure.

(1) Submission of the plan. The applicant shall file with the Planning Board at a regularly scheduled meeting: the completed application form, the filing fee and 11 copies each of the site plan documents specified in this Subsection D. The Planning Board Chairman shall acknowledge receipt of these plans by endorsing them with his/her signature and the date of receipt. A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file.

(2) Reasonable fees. The required fee shall be included with the submittal. The Board shall also require a deposit of money sufficient to cover any additional expenses connected with the public hearing and review of the plans. The Planning Board is authorized to retain a registered professional engineer, architect or landscape architect, or other professional consultants to advise the Board on any or all aspects of the site plan. The cost of this advice shall be borne by the applicant.

(3) Review by other boards.

(a) After reviewing the submittal for completeness and determining that it is not incomplete, the Planning Board shall transmit to the Conservation Commission, Board of Health, Building Inspector, Road Commissioners, Safety Committee and other boards as deemed necessary one copy each of the site plan documents. The boards have up to 21 days for as-of-right developments and 45 days for special-permit developments to submit recommendations, in writing, to the Planning Board concerning:

[1] The adequacy of the data and procedures used by the applicant to determine the impacts of the proposed development.

[2] The effects of the projected impacts of the proposed development.

[3] The recommended conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development.

(b) Failure of an agency to report within the allotted time shall be interpreted as non-opposition to the submitted plans.

(c) For the proposals not requiring a special permit, the Planning Board shall deliver its decision, in writing, to the Building Inspector within 30 days after determining that the application is complete, to allow the issuance of a building permit. For proposals also requiring special permits, the Planning Board shall hold a public hearing within 65 days of the receipt of the application and shall take final action within 90 days from the time of hearing, as provided in MGL C. 40A, §§ 9 and 11.

(4) Final action. The Planning Board's final action, rendered in writing, shall consist of either:

(a) Approval of the site plan based upon a determination that the proposed plan will constitute a suitable development and is in compliance with the standards set forth in this section;

(b) Disapproval of the site plan based upon a determination that the proposed project does not meet the standards for review set forth in this section; or

(c) Approval of the site plan, subject to any conditions, modifications and restrictions as required by the Board which will ensure that the project meets the standards for review.

E. Submission requirements.

(1) A site plan shall be prepared by a registered professional engineer, architect or landscape architect at a scale of one inch equals 20 feet, on standard twenty-four by thirty-six-inch sheets, with narrative information on eight-and-one-half by eleven-inch sheets.

(2) A site plan shall include all of the data, details and supporting information as follows:

(a) The name of the project, boundaries and locus maps showing the site's location in town, date, North arrow and scale of the plan.

(b) Names and addresses of the owner of record, the developer and the seal of the engineer, architect or landscape architect.

(c) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.

(d) All existing lot lines, easements and rights-of-way (including area in acres or square feet), abutting land uses and the location and use of structures within 300 feet of the site. All minimum dimensional requirements in the underlying district and setback requirements shown on the plan.

(e) The locations and uses of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, and showing all exterior entrances and all anticipated future additions and alterations.

(f) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping, walls and fences. Location, type and screening details for all waste disposal containers shall also be shown.

(g) The location, height, intensity, and bulb type (e.g. fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.

(h) The location, height, size, materials and design of all proposed signage.

(i) The location of all present and proposed utility systems, including: sewage or septic system; water supply system; telephone, cable and electrical systems; and storm drainage system, including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales. The Planning Board may also request soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive development.

(j) Plans to prevent pollution of surface or ground water, erosion of soil, both during and after construction, excessive runoff, excessive raising or lowering of the water table and flooding of other properties, as applicable.

(k) Existing and proposed topography at a two-foot contour interval. All elevations shall refer to the nearest United States Geodetic Bench Mark. If any portion of the parcel is within the one-hundred-year floodplain, the area will be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site where ground removal or filling is required and give its approximate volume in cubic yards.

(l) A landscape plan showing existing natural land features, trees, forest cover and water sources and all proposed changes to these features, including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.

(m) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on site and within 100 feet of the site.

(n) Elevation plans at a scale of 1/4 inch equals one foot for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s), showing design features and indicating the type and color of materials to be used.

(o) Information on the location, size and type of parking, loading, storage, and service areas; parking calculations based on the requirements of § 173-27, Off-street parking, loading and landscaping standards.

(p) For large developments, those exceeding 10,000 square feet of gross floor area or requiring more than 25 parking spaces, or for smaller developments located in high density areas, the Planning Board may require a development impact assessment which shall include the following:

[1] Traffic impact assessment.

[a] Purpose. The assessment will document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic.

[b] Format and scope.

[i] Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project boundaries.

[ii] The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.

[iii] The projected traffic flow pattern, including vehicular movements at all major intersections likely to be affected by the proposed use of the site.

[iv] The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.

[v] Traffic assessment data shall be no more than 12 months as of the date of the application.

[vi] The maximum value of off-site exactions is 6% of the development costs. All off-site improvements required as a condition of site plan approval must be necessitated by the proposed project.

[2] Environmental impact assessment.

[a] Purpose. To describe the impacts of the proposed project with respect to on-site and off-site environmental quality.

[b] Format and scope:

[i] Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; on-site or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.

[ii] Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.

[iii] Description of proposed measures for mitigation of any potential adverse impacts identified above.

[3] Fiscal impact assessment; format and scope.

[a] Projections of cost arising from increased demands on public services and infrastructure.

[b] Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.

[c] Projections of the impacts of the proposed development on the values of adjoining properties.

[d] Five-year projections of increased Town revenues and costs resulting from the proposed development.

[4] Community impact assessment; format and scope:

[a] Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.

[b] Identification of impacts on significant historical properties, districts or areas or archaeological resources (if any) in the vicinity of the proposed development.

[c] Evaluation of the proposed project's consistency of compatibility with existing local and regional plans.

(q) A copy of all permits, approvals, variances and applications applied for and obtained for the project and property, including an application for utility connection permits.

(3) The Planning Board may waive any of the requirements listed above if it believes that said requirement is not necessary based upon the size and scope of the project.

F. Standards for review. The Planning Board shall review the site plan and supporting materials, taking into consideration the reasonable fulfillment of the objectives listed below. Detailed design guidelines and performance standards shall be adopted to guide decisions with respect to these objectives and to help ensure consistency in the review of all applications.

(1) Legal. Conformance with the provisions of the bylaws of the town, the General Laws of Massachusetts and all applicable rules and regulations of local, state and federal agencies.

(2) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.

(3) Parking. Provisions for the off-street loading and unloading of vehicles, incidental to the normal operation of the establishment; adequate parking; adequate lighting; and internal traffic control.

(4) Town services. Reasonable demands placed on Town services and infrastructure.

(5) Pollution control. Adequacy of methods for sewage and refuse disposal and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.

(6) Nuisance. Protection of abutting properties and Town amenities from any undue disturbance caused by excessive or unreasonable noise, smoke, vapors, fumes, dust, odors, glare, stormwater runoff, etc.

(7) Existing vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is necessary, special attention shall be given to the planting of replacement trees.

(8) Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features, such as vegetative buffers, roadside planting and the retention of open space and agricultural land.

(9) Town character. The setback areas and location of parking, architectural compatibility, signage and landscaping of the development and how these features harmonize with the surrounding townscape and the natural landscape.

G. Conditions, limitations and safeguards. In granting approval of an application, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

(1) Controls on the location and type of access to the site.

(2) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking during said periods).

(3) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage and other public facilities which are likely to be affected by the proposed development.

(4) Requirements of donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements.

(5) Requirements for securing the performance of all work, including proposed off-site improvements, by either of the following methods:

(a) A performance bond, a deposit of money, negotiable securities or pass book in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; or

(b) A covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.

(6) Conditions to minimize off-street impacts on traffic and environmental quality during construction.

(7) In granting site plan approval, the Planning Board may require reduction in scale of the proposed development, including reductions in floor area or lot coverage.

H. Modification of approved site plans.

(1) In the event a modification is made to an approved site plan, the applicant shall submit to the Planning Board a written description of the proposed modifications and 11 copies of the revised plan. All but minor modifications shall be subject to the same review and hearing procedures as was the original filing.

(2) For minor and insignificant modifications, the Planning Board shall determine that an additional public hearing is not warranted. This determination shall be made only after the written request and 11 copies of the plan showing the modifications have been submitted to and reviewed by the Planning Board. Within 21 days of receipt of written request and plans, a copy of the determination and revised plans shall be filed with the Town Clerk and the Building Inspector. Failure to act within the specified time period shall be deemed as approval.

I. Enforcement.

(1) The Planning Board may require the posting of a bond or other similar performance guaranty to ensure compliance with the plan and stated conditions of approval. It may suspend any permit or license when work is not performed as required.

(2) Any approval issued under this section shall lapse within one year if a substantial use thereof has not commenced, except to good cause. The time required to pursue and await determination of a judicial appeal pursuant to MGL C. 40A shall not be included within the one-year time limit. *[Amended 5-9-1995 ATM, Art. 38]*

(3) The Planning Board may periodically amend or add rules and regulations relating to the procedures and administration of this section, by majority vote of the Board, after conducting a public hearing to receive comments on any proposed revisions. Such hearing shall be advertised twice in a newspaper of general local circulation, at least 14 days prior to the hearing date.

§ 173-49.2. Associate Planning Board member. *[Added 10-28-1997, Art. 21]*

A. Establishment. There shall be one associate member of the Planning Board as authorized under MGL C. 40A, § 9.

B. Mode of appointment. The Planning Board and the Board of Selectmen shall hold a joint vote to appoint an associate member of the Board. The appointment shall be for a term of three years.

C. Authorities and responsibilities. The Chairman of the Planning Board may designate an associate member to sit on the Board for the purposes of acting on a special permit application, in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board.

ARTICLE XI
Amendments, Severability and When Effective

§ 173-50. Amendments.

This chapter may be amended from time to time in accordance with the Zoning Act. During the amendment procedure, subdivision plans in process of review by the Planning Board under the Subdivision Control Law shall be subject to the provisions of the Zoning Act.

§ 173-51. Severability.

The invalidity, unconstitutionality or illegality of any provision of this chapter or boundary shown on the Zoning Map shall not have any effect upon the validity, constitutionality or legality of any other provision or boundary.

§ 173-52. When effective.

This chapter shall take effect upon the date of the vote of the Town Meeting if the procedure provided for in MGL C. 40, § 32, is subsequently followed.

ARTICLE XII
43D Expedited Permitting *[Added 10-25-2011 ATM, Art. 12]*

§ 173-53. through § 173-69 (Reserved) [EN]

[Editor's Note: Former Article XII, Planned Unit Development, added 9-27-1998 STM, Art. 23; was deleted 10-28-1997 ATM, Art. 24]

§ 173-53. 43D Expedited Permitting

In accordance with the provisions of Chapter 43D of the General Laws, as amended, the Town of Northbridge hereby establishes an expedited permitting process for sites that have been designated as Priority Development Sites (PDS) in accordance with the statute. Review of development on these sites will be conducted in accordance with the provisions of the statute, this Article and local regulations and guidelines adopted for such developments.

A. Purpose and General Information

1. The purpose of this Article is to provide for expedited permitting for Priority Development Sites, as designated by Town Meeting and approved pursuant to G.L. c. 43D, including appropriate procedures for any proposed changes to a plan or facilities after the issuance of a permit. Other objectives of this Article are to:

    a. Increase clean, diverse and geographically focused commercial and industrial activities;

b. Strengthen Northbridge's tax base;

c. Target appropriate development sites for commercial or industrial development;

d. Promote and increase the visibility of Northbridge as a community open to assisting appropriate commercial and industrial development;

e. Provide an efficient process for municipal land use permitting; and

f. Guaranty permitting decisions on Priority Development Sites within 180-days of application.

§ 173-54. Definitions

For purposes of this Article, and regulations promulgated pursuant hereto, the following definitions shall apply. To the extent that there may be any conflict between the definitions set forth in this section and Chapter 43D or regulations promulgated pursuant thereto, the terms of said Chapter 43D or such regulations shall govern.

GOVERNING BODY -- The Board of Selectmen

INTERAGENCY PERMITTING BOARD -- The Board, as described in G.L. c. 23A, §62, established to review and approve or deny municipal priority development site proposals and to award and administer technical assistance grants.

ISSUING AUTHORITY -- Any local board, commission, department, or other body of the Town of Northbridge that is responsible for issuing permits, granting approvals, or otherwise involved in land use development, including redevelopment of existing buildings and structures.

PERMIT -- A permit, formal determination, order of conditions, license, certificate, authorization, registration, plan approval, zoning relief or other approval or determination with respect to the use or development of land, buildings, or structures, required by any Issuing Authority including but not limited to those under statutory authorities contained in G.L. c. 40A; G.L. c. 41, §§81A to 81J, inclusive, and §§81X to 81GG, inclusive; G.L. c. 131, §§40 and 40A; G.L. c. 111, §§26 to 32, inclusive; G.L. c. 40C; G.L. c. 148, §§13 and 14; St. 1975, c. 772, or otherwise under state law or a Northbridge by-law, and all associated regulations, by-laws and rules, but not including building permits or approvals pursuant to G.L. c. 41, §§81O

to 81W, inclusive. "Permit" shall not include: the decision of an agency to dispose of property under its management or control; predevelopment reviews conducted by the Town or a Technical Review Team; or permits granted by the Massachusetts Water Resources Authority.

PRIORITY DEVELOPMENT SITE -- A privately or publicly owned property that is designated as a priority development site by the Interagency Permitting Board.

SECRETARY- The Secretary of the Executive Office of Housing and Economic Development

TECHNICAL REVIEW TEAM -- An informal working group consisting of representatives of the various Issuing Authorities designated by the heads of the appropriate Issuing Authorities to review requests submitted under this Article. A Technical Review Team shall not include members of the Town's Zoning Board of Appeals.

§ 173-55. Overlay District

A. Establishment.

The Chapter 43D Priority Development Site Overlay District, hereinafter referred to as the PDSOD, is an overlay district identified as land situated at 1164 Main Street (Assessors' Map 1, Parcel 113); 1110 Main Street (Assessors' Map 1, Parcel 114); 1096 Main Street (Assessors' Map 1, Parcel 115); 1160 Main Street (Assessors' Map 1, Parcel 185); Parcel on Main Street (Assessors' Map 1, Parcel 199); 670 Linwood Avenue (Assessors' Map 5, Parcels 39 and 47) that is superimposed over the applicable underlying and other overlying zoning districts. A map delineating the PDSOD is on file in the Office of the Town Clerk and is hereby made a part of the Zoning By-law.

B. Underlying zoning.

The PDSOD constitutes an overlay district superimposed on all applicable underlying and other overlying zoning districts. Except as otherwise provided in this Article or elsewhere in the Zoning Bylaw, the requirements of the underlying and other overlaying zoning districts, and all requirements and procedures pertaining thereto that are not inconsistent with this Article shall remain in full force and effect.

§ 173-56. Applicability

An applicant for a project located within the PDSOD may seek expedited review and approval in accordance with the requirements of this Article. In such case, notwithstanding anything to the contrary contained elsewhere in this Zoning Bylaw or any other Town bylaw or regulation that pertains to time frames for action by any municipal board or commission, review will be undertaken and completed within the time frames set forth herein and in accordance with any regulations and guidelines adopted hereunder.

§ 173-57. Review Periods

1. Priority development permit reviews and final decisions shall be completed within 180 days, subject to an extension provided for herein. The time period shall begin the day after the issuance of the notice that the application materials are complete. The Governing Body shall notify the applicant in writing within 20 business days from receipt of the completed application of additional information needed or requirements that it may specify. The resubmission of the application or the submission of such additional information required by the Governing Body shall commence a new 20-day period for review of the additional information.

2. If, at any time, an Issuing Authority determines that a permit or other predevelopment review is required which it did not previously identify, it shall immediately notify the applicant by certified mail and shall, where public notice and comment or hearings are not required, complete action on the application filed for the previously unidentified permit within 30 days of receipt of the completed application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows. The failure of the Governing Body to notify an applicant of the requirement of a public hearing or comment period shall not constitute a waiver of the requirement.

3. The 180-day time period may be waived or extended for good cause upon written request of the applicant with the consent of the governing body or upon written request of the Issuing Authority with the consent of the applicant. The 180-day period may be extended for up to 30 days by the Governing Body in the event an additional permit or other predevelopment review is required if the requirement for the previously unidentified permit or review has been determined no less than 150 days after the issuance of a notice of completeness. The 180-day time period shall be extended when the Issuing Authority determines (I) that action by another federal, state or municipal government agency is required before the Issuing Authority may act; (2) that judicial proceedings affect the ability of the Issuing Authority or

applicant to proceed with the application; or (3) that enforcement proceedings that could result in revocation of an existing permit for the facility or activity or denial of the application have been commenced. In those circumstances, the Issuing Authority shall provide written notification to the Secretary. When the reason for the extension is no longer applicable, the Issuing Authority shall immediately notify the applicant, and shall complete its decision within the time period specified in this section, beginning the day after the notice is issued.

4. An Issuing Authority may not use lack of time for review as a basis for denial of a permit if the applicant has provided a complete application and met all other obligations in accordance with this Article.

§ 173-58. Fees

The applicant shall submit fees for each permit that has been determined necessary by the Town Planner under applicable bylaws, laws and regulations. A permit coordination fee of $200 shall also be submitted to cover the cost of administration of this coordinated process.

§ 173-59. Automatic Grant of Approval

1. Failure by any Issuing Authority to take final action on a permit or approval within the 180-day period or extended time, if applicable, shall be considered a grant of the relief requested of that Issuing Authority. In that event, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the Town Clerk, attaching the application, setting forth the facts giving rise to the grant and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings and all persons entitled to notice of hearing in connection with the application.

2. The grant shall not occur where: (I) the Governing Body has made a timely determination that the application is not complete in accordance with its requirements and notified the applicant as set forth herein and the applicant has not made a timely response to complete the application; (2) the Governing Body has determined that the final application contained false or misleading information; or (3) the Governing Body has determined that substantial changes to the project affecting the information required to process the permit application have occurred since the filing of the application.

§ 173-60. Transfers, renewals, permit modification requests, expiration

1. Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the Issuing Authority. Issuing Authorities having substantive jurisdiction over permit issuance may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the same procedures and timelines as specified in this Article and regulations adopted hereunder.

2. Issuing Authorities shall make a reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An Issuing Authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or additional information is required by the Issuing Authority in order to issue a decision. If additional information is required, the Issuing Authority shall inform an applicant within 20 business days after receipt of the required additional information whether the modification is approved or denied or that additional information is still required by the Issuing Authority in order to render a decision. In cases in which the Issuing Authority determines that a requested modification is substantial, the original review period for permit categories as set forth in this Article shall apply.

3. Permits issued pursuant to this Article shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of one building shall preserve the permit validity. Changes in the law subsequent to the issuance of permits shall not invalidate the permits. Nothing in this section shall limit the effectiveness of G.L. c.40A, §6.

§ 173-61. Permitting Process and Submittal Requirements, Regulations

1. The Town Planner shall serve as the Single Point of Contact for the purpose of coordinating and facilitating the expedited permitting process.

2. The Planning Board may periodically adopt or amend rules and regulations relating to the procedures under and administration of this Article, by majority vote of the Board, after conducting a public hearing to receive comments. Such hearing shall be advertised twice in a newspaper of general, local circulation, the first publication to be at least 14 days prior to the hearing date.

§ 173-62. Severability

The provisions of this Article are severable and, in the event that any provision of this Article is determined to be invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

§ 173-63. through § 173-69 (Reserved)

ARTICLE XIII
Aquifer Protection Districts *[Added 10-22-1996 ATM, Art. 23; Amended 6-11-2002 ATM, Art. 25]*

§ 173-70. Purpose.

The purpose of the Aquifer Protection Districts is to protect the public health by preventing contamination of the ground and surface water resources providing public water supply.

§ 173-71. Definitions.

As used in this article, the following terms shall have the meanings indicated:

HAZARDOUS MATERIALS -- Any substance or combination of substances which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the Town of Northbridge. Any substance deemed a hazardous waste under Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended, 40 CFR, Part 261, shall also be deemed a hazardous material for the purposes of this Zoning chapter.

IMPERVIOUS -- Impenetrable by surface water.

ZONE 1 -- The area of the aquifer and upland till/bedrock recharge areas which contribute water to a well under severe recharge and pumping conditions. Zone 1 is indicated on the Aquifer Protection Districts Map. Zone 1 includes, but is not limited to, that area of land to be regulated by the Town pursuant to 310 CMR 22.21, Subsection 2, in which the Town is charged with the acquisition of land around Town wells to prevent contamination of drinking water supplies.

ZONE 2 -- The land beyond Zone 1 from which surface water drains into Zone 1. Zone 2 is indicated on the Aquifer Protection Districts Map.

§ 173-72. Establishment of Districts. *[Amended 10-23-2012 ATM, Art 15]*

A. Overlay districts. The Aquifer Protection Districts are herein established as overlay districts. The Aquifer Protection Districts include the wellfields of the Whitinsville Water Company and all of the surrounding drainage basins to the extent of the watershed divide. The Aquifer Protection Districts are described on a map entitled "Aquifer Protection Districts, Town of Northbridge, February 9, 1995" with zone boundary lines prepared by Whitman and Howard of Wellesley, Massachusetts. This map is hereby made a part of this Zoning chapter and is on file in the office of the Town Clerk.

(1) The boundaries of the Aquifer Protection Districts (Zone 1 and Zone 2) are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.

B. Boundary disputes.

(1) Where the bounds of the Aquifer Protection Districts are in dispute, as delineated on the Aquifer Protection Districts Map, the burden of proof shall be upon the owners of the land in question to show where they should properly be located. Resolution of boundary disputes shall be through a special permit application to the Planning Board for a waiver from the provisions of this article. The Planning Board shall not grant a special permit under this section unless the applicant demonstrates, in conformance with the criteria set forth in 310 CMR 24.00, that the provisions governing the Aquifer Protection District(s) under this article may be waived without detrimental effect to groundwater quality as specified herein. Any application for a special permit under this subsection shall be accompanied by documentation prepared by a person who meets the following two requirements:

(a) Is experienced in delineating hydro-geologic zones in Massachusetts; and

(b) Has one of the following credentials:

Title	Conferring Entity
Registered professional hydrogeologist	American Institute of Hydrology

Certified professional geologic scientist	American Institute of Professional Geological Scientists
Registered professional engineer, sanitary	Commonwealth of Massachusetts
Certified groundwater professional	Association of Ground- water Scientists and Engineers
Certified professional soil scientist	American Registry of Certified Professionals in Agronomy, Crops and Soils, Ltd.

(c) As an exception to the above requirement, a registered land surveyor may make a determination of the location and extent of Zone 2, by defining the watershed in which the Town well is located. The determination of the location and extent of Zone 1 shall be in conformance with the criteria set forth in 310 CMR 24.00, the Aquifer Land Acquisition Program, as administered by the Massachusetts Department of Environmental Protection. The applicant shall provide information in substantial conformance with specifications for delineation of Zones 2 and 3, therein, on file with the Town Clerk. Whenever an application for a special permit is filed with the Planning Board under this section, the Planning Board and the applicant shall fulfill the requirements of § 173-47, herein.

§ 173-73. Use regulations. [EN]

[Editor's Note: For additional regulations, see § 173-12, Table of Use Regulations]

A. Within an Aquifer Protection District, the requirements of the underlying districts continue to apply, except that uses are prohibited where indicated by "--" in the following schedule, and require a special permit where indicated by "S", even where the underlying district requirements are more permissive. Uses permitted in an Aquifer Protection District are indicated by "P".

Schedule of Use Regulations

Use	Zone 1	Zone 2
Principal Use		
Manufacture, use, storage, transport, or disposal of hazardous materials as a principal activity	--	--
Sanitary landfill, septage lagoon, wastewater treatment facility for municipal or industrial wastes	--	--

Road salt stockpile	--	--
Junkyard; salvage yard; truck terminal or school bus parking facility with more than 10 parking spaces	--	--
Gasoline station, car wash, auto repair or auto body shop, marine repair shop	--	--
Single- and two-family dwellings, with accessory structures and uses, on a lot containing at least 40,000 square feet	P	P
Any building, structure or use other than single-or two-family dwellings, with accessory structures and uses on a lot with less than 40,000 square feet in area, to be served by an on-site system for the disposal of wastewater	P	P
Any building, structure or use, other than single-or two-family dwellings, with accessory structures and uses, on a lot with 40,000 square feet or more, to be served by an on-site system for the disposal of wastewater with a design capacity no greater than set forth in 310 CRM 22.21(2)(a)	--	--
Accessory Uses *[Amended 6-8-2004 ATM, Art. 24; 10-25-2005 ATM, Art. 13; 5-2-2006 ATM, Art. 13]*		
Underground storage of hazardous materials, including fuel oil and gasoline	--	S
Aboveground storage of hazardous materials in quantities greater than associated with normal household use, other than fuel oil for residential heating purposes	--	S
Any use generating hazardous wastes in quantities greater than associated with normal household use	--	S
Animal feedlots, manure storage	--	--

Other Uses *[Amended 6-8-2004 ATM, Art. 24; 10-25-2005 ATM, Art. 13; 5-2-2006 ATM, Art. 13]*		
Rendering impervious more than 20% of total lot area, regardless of size	S	S
Disposal of snow from outside the district	--	S
Removal of earth, loam, sand or gravel or any other mineral in excess of 10 cubic yards	--	S
Any use, including a single- or two-family dwelling, having on-site disposal system for domestic wastes with a design capacity no greater than set forth in 310 CMR 22.21(2)(a)	S	S
Grading resulting in creation of exterior grades less than five feet above maximum groundwater elevation	--	S

B. Where a portion of the lot is located partially within and partially without the Aquifer Protection District, site design shall, to the extent feasible, locate potential pollution sources outside the district boundaries.

§ 173-74. Special permit granting authority.

A. Establishment. The special permit granting authority (SPGA) shall be the Planning Board. Such special permit shall be granted if the SPGA determines that the intent of this Article XIII, as well as the specific criteria herein, are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.

B. Application. Whenever an application for a special permit is filed with the Planning Board under this Article XIII, the Planning Board shall transmit, within six working days of the filing of the completed application, copies of the application, accompanying site plan and other documentation to the Board of Health, Conservation Commission, Building Inspector, Director of Public Works, Fire Chief and the Town Engineer for their consideration, review and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of required information and documentation have been filed with the Planning Board. The Planning Board shall notify applicants by registered mail, within 14

days of submittal, of incomplete application status, and the applicant shall have 14 days from the mailing of such notice to complete an application. Failure to complete an application within such time shall result in a return of all materials to the applicant, without prejudice. Reports shall be submitted by the date of the public hearing, but in any case within 35 days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the public hearing by the Planning Board is held prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period. The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of any reviewing party.

C. Applicability. Any special permit required under Article III shall be in addition to and separate from any other special permit required under this chapter.

§ 173-75. Special permit criteria.

Special permits under § 173-74 shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated in § 173-74B, that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for water or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

§ 173-76. Submittals.

A. In applying for a special permit under this Article XIII, the SPGA shall require the information listed below, unless waived or modified by the SPGA, with reasons therefor.

B. Where called for below, site plans shall be submitted on twenty-four-inch by thirty-six-inch sheets, on a minimum scale of one inch equals 40 feet, and prepared by registered professional engineer and a registered land surveyor. In addition to the information required below, site plans submitted under this section shall also include the following:

(1) All property lines;

(2) All adjacent public streets;

(3) All existing and proposed buildings, structures, parking areas and service areas;

(4) All facilities for sewage, refuse and other waste disposal;

(5) Facilities for surface water drainage, both temporary and permanent;

(6) Future expansion areas.

C. Required submissions.

(1) A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion and leakage and to provide for control of spills.

(2) A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion, and leakage and to provide for control of spills.

(3) For aboveground storage of hazardous materials or waste, certification by a registered professional engineer that such storage facilities or containers are in compliance with all applicable federal or state regulations and in compliance with design specifications as prepared by a registered professional engineer.

(4) For any proposed activity on a lot, other than a single- or two-family dwelling and structures and uses accessory thereto, which will render more than 20% of the total lot area impervious, the application shall be accompanied by a site plan, containing the items specified herein and also containing drainage calculations, utilizing United States Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted towards areas with vegetation for surface infiltration to the maximum extent possible. The site plan shall be accompanied by a narrative statement explaining the use of dry wells, which shall be allowed only upon a showing that other methods are infeasible, and that dry wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.

(5) For any use, other than a single- or two-family dwelling and structures and uses accessory thereto, retaining less than 20% of lot area in its natural vegetative state, the application shall be accompanied by a site plan containing the items specified

herein and also containing evidence to demonstrate that such removal of vegetative cover shall not result in decreased recharge of the groundwater deposit or increased sedimentation of surface waters. The site plan shall indicate any restoration proposals or erosion control measures proposed on the premises.

(6) For any use, other than a single- or two-family dwelling and structures and uses accessory thereto, with an on-site disposal system for domestic or industrial wastes with a design capacity of greater than 1,500 gallons per day, as required by 310 CNM 15.00, certification by a registered professional engineer that the disposal system has been installed in compliance with design specifications and a narrative statement, by a registered professional engineer, assessing the impact, if any, of nitrates, coliform bacteria and hazardous materials from the disposal system to groundwater quality on the premises, land adjacent to the premises and on any wellfield(s) down gradient from the proposed disposal system.

(7) For disposal of snow from outside the district; removal of earth, loam, sand and gravel or any other mineral in excess of 10 cubic yards; and/or grading resulting in creation of exterior grades less than five feet above maximum groundwater elevation, applications shall be accompanied by a site plan containing the items specified herein and by a narrative statement, prepared by a registered professional engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, land adjacent to the premises and on any wellfield(s) down gradient from the proposed activity or use.

§ **173-77. Decision.**

The Planning Board shall approve, approve with conditions or deny an application for a special permit that is governed in any manner, by the provisions of this Article XIII. Any conditions imposed by the Planning Board shall be in accordance with the submittal criteria set forth in § 173-76.

§ 173-78. through § 173-79 (Reserved)

ARTICLE XIV
Flexible Development *[Added 10-22-1996 ATM, Art. 24]*

§ 173-80. Special permit required.

The Planning Board may, upon the grant of a special permit in accordance with the provisions in this article, modify dimensional requirements otherwise required in this chapter for lots within a flexible development.

§ 173-81. Purpose.

The purpose of this Article XIV, Flexible Development, is to encourage the presentation of open land for its scenic beauty and to enhance agricultural, open space, forestry and recreational use; to preserve historical and archaeological resources; to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to perpetuate the appearance of Northbridge's traditional New England landscape; to allow landowners a reasonable return on their investment; to facilitate the construction and maintenance of streets, utilities and public services in a more economical and efficient manner; and to promote the development of housing affordable to low- and moderate-income families.

§ 173-82. Applicability.

Any creation of five or more lots, whether a subdivision or not, from a parcel or set of continuous parcels held in common ownership and located entirely within the R-1 or R-2 Districts, may proceed under this Article XIV, Flexible Development, pursuant to issuance of a special permit by the Planning Board, as indicated in § 173-12, Table of Use Regulations. Such special permits shall be acted upon in accordance with the following provisions.

§ 173-83. Procedures.

Applicants for flexible development shall file with the Planning Board six copies of the following:

A. A development plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board.[EN] Such plan shall indicate proposed topography, wetlands and, unless the development is to be sewered, the results of deep soil test pits and percolation tests at the rate of one per acre, but in no case fewer than four per flexible development. Where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the

Conservation Commission a request for determination of applicability pursuant to MGL C. 131, § 40, and 310 CMR 10.05(3). The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for its review and recommendation.

[Editor's Note: See Ch 222, Subdivision of Land]

B. Any additional information required by the Planning Board to make the determination and assessments cited herein.

§ 173-84. Determination of density.

Based on the information submitted pursuant to § 173-83 above, the Planning Board shall determine the maximum number of dwelling units allowed on the premises. The maximum number of units shall be limited to the number of single-family dwelling units that could be constructed in an orthodox subdivision on the site in full conformance with all zoning, subdivision and other applicable state and local regulations and without the proposal of extraordinary engineering measures. Where the maximum number of units is in doubt or dispute, the determination of the Planning Board (and its consulting engineer) shall be conclusive for all purposes.

§ 173-85. Modification of lot requirements.

The Planning Board may authorize modification of lot size, shape and other bulk requirements for lots within a flexible development, subject to the following limitations:

A. Lots having reduced area or frontage shall not have frontage on a street other than a street created by a subdivision involved.

B. Each lot shall contain not less than 1/2 of the area required in the district in which the lot is located and have frontage of not less than 50 feet.

C. Each lot shall have at least 50% of the required yards and 25% of the lot width in the district in which it is located.

§ 173-86. Open space requirements.

A minimum of 30% of the parcel shown on the development plan shall be contiguous open space, excluding required yards and buffer areas. Such open space may be separated by the road(s) constructed within the flexible development. Not more than 25% of such open space shall be wetlands, as defined pursuant to MGL C. 131, § 40.

A. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry or for a combination of these uses and shall be served by suitable access for such purposes.

B. The required open space shall remain un-built upon, provided that 10% of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks and bike paths.

C. Underground utilities to serve the flexible development site may be located within the required open space.

D. The required open space shall, at the owner's election, be conveyed to:

(1) The Town of Northbridge or its Conservation Commission;

(2) A nonprofit organization, the principal purpose of which is the conservation of open space and any of the purposes for such open space set forth above;

(3) A corporation or trust owned jointly or in common by the owners of lots within the flexible development. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots is perpetuity. Maintenance of the open space and facilities shall be permanently guaranteed by such corporation or trust which shall provide for mandatory assessments for maintenance expenses to each lot. Each such trust or corporation shall be deemed to have assented to allow the Town of Northbridge to perform maintenance of the open space and facilities, if the trust or corporation fails to provide adequate maintenance and shall grant the Town an easement for this purpose. In such event, the Town shall first provide 14 days' written notice to the trust or corporation as to the inadequate maintenance and, if the trust or corporation fails to complete such maintenance, the Town may perform it. The owner of each lot shall be deemed to have assented to the Town filing a lien against each lot in the development for the full cost of such maintenance, which liens shall be released upon payment to the Town of same. Each individual deed and the deed or trust or articles of incorporation shall include provisions designed to effect these provisions. Documents creating such trust or corporation shall be submitted to the Planning Board for approval, and shall thereafter be recorded in the Registry of Deeds.

E. Any proposed open space, unless conveyed to the Town or its Conservation Commission shall be subject to a recorded restriction enforceable by the Town providing that such land shall be perpetually kept in an open state, that it shall be preserved for exclusively agricultural, horticultural, educational or recreational purposes and that it shall be maintained in a manner which will ensure its suitability for its intended purposes.

§ 173-87. Buffer areas.

All dwellings and structures shall be located a minimum of 50 feet from adjacent properties. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property.

§ 173-88. Decision.

The Planning Board may approve, approve with conditions or deny an application for a flexible development in accordance with § 173-47 of the Zoning Chapter and after assessing whether the flexible development better promotes the objectives of Article XIV, herein, than would orthodox development.

§ 173-89. Relation to other requirements.

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law[EN] or any other provisions of this Zoning Chapter.

[Editor's Note: For additional regulations, see MGL C. 41, §81-K et seq.]

ARTICLE XV
Open Space Development Overlay District *[Added 11-14-2000 ATM, Art. 22]*

§ 173-90. Purpose and intent.

The purpose and intent of the Open Space Development Overlay District is to:

A. Provide greater choice in the type of housing to correspond to the varying needs of Town residents in different stages of their lives.

B. Ensure that the development of additional housing units does not detract from the livability, scale, character or economic value of existing residential neighborhoods.

C. Encourage the preservation of open space for conservation, outdoor recreation and park purposes.

§ 173-91. Permitted uses.

A. In areas of the Town designated as Open Space Development Overlay District(s), the existing, underlying zoning designation shall remain applicable and any use permitted in the underlying zone shall continue to be permitted on the terms and conditions provided for such uses in such underlying district, except as provided in Subsection C.

(1) The boundaries of the Open Space Development Overlay Districts are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012. *amended 10-23-2012 ATM, Art 15]*

B. In the Open Space Development Overlay District(s), the Planning Board may, upon the grant of a special permit in accordance with the provisions of this article, also authorize the following uses: Single-family dwellings, townhouses, hotels, motels, conference and function facilities, related food service facilities, golf courses, tennis courts, bike trails and related active and passive recreational uses including field sports and club houses.

C. If the Planning Board issues a special permit for any of the uses authorized in Subsection B, the uses otherwise permitted in the underlying zoning district shall no longer be permitted on the land subject to the special permit and the land shall only be used for uses authorized by such special permit.

§ 173-92. Development standards.

An Open Space Development must conform to the following development standards, provided that in appropriate circumstances the Planning Board may waive minor non-conformities.

A. Tract size. Any tract of land proposed for an open space development shall have an area of at least 175 acres.

B. Open space. At least 51% of the entire tract of an open space development shall be maintained as open space.

C. Density. The total number of residential units in an open space development shall not exceed 1.0 units per buildable acre of land.

D. Nonbuildable land. For the purposes of this section, nonbuildable land includes all of the following:

(1) Wetlands resource areas as defined in M.G.L. C. 131, § 40 and the regulations adopted thereunder;

(2) Slopes in excess of 15%; and

(3) Land prohibited from development by easement or covenant.

E. Access and interior ways. There must be a least two points of access to and exit from an open space development from public streets. At least one point of access must be from a public way within the Town of Northbridge. Access within the tract between required points of access shall include at least one street constructed in accordance with the requirements for a secondary street under the Rules and Regulations Governing the Subdivision of Land.[EN]

F. Townhouse design and layout. No townhouse structure shall contain more than six residential units. Townhouse structures shall be no closer than 35 feet to an adjacent residential structure.

G. Single-family lots. Single family lots within the open space development shall comply with the minimum lot size, width and yard requirements provided in § 173-85. (Flexible Development Bylaw)

H. Perimeter buffer. There shall be a perimeter buffer of at least 50 feet from structures along the boundaries of the open space development tract. The perimeter buffer may be considered part of the common open space, and active and passive recreational uses may be located therein.

I. Utilities. All utilities, including but not limited to electric, water and sewerage, shall be placed underground.

J. Residential mixture. No more than 70% of the residential units in an open space development shall be townhouse units, and no more than 70% of the residential units shall be detached single family units.

K. Height. No residential building shall exceed two and one half stories and 35 feet in height unless the special permit granting authority determines that a higher structure will not be detrimental to the character or aesthetic quality of the development or surrounding community.

L. Water and sewerage. Each residential unit must be served with public water service and be connected to the public sewerage system or to a private on site waste treatment facility (package treatment plant) approved by the Department of Environmental Protection.

§ 173-93. Open space use and design.

The open space shall be designed and maintained in accordance with the following standards:

(1) Open space shall be planned as large, contiguous parcels whenever possible. Strips or narrow parcels of open space shall be permitted only when necessary for access or as vegetated buffers along the site perimeter.

(2) Open space may be located in more than one parcel, provided that the size, shape and location of such parcels are suitable for the designated uses.

(3) No more than 15% of the open space shall be covered by impervious surfaces.

(4) The open space must include an 18-hole golf course and may also be used for other passive and permitted active recreational uses, conservation, preservation, forestry, agriculture, natural buffers, structures necessary for approved uses and utilities.

(5) Uses of the open space shall in all instances require approval by the Planning Board.

§ 173-94. Special permit procedures.

A. Submission of site plan. The applicant shall submit an application for an open space development special permit, together with a site plan, to the Planning Board at a regularly scheduled meeting. A copy of the application and site plan shall also be filed with the Town Clerk. The Planning Board will notify the Conservation Commission, Zoning Board of Appeals, Board of Selectmen, DPW, and Safety Committee of the time and location of the hearing scheduled to consider the application and site plan. The contents of a site plan shall be consistent with, to the extent applicable, the requirements of § 173-49.1 (Site Plan Review), and the preliminary plan requirements of the Rules and Regulations Governing the Subdivision of Land, [EN] provided that single family residences need not be shown, and provided further that the Planning Board may waive or modify any requirements that it determines to be unnecessary or burdensome in particular cases.

[Editor's Note: See Ch 222, Subdivision of Land]

B. Submission of definitive subdivision plan.

(1) Applicants for an open space development containing a subdivision shall submit a definitive plan complying with the definitive plan requirements of the Rules and Regulations Governing the Subdivision of Land.EN The definitive subdivision plan may be submitted after the approval of an open space development special permit, in which case the approved site plan will be treated as an approved preliminary plan.

§ 173-95. Deed restrictions.

A. The applicant shall ensure through deed restrictions that the open space is kept in an open state in perpetuity and will not be built upon for uses not permitted in the previous sections of this Article, provided however, that such restrictions shall not prohibit additional development of the site which complies with this by-law and is approved pursuant to the special permit procedures provided herein.

§ 173-96. Criteria for granting a special permit.

A. The Planning Board may approve an open space development special permit if the Board finds that all of the following conditions are met:

(1) The application, site plan and supporting materials substantially conform to the requirements of this section.

(2) The application has provided satisfactory methods of ensuring the performance of any special conditions included in the application and site plan including specifically the provisions concerning open space.

(3) The applicant successfully demonstrates to the Planning Board that the development meets the criteria provided in § 173-47 (Special permits), and will be more beneficial to the community than the uses of the site allowed by the underlying zoning.

B. The Planning Board, in granting an open space development special permit, may impose such additional conditions as the Planning Board finds will serve the public interest, safety and the purposes of the open space development by-law.

C. No construction, reconstruction, or subdivision except as shown on the site plan, shall occur without further submission of plans to the special permit granting authority, and a notation to this effect shall appear upon the approved plan.

§ 173-97. Fees and security.

A. In addition to the required fee for a special permit, the provisions of § 173-49.1 D (2) relating to additional expenses, shall apply to applications for an open space special permit.

B. Prior to the issuance of building permits pursuant to any special permit granted under this Article, the applicant shall provide performance security in a form acceptable to the Planning Board and in an amount sufficient to assure the completion of interior ways and required site improvements. Such security shall be coordinated with any security required under the subdivision control law, if applicable, and may be provided in phases under appropriate circumstances with the approval of the Planning Board.

Legal Description of Open Space Development Overlay District

A certain parcel of land situated in the Town of Northbridge, Worcester, County, Massachusetts bounded and described as follows:

Beginning at a point at the most westerly corner of the parcel to be described.

Thence N 53° 34' 58" E, a distance of 535.48 to a point;
Thence N 07° 48' 28" W, a distance of 135 feet more or less to a point at the Southerly side of Upton Street;
Thence North Easterly by Upton Street, a distance of 1,700 feet more or less to a point.
Thence N 56° 05' 28" E., continuing by Upton Street a distance of 448.17 feet to a point;
Thence N 56° 03' 10" E., a distance of 633.10 continuing by Upton Street to a point on the boundary between the Town of Northbridge and the Town of Upton;
Thence S 33° 18' 40" E, a distance of 3,664.84 feet by the boundary between to Town of Northbridge and the Town of Upton to a point;
Thence S 00° 26' 51" E, a distance of 309.86 feet to a point;
Thence S 34° 38' 32" W, distance of 950.82 feet to a point;
Thence N 40° 36' 17" W, a distance of 1984.78 feet to a point;
Thence S 31° 35' 58" W, a distance of 1231.74 feet to a point;
Thence N 54° 55' 45" W, a distance of 222.52 feet to a point;
Thence S 49° 05' 02" W, a distance of 258.98 feet to a point on the northeasterly sideline of School Street;
Thence northwesterly on a curve to the left with a radius of 1630.00 feet for an arc distance of 143.35 feet by the northeasterly sideline of School Street to a point;
Thence N 38° 14' 07" E, a distance of 10.98 feet to a point;
Thence N 12° 44 00" E, a distance of 63.85 feet to a point;
Thence N 18° 52' 11" W, a distance of 115.88 feet to a point;

Thence N 28° 12' 11" W, a distance of 153.40 feet to a point;
Thence N 32° 50' 11" W, a distance 132.90 feet to a point;
Thence N.49° 00' 18" W., a distance of 149.19 feet to a point;
Thence N 56° 21' 49" E, a distance of 71.00 feet to a point;
Thence N 09° 40' 49" E, a distance of 69.25 feet to a point;
Thence N 34° 13' 11" a distance of 102.50 feet to a point;
Thence S 52° 14' 49" W, a distance of 39.63 feet to a point;
Thence N 47° 48' 57" W, a distance of 154.72 feet to a point;
Thence N 46° 58' 26" E, a distance of 60.00 feet to a point;
Thence N 44° 11' 54" W, a distance of 179.95 feet to a point;
Thence S 21° 58' 24" W, a distance of 83.56 feet to a point;
Thence N 64° 01' 36" W, a distance of 225.00 feet to a point;
Thence N 70° 01' 36" W, a distance of 100.00 feet to a point;
Thence S 83° 45' 24" W, a distance of 425.76 feet to a point;
Thence N 02° 31' 36" W, a distance of 269.50 feet to a point;
Thence N 84° 12' 51" W, a distance of 256.40 feet to a point;
Thence N 66° 33' 27" W, a distance of 186.89 feet to a point;
Thence N 12° 34' 07" W, a distance of 108.41 feet to a point;
Thence N 16° 54' 09" W, a distance of 190.29 feet to a point of beginning.

The above described parcel contains 214.23 acres more or less.

ARTICLE XVI
Route 146 Overlay District Bylaw *[Added 11-14-2000 ATM, Art. 17; Amended 05-09-2006 SATM, Art. 12]*

§ 173-98. Purpose.

Route 146 is the Gateway to the Blackstone Valley, and preservation of its scenic qualities is critical to the image residents and visitors have of this region. With the opening of the Massachusetts Turnpike Interchange with Route 146 in 1998, increased opportunities for economic development will provide fiscal benefits to Blackstone Valley communities and create jobs for residents. The five Corridor communities of Millbury, Sutton, Northbridge, Douglas, and Uxbridge recognize that joint planning and cooperation can insure that all communities will benefit economically without causing haphazard and inefficient strip commercial development or degradation of the environment. The Route 146 Corridor Overlay District is intended to facilitate the long-term economic growth of the Corridor by

coordinating development among the five communities and by promoting high quality development that preserves the scenic, natural, and cultural resources of the Blackstone Valley.

§ 173-99. Application of District regulations. *[Amended 10-23-2012 ATM, Art 15]*

A. Overlay District. This by-law is adopted as an overlay district and sets forth the design standards that apply to development in the Route 146 Corridor Overlay District. These standards shall apply to any development proposing a new building containing 5,000 or more square feet of floor area or requiring the creation of 10 or more parking spaces, or any re-development that will require alteration of an existing parking lot containing 10 or more spaces. The use regulations of the underlying district remain in place and other provisions of the Zoning bylaw will apply unless specifically superseded by the provisions of this overlay district. The location of the overlay district is shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012, which is on file in the office of the Town Clerk.

§ 173-100. Application approval.

A. Plan review. The Planning Board (Board) shall be the special permit granting authority for developments proposed under these regulations. Applicants shall comply with the procedures for site plan approval and special permits as listed elsewhere in this bylaw.

B. Waivers. The Board may modify or waive any requirement of the overlay district upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict the use of the property or would be detrimental to the orderly development of the area. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest and to insure that the development will be consistent with the purpose of this section.

C. Joint use agreements. For commercial, office, and industrial centers developed as a single entity, but which include lots under separate ownership, the standards for parking, internal roads, lot coverage and open space may be satisfied by all of the property included within the center. In such event, permanent easements shall be recorded on the approved site plan and subdivision plan, and covenants recorded in the Registry of Deeds providing for the joint use and maintenance of parking, roadways, and open space by all occupants of the center.

D. Review by other agencies.

(1) Inter-municipal review. Copies of the application shall be sent to the Planning Boards of the other four communities in the Corridor, who shall have 21 days to submit comments to the Board. The purpose of this review is to insure that regional implications are considered by the Board, and that significant impacts of the project on corridor communities can be mitigated.

(2) Development coordination. Applicants shall submit documentation that they have contacted owners of abutting land within the overlay district regarding their proposed plans. The intent of this notice is to give those landowners the opportunity to coordinate existing uses or future development plans with the project before the Board. Where feasible, the parties shall work cooperatively to solve common issues such as improving traffic access, sharing parking, creating frontage roads, allowing connections between properties, buffering incompatible uses, or preserving valuable open space and wetland resources.

§ 173-101. Design standards.

A. Environmental controls.

(1) Water quality and quantity. Drainage systems shall be designed using best management practices (BMPs) as found in the most recent version of DEP's "Non-Point Source Management Manual." The applicant shall submit a stormwater management plan implementing the highest practicable level of stormwater treatment. The development shall conform to the Stormwater Management Standards of the Department of Environmental Protection (DEP).

(2) Erosion and sedimentation. Uncontrolled erosion during construction can cause sedimentation of adjacent streams, ponds, and wetlands. The applicant shall submit an erosion control plan, which is designed to prevent sedimentation by employing the following best management practices:

(a) Exposed or disturbed areas due to stripping of vegetation, soil removal, and re-grading shall be permanently stabilized as soon as practicable after construction ends.

(b) During construction, temporary vegetation and/or mulching shall be used to protect exposed areas from erosion. Until a disturbed area is permanently stabilized, sedimentation in runoff shall be trapped by using staked hay bales, sediment traps, or other acceptable methods as determined by the Planning Board.

(c) Permanent erosion control and vegetation measures shall be in accordance with erosion and vegetation practices recommended by the Natural Resources Conservation Service.

(3) Slope protection. No structure, roadway, or earth disturbing activity shall be located or occur on slopes of 15% or greater.

(4) Preservation of sensitive natural features. Development shall be located as to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features. The following features shall be identified on the site development plans by the developer and be preserved as undeveloped open space:

(a) Unique and/or fragile areas including wetlands, vernal pools, and 100-year flood plains.

(b) Habitats of rare species listed by the Mass. Natural Heritage and Endangered Species Program.

(c) Streams and water bodies, including a buffer strip 100 feet in width along the centerlines of perennial streams, unless an order of conditions is obtained from the Conservation Commission.

B. Open space preservation.

(1) A minimum of 35% of the tract shall be left as open space. Open space shall not include land under right-of-ways for utilities and required yard setback areas. Open space may be dedicated to public use subject to approval and acceptance by Town Meeting. Open space in private ownership shall be protected by legal arrangements sufficient to insure its maintenance and preservation for purposes for which it is intended. Up to 25% of the required open space may be developed with manmade features such as storm water detention devices, non-commercial recreational structures and uses, septic systems, and similar features.

(2) When a proposed development abuts a Residential district in any community, whether presently developed or not, landscaped buffers shall be employed to shield the residential property from view of the proposed development, and to minimize negative impacts such as glare, noise, and odors. Such a buffer shall contain a screen of plantings not less than three feet in width and six feet in height at the time of planting. Individual shrubs or trees shall be planted not more than three feet on center, and shall thereafter be maintained by the owner or occupant so as to maintain a dense screen year-round. At least 50% of the plants shall consist of evergreens. A solid wall or fence, not to exceed six feet in height, complemented by suitable plantings may be substituted for such landscaped buffers.

(3) Developments shall seek to leave large tracts as open space to serve as buffers from incompatible land uses. Where existing protected open space abuts the proposed development, the development shall insure proper access to such land, and where possible, to set aside additional land that will complement the protected open space. The Board may waive open space requirements of this bylaw if the proposed open space is of exceptional value, will increase active recreational opportunities for local residents, or will add important links to the Town's trail and bicycle network.

(4) Where developments of different character are proposed within the same project, (e.g. retail and industrial), such areas shall be separated by open space at least 200' in width to create defined edges between developments.

C. Site design standards.

(1) Landscaping.

(a) A registered landscape architect shall submit a landscape plan drawn to scale, including dimensions and distances. The plan shall clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials and tree cover.

(b) Access ways into the site and thoroughfares within the development shall be provided with deciduous trees at intervals of approximately 50 on both sides of the road to provide an overhanging canopy at maturity. Such trees shall be a minimum of two-inch caliper at breast height when planted and shall normally attain a height of at least 50' at maturity.

(c) The development shall contain a series of pedestrian paths linking the major buildings and open space parcels on the property. Between buildings such paths shall be hard surfaced and at least six feet in width. Landscaping shall be provided on either side and contain varieties of plantings, including shade trees, ornamental trees, shrubs, and flower beds. Paths connecting to open spaces may be simple hiking trails without ornamentation.

(d) There shall be provided one central gathering place of unique visual interest. This may include elements such as a fountain, pond, sculpture, gazebo or similar open space or structure. The area shall be provided with benches, stone walls, and similar amenities, and shall be accessible to individuals in wheelchairs.

(e) Outside storage areas for materials, equipment or trash shall be provided with an opaque screen to shield such areas from view from adjacent streets and residential districts. Such screens may be walls, fences, landscaped berms, evergreen plantings, or any combination thereof. Fences shall consist of wood, stone, or brick materials; chain link, plastic, or concrete materials are prohibited. Walls or fences exceeding four and one-half feet shall have plantings on any side facing a residential district.

(f) Elements such as HVAC units, telephone boxes, or electrical transformers shall be integrated into the site design through use of landscaping, berms, or fences and shall be as unobtrusive as possible. HVAC units may be located behind roof ridgelines so they are not visible from the front view of the building.

(2) Circulation and access.

(a) Each development under common ownership within an overlay district shall be limited to one entrance and one exit per street. At the main entrance, one combined entrance/exit location is encouraged to facilitate traffic movement; such an entrance shall be separated by a traffic island with separate in and out movements. If needed, the applicant shall construct separate right and/or left turning lanes to facilitate entry and exit from the site. Access shall not be provided through residential areas unless authorized by the Board.

(b) The main entrance to the development shall contain one ground sign announcing the name of the development. Such sign shall consist of natural materials and shall be reminiscent of the heritage of the Blackstone Valley. For example, the use of iron, wood or brick surrounding the sign face is encouraged to reflect the Valley's industrial heritage. Around the sign shall be placed grass, flowers, and shrubs to provide color and visual interest. There may also be used fencing materials such as split rail, granite, stone, or other materials as may be seen in the Valley's agricultural areas. Applicants should incorporate design elements of specific themes from the Valley's past (e.g. mill village, agricultural, industrial) and not mix inappropriate elements from different theme types.

(c) To minimize turning movements onto adjacent public ways, developers are encouraged to provide internal circulation systems that connect to adjacent developments. When several adjacent lots front onto one street, the Board may require such lots to share a single driveway, or that the lots be accessed by an internal service road. Where such sharing cannot be achieved in the short run, the means and location for future long-term interparcel connections shall be required through right-of-way reservation and/or dedication. Thought should be given to

continuing such internal ways between two public ways to facilitate town-wide traffic flow. The Board may waive height, open space, or other requirements of this by-law to achieve such purposes.

(d) Each development shall contain facilities that will enhance transit services as a means of reducing automobile travel. Shelters shall be installed at central locations in the development to provide convenient access for buses. Secure bicycle racks shall be installed to promote bicycle commuting.

(e) Uses that propose drive-through facilities such as automatic teller machines (but not fast food restaurants) shall be designed to be an integral component of the building complex. Such uses shall be safely and conveniently accessible from surrounding uses via a clearly defined pedestrian circulation system, which minimizes points of conflict between vehicular and pedestrian traffic.

(f) Ways intended to become public shall comply with the design and construction standards of the Planning Board's Rules and Regulations Governing the Subdivision of Land.EN

(g) Private streets may be approved provided such streets are not through streets, and a plan is submitted and approved by the Board for access for fire, ambulance, and police vehicles and for snow clearance. Deeds for abutting property must state that the street will not be maintained by the Town.

(3) Parking.

(a) All off-street parking and loading spaces shall be provided with safe and convenient access. Access locations shall be designed to encourage unimpeded traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic.

(b) The number of parking and loading spaces required shall be determined by using the standards for each use as provided elsewhere in this Zoning bylaw. The Board may allow a reduction of the required number of spaces by up to 25% if it can be demonstrated that two or more uses within a single development can share parking areas due to different hours of normal activity. A change in use of one of the businesses shall require the construction of the full amount of parking otherwise required unless the Board grants a special permit to allow the parking reductions to remain in effect.

(c) When two or more adjacent property owners agree to share parking and a combined entrance, the required number of parking spaces may be reduced by as much as 15% for each business. In addition, the side yards (including associated landscaping) between the two parcels are not required. The property owner(s) shall file a written agreement with the application, which shall be recorded at the Worcester District Registry of Deeds. The agreement may be revoked by the parties only if parking is provided in accordance with this Zoning bylaw, and a revised plan is approved by the Planning Board.

(d) Parking lots shall generally be sited to the side or rear of buildings in order to minimize the obtrusiveness of large parking areas on the visual quality of the Corridor. Up to 25% of the total parking spaces may be sited in the front of the building to accommodate short-term parking needs of the proposed uses.

(e) Any parking lot of more than 20 spaces shall be provided with interior landscaping covering not less than five percent of the total area of the lot. Landscaping shall also be provided around the perimeter of the lot for a width of 10' and planted with trees and shrubs. In total, there shall be provided one shade tree for every 10 spaces and complemented by shrubs and other planting material. Such trees shall be at least two inches in trunk diameter at the time of planting, and shall be located in planting beds at least six feet in width or diameter. In case it can be shown to the Planning Board that the planting of trees is impractical, the Planning Board may authorize plantings and shrubbery instead of trees.

(f) Sidewalks and pedestrian paths shall connect the lots to the principal uses they will serve. Such walkways shall be constructed with brick, decorative pavers, or other materials, and may be bordered with fencing or shrubbery to clearly separate pedestrians from automobile traffic. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Car stops shall be provided to prevent parked cars from damaging trees and shrubs or disrupting pedestrian walkways.

(g) For non-retail uses, to facilitate alternatives to single occupancy automobiles, parking lots shall have designated areas for car and van pool vehicles at a more convenient location near building entrances than for other employee parking areas. Such areas shall be shown on the site plan and when built shall be clearly signed for identification purposes.

(h) Parking garages are permitted as an alternative to extensive surface lots. Exterior treatment of the garages shall consist of the same materials as the principal buildings in the development. Above ground garages shall be sited behind the principal structures and shall be limited in height by the requirement of the underlying district.

(4) View protection.

(a) The Route 146 Corridor offers many scenic vistas of the Blackstone Valley. Each development shall recognize the visual quality of its site in relation to the scenic qualities of the immediate area and the Corridor as a whole. The applicant shall submit photographs of the area to the Board and describe the most prominent features of existing visual quality. Through means of sketches or computer simulations, the applicant shall document the impacts of the proposed development on visual quality. This analysis shall present how the project will be viewed from Route 146 in both directions and how views from the site to the surrounding area can be integrated into the development to enhance the project design. Within the development, the applicant shall preserve open vistas of important features such as lakes, farms, forests, historic sites, etc.

(b) Where possible, structures should not be located on ridge tops. The visual impact of structures near ridge tops should be mitigated through reducing structure height below the crown of a mature tree stand where possible or through innovative architectural design.

(5) Lighting and utilities.

(a) All electric, telephone, television and other communication lines, both main and service connections, servicing new developments shall be provided by underground wiring within easements. These lines shall be installed in accordance with the prevailing standards and practices of the utility company providing such services. Electric transmission lines responsible for transporting power through the area and provision of three-phase power are exempt from the underground requirement.

(b) All exterior lights and illuminated signs shall be designed and installed in such a manner as to prevent objectionable light at (and glare across) the property lines. Externally lit signs, display, building and aesthetic lighting must be lit from the top and shine downward. The lighting must be shielded to prevent direct glare and/or light trespass.

(c) Each outdoor luminaire shall be a full cutoff luminaire, and the use of decorative luminaires with full cutoff optics is desired. A full cutoff luminaire is an outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture is projected below the horizontal plane. Light standard design shall be consistent with the architectural objectives of the development.

(d) The development shall eliminate glare onto adjacent properties through the use of lighting shields, earthen berms, or retention of existing natural vegetation. All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.

(6) Signage.

(a) Unless specifically stated below, the sign requirements contained elsewhere in this Zoning bylaw shall determine the number, size, and location of signs for buildings and uses within the development.

(b) The use of materials such as brick in entry signs, or the use of signboards that use architectural motifs from the Valley's mill or colonial heritage are to be used where possible.

(7) Building layout. It is the intent of this overlay district to promote compact patterns of development where buildings are clustered in close proximity in order to reflect historical settlement patterns of the Blackstone Valley. Building layouts shall promote pedestrian use by reducing walking distances between buildings and providing walking paths to major entrances. Parking lots shall be sited in convenient locations such that visitors can conveniently access more than one facility in the development. Within the development, there is no minimum separation distance between buildings.

(8) Redevelopment of existing property.

(a) Where it is proposed to re-develop property, existing curb cuts shall be re-designed to improve traffic flow. Where possible, multiple curb cuts shall be combined to minimize traffic entry points onto adjacent streets. There shall be no more than two curb cuts onto each street to which the development has access.

(b) If existing buildings are to remain, their facades shall be renovated to reflect the architectural treatments noted above.

(c) Parking lots shall be re-designed according to the standards noted above. The Board may waive landscaping requirements or other standards upon demonstration that such relief is necessary due to site constraints and other amenities will be substituted that are consistent with the purpose of this by-law.

(9) Infrastructure availability.

(a) Each development shall tie-in to a public water system if an available connection is located within 1000' of the property, unless evidence is submitted by the water supplier that its available capacity is insufficient to service the development.

(b) Each development shall tie-in to a public sewer system if an available connection is located within 1000' of the property line unless evidence is submitted by the sewer provider that the sewer mains or treatment plant has insufficient capacity to service the development. If an on-site package treatment plant is proposed, the plant shall be built prior to the issuance of any occupancy permits.

(c) Intensity of development shall vary with the proposed sewage treatment method. The floor area ratio (FAR) shall vary depending up the proposed sewage treatment method, as follows:

Sewage Treatment Method	**FAR**
Connection to Public Treatment Works	0.75
Package Treatment Plant	0.25
On-Site Septic System	0.10

(10) Architectural standards.

(a) Buildings shall be designed in keeping with the historical patterns of the Blackstone Valley. Architects should research building types that typify the region's heritage and incorporate details in their structures that are based upon examples from the region. Use of materials such as clapboard, stone, and brick that reflect housing and mill styles should be used.

(b) Buildings should contain variation in detail to provide visual interest and to avoid monotony. Use of pitched roofs, breaks in roof and wall lines, towers, cupolas and building ornamentation are examples of measures to incorporate Valley elements into contemporary life.

(c) Architecture based upon generic franchise design is prohibited. Rather, where franchise buildings of national chains are proposed, architects should rely upon models of Blackstone Valley building types to incorporate elements of historic design into the development.

(11) Dimensional regulations.

(a) Building height shall be limited to forty-five feet (45') if: 1) the development is connected to a public water supply; 2) the Fire Chief determines that water pressure is sufficient for fire fighting purposes; and 3) the Town has fire apparatus capable of extinguishing fires at the highest part of the buildings. If such facilities are not present, the height limit of the underlying district shall govern.

(b) In lieu of minimum lot size and frontage requirements, the FAR and open space requirements specified above shall govern the overall project development intensity.

(c) There are no required minimum side and rear yards between buildings within the development. Where the tract abuts land zoned for commercial or industrial use, side and rear yards of 15 feet shall be provided. Where the tract abuts property lines of residential districts, side and rear yards shall be provided of fifty feet (50') which may contain no buildings or parking lots. Such yards shall provide means to create visual barriers at pedestrian level and create a strong impression of visual separation.

§ 173-102. through § 173-109 (Reserved)

ARTICLE XVII
Senior Living Bylaw *[Added 4-3-2001 STM, Art. 5]*

§ 173-110. Purpose.

The purpose of the Senior Living Bylaw is to encourage residential development that provides alternative housing choices for people that are 55 years of age or older. For the purposes of this bylaw, housing units are intended for occupancy by persons fifty-five or over within the meaning of MGL, c.151B, § 4.6. and shall comply with the provisions set forth in 42 USC 3601 et seq. This bylaw is also intended to promote affordable housing, efficient use of land and public infrastructure, and to preserve open space.

§ 173-111. Applicability.

In order to be eligible for a special permit for a Senior Living development, the property under consideration must be a parcel or set of contiguous parcels held in common ownership and located entirely within the R-1, R-2, R-3, R-4, or R-5 zoning districts as set forth on the Zoning Map. In a Senior Living development, the underlying uses outlined in the Table of Use Regulations (§ 173-12) shall no longer be permissible.

§ 173-112. General requirements.

An application for a Senior Living development special permit must conform to the following standards:

A. Occupancy of dwelling units shall be limited to persons 55 years of age or older.

B. The minimum tract size shall be 10 acres.

C. The property under consideration must be located within 5,000 feet of a village center. Village centers are defined as follows: in Rockdale, the intersection of Providence Road and Sutton Street; in Whitinsville, the intersection of Main Street and Hill Street, or the intersection of Church Street and Providence Road; and, in Linwood, the intersection of School Park and Providence Road.

D. All dwelling units must be served with public water service and be connected to the public sewerage system. An on-site waste treatment facility (package treatment plant), approved by the Department of Environmental Protection, may be substituted for public sewer if the Department of Public Works deems the connection to public sewer to be infeasible.

E. A minimum of 30% of the parcel shown on the development plan shall be contiguous open space, excluding required yards and buffer areas. Not more than 25% of the open space shall be wetlands, as defined pursuant to MGL c. 131, § 40. The open space shall be subject to the conditions set forth in § 173-86, Open Space Requirements (for flexible developments) provided that the term "senior living development" shall be substituted for the term "flexible development" in said conditions.

F. A minimum of 10% of the total units shall be affordable in perpetuity. Affordable units are defined as (a) dwelling units that are available for sale and sold at a selling price that will result in an Annual Shelter Cost (rent or mortgage, heat, cooking fuel and electricity)of not more than 30% of the Annual Household Income of a Qualified Affordable Housing Unit Purchaser or (b) available parental and rented at an annual rent that will result in an Annual Shelter Cost of not more than 30% of the Annual Household Income of a Qualified Affordable Housing Unit Tenant. Affordable units shall be dispersed throughout the development and shall be indistinguishable from market rate units. The Northbridge Housing Authority shall be responsible for choosing purchasers or tenants, and monitoring and insuring the long-term affordability of the units.

G. The maximum number of permitted housing units within all permitted Senior Living developments in the Town of Northbridge shall be limited to a number equivalent to 10% of all existing residential units (excluding Senior Living development units) located in the Town of Northbridge. The Board of Assessors shall establish the number of residential housing units as of January 1 of each calendar year.

H. No single structure shall contain more than 4 dwelling units.

I. The total number of dwelling units in a Senior Living development shall not exceed 4 units per acre of buildable land unless a density bonus is granted under the following section. Buildable acreage shall be calculated by a registered land surveyor or civil engineer and shall not include any of the following:

(1) Land within a floodway or floodplain district as defined under § 173-18;

(2) Fresh water wetlands as defined by MGL c. 131, § 40;

(3) Land having slopes greater than 20%;

(4) Land subject to a conservation restriction which prohibits development;

(5) Land subject to any local or state law or regulation, rights of way, public or other restriction, which prohibits development.

J. The Planning Board may grant density bonuses under the following provisions, provided however, that at no time shall there be more than 6 units per buildable acre of land:

(1) Affordability: For each affordable housing unit provided above the minimum required 10%, one additional housing unit may be permitted.

(2) Open Space: For each acre of preserved open space in addition to the minimum required, two additional housing units may be permitted.

K. The Planning Board may allow additional structures to provide visiting and welcoming areas, recreational facilities, community office space or for other accessory uses that are compatible with senior living development.

L. Public bikeways, pedestrian walkways or walking trails may be required by the Planning Board to provide circulation or access to schools, playgrounds, parks, shopping, transportation, open space and/or community facilities for such other purposes as the Board may determine to be appropriate to serve the needs of the development.

§ 173-113. Dimensional requirements.

A. Lot Area - Individual residential lots shall have a minimum lot area of 10,000 square feet.

B. Lot Frontage - Individual lots within a Senior Living development shall have a minimum of one hundred feet (100') of frontage on a public way.

C. Setback Requirements - All structures shall be located no less than twenty-five feet (25') from the front lot line and fifteen feet (15') from the side and rear lot lines.

D. Building Separation - Distance between structures shall not be less than thirty-five feet (35').

E. Buffer Areas - All dwellings and structures shall be located a minimum of fifty feet (50') from adjacent properties. Buffer Areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to property used for agricultural purposes.

F. Building Height - No building shall exceed two and one-half (2 1/2) stories in height exclusive of basements, or thirty-five feet (35') in height.

G. Parking - The development shall comply with the driveway and parking provisions of Article VIII, Off-Street Parking and Loading.

§ 173-114. Procedures.

The Planning Board shall be the granting authority for Senior Living development special permits.

A. Pre-Application. Applicants are required to present a conceptual development plan prepared by a registered landscape architect at a regularly scheduled Planning Board meeting. The plan shall include a detailed analysis of site topography, wetlands, unique land features, and soil types. The purpose of this requirement is to help applicants and officials develop a better understanding of the property and to help establish an overall design approach that respects the intent of this bylaw, which is to provide alternative housing choices, protect open space, and promote efficient use of the land and infrastructure.

B. Application. Applicants are required to submit a special permit application and development plan, conforming to the requirements of this bylaw, to the Planning Board for approval under the provisions of § 173-47. The development plan shall include a site plan under § 173-49.1.

(1) If the development plan shows a subdivision of land as defined under MGL, c. 41, § 81L, the applicant is required to also submit a preliminary subdivision plan and application under the applicable Planning Board Subdivision Rules and Regulations at the time of application for a Senior Living development, and must obtain approval of the preliminary subdivision plan prior to submitting a definitive plan and application.

C. The Planning Board may grant a Special Permit for a Senior Living development if the Board determines that all the requirements under the bylaw have been met and that the benefits of the proposal outweighs the detriments to the neighborhood or town.

D. The Planning Board may impose such additional conditions as it finds reasonably appropriate to safeguard existing neighborhoods or otherwise serve the purposes of this bylaw.

ARTICLE XVIII
Infectious Waste Transfer and Processing Facilities *[Added 9-23-2003 STM, Art. 1]*

§ 173-115. Purpose.

This bylaw is intended to ensure the protection of the residents of the Town of Northbridge and allow their concerns to be considered during the siting and design of Infectious Waste Transfer Stations or Infectious Waste Processing Facilities by requiring a Special Permit for such facility.

§ 173-116. Applicability.

The following types of activities and uses require a special permit by the Special Permit Granting Authority (SPGA) designated in § 173-118A of the Northbridge Town Code.

A. Any new facility or expansion to an existing facility with the purpose of creating an Infectious Waste Transfer Station.

B. Any new facility or expansion to an existing facility with the purpose of creating an Infectious Waste Processing Facility.

C. Any new building, facility or premises or part thereof constructed, altered, enlarged, expanded, reconstructed or used for the purpose of processing, storing, transferring, or staging, as principal uses, of infectious waste or physically dangerous medical or biological waste as defined by the Commonwealth of Massachusetts Department of Environmental Protection Regulation 310 CMR 16.00, 310 CMR 19.00 and the Department of Public Health, State Sanitary Code 105 CMR 480.000.

§ 173-117. Exemptions.

Existing infectious waste processing or infectious waste transfer facilities that have obtained all federal, state, and/or local permits or licenses that are required for operation prior to this bylaw becoming effective shall be exempt from this section of the Northbridge Code. Any facility or part thereof proposed for the purpose of transferring or processing infectious waste that does not do so prior to the effective date of this bylaw section, shall be required to comply with this section of the bylaw.

§ 173-118. Administration.

A. The Planning Board shall be the SPGA for any Infectious Waste Transfer Station or Infectious Waste Processing Facility within the Town of Northbridge.

B. Each application for a special permit shall be filed by the petitioner with the town clerk and a copy of said application, including the date and time of filing certified by the town clerk, shall be filed forthwith by the petitioner with the SPGA as indicated in § 173-119.

C. The SPGA shall hold a public hearing, for which notice has been given as provided in MGL c. 40A, § 11, on any application for a special permit within 65 days from the date of filing of such application. The decision of the SPGA shall be made within 90 days following the date of such public hearing. The required time limits for a public hearing and said action may be extended by written agreement between the petitioner and the SPGA. A copy of such agreement shall be filed in the office of the town clerk.

D. No building permit shall be issued by the building inspector without written approval of the Special Permit by the SPGA, or unless constructive approval has been granted.

E. A fee shall accompany an application as set forth in the SPGA Fee Schedule, and in no instance shall the administrative portion be less than $500. The Fee Schedule shall also include a review and inspection component to allow application review by outside professionals. This fee schedule shall be implemented as allowed under MGL c. 44, § 53G. The review and inspection fee shall in no instance be less than $5,000 and shall be fully replenished by the proponent when it is reduced to 25% of the original fee amount. Failure to comply with this requirement within 30 days of notification shall be deemed to be a request for withdrawal of the application by the Applicant.

§ 173-119. Submittal requirements.

Applicants for Special Permit shall submit nine complete copies of the Application Package to the SPGA for review, and forthwith shall also submit to the SPGA an additional seven complete copies of the application which are to be forwarded to the Town Manager, the Board of Health, the Director of Public Works, the Police Chief, the Fire Chief, the Building Inspector, and the Conservation Commission for their advisory review and comments. The Applicant is also responsible for filing a copy of the application forthwith to the Town Clerk, as indicated in § 173-118B. The following information shall be included in the Special Permit application, otherwise the application may be deemed to be incomplete:

A. Project Narrative - The Applicant shall submit as part of its application a written narrative assessing the on-site and off-site impacts resulting from the proposed project, including but not necessarily limited to traffic, drainage, noise, environmental, and other factors that may be appropriate, as determined by the SPGA. Also, typical operations shall be indicated in this narrative indicating hours of operation, days of operation, potential nuisance conditions (i.e. Noise, odor, dust, vectors, emergency response plans, etc.), mitigating features proposed to offset impacts to the surrounding neighborhood, and manufacturer information for any proposed processing or storage equipment. The SPGA may require the narrative assessments to be prepared by qualified experts, as appropriate.

B. Plan - The site plan shall be prepared and submitted on sheets measuring 24-inches by 36-inches. Plans shall be prepared by a Registered Professional Engineer, Professional Land Surveyor, Architect, and/or Landscape Architect, as appropriate or as required by the SPGA. Dimensions and scales shall be adequate to determine that all requirements are met and to make a complete analysis and evaluation of the proposal. All plans shall have a minimum scale of 1"=20'. Plans shall be prepared with sufficient clarity and detail to indicate the entire scope of the proposed work and features as further defined below:

1. Overall Site Plan - The overall site plan shall be presented at a suitable scale to show the entire contiguous property limits of the subject site and shall indicate proposed locations for buildings and other structures. The intent of this map is to provide an orientation of the subject project site. This plan should show topography, existing and proposed buildings and structures, paved areas, limits of clearing, and other general schematics that may be appropriate. This plan shall be stamped by a Registered Professional Civil Engineer (PE).

2. Existing Conditions - The existing conditions shall be presented on the plan with sufficient clarity and detail to represent all existing site features. This shall require the submittal of a separate existing conditions plan to adequately show the necessary detail. The plan shall include, but not necessarily be limited to, the following features: locus map; property boundary; building setbacks; Zoning district boundaries, overlay districts, abutter information, existing topography at a two-foot contour interval; existing buildings and structures such as fences, loading areas, accessory buildings, signs, waste disposal areas, and storage areas; Parking lots, utilities (i.e. water, sewer, gas, electric, drainage, etc.) walkways, treelines, testing locations, floodplains, wetlands as defined by 310 CMR 10.00 and any other features that may be appropriate to depict the existing site conditions. Notes contained on the existing conditions plan shall detail property deed/record owner information, property boundary references, dates of topographic/property surveys and responsible parties for the surveys, horizontal and vertical control datum, relevant zoning district dimensional information, any dimensional or other variances existing on the property, and any other data or information related to the site that may be pertinent or relevant for the

SPGA to perform a thorough review. The existing conditions plan shall also contain a legend which details the symbology used for items depicted in the plan. This plan shall be stamped by a PE and a Professional Land Surveyor (PLS).

3. Proposed Conditions - The proposed conditions plan shall contain the same features, notes and legends as the existing conditions plan but shall be presented in a manner to clearly indicate which features are existing and which features are proposed (through line weights, shading, or as otherwise appropriate). The proposed conditions plan shall also show the following proposed site features: Buildings; structures such as fences, stone walls, retaining walls, sheds, signs, and light posts; proposed contours; proposed utilities; proposed systems of waste disposal; proposed limits of parking lots and paved areas; proposed landscaping; and any other data or information related to the site that may be pertinent or relevant for the SPGA to perform a thorough review.

   Also depicted on the proposed conditions plan shall be a table of the space and bulk requirements which includes a dimensional analysis and lists required and proposed dimensions, a list of variances requested (if applicable), relevant layout and construction notes and schedules of elevations for drainage structures, sewer structures, etc. This plan shall be stamped by a PE, and in the event new property boundaries or easements are proposed, a PLS.

4. Lighting Plan - This plan shall show the location and orientation of all facility lighting. A grid showing the luminaire values shall also be presented on this plan. This plan shall be stamped by a PE and a Registered Professional Architect (RPA).

5. Landscaping Plan - This Plan shall show all existing and proposed plantings for the subject site. The plantings shall be situated to provide maximum screening from all abutters and shall also propose indigenous species to the area. This plan shall be stamped by a Professional Landscape Architect (PLA).

6. Detail Sheets - Details showing fences, walls, structures, lighting, pavement design, underground utilities and structures, profiles and cross sections (as appropriate), proposed processing and storage equipment, and any other information that is pertinent to the appearance and function of the site. This plan shall be stamped by a PE.

7. Floor Plan - A proposed floor plan depicting the interior layout of the existing and proposed building(s) as appropriate. The floor plan will clearly identify areas and types of use necessary for determining the parking and loading calculations. Gross square foot areas will be used for the parking lot calculations. This plan shall be stamped by a RPA.

8. Rendering/Elevation Views - Elevation views of the building shall be prepared showing the proposed building and structures from all elevation views. Color architectural renderings of the proposed buildings shall also be submitted. This plan shall be stamped by a RPA.

C. Design Requirements

1. Survey - The property line and topographic surveys shall conform to the requirements contained in 250 CMR 6.00. The Massachusetts State Plane Coordinate System and the National Geodetic Vertical Datum of 1929 shall be used for horizontal and vertical control, respectively. Temporary construction benchmarks and permanent site benchmarks shall be established onsite and identified on the plans.

2. Stormwater Management - The plans presented shall show locations of any and all soil tests performed onsite. Stormwater management systems utilizing infiltration structures shall have soil testing (percolation tests and deep holes) performed within structure proposed for infiltration. Only soil testing which has been witnessed by the Board of Health Agent may be used for design. Stormwater calculations shall be performed in accordance with the requirements of the Massachusetts Stormwater Policy Manual and the requirements contained therein. Supporting hydraulic calculations for the 2, 5, 10, 25, 50 and 100-year (24-hour) storm events shall be submitted. Stormwater facilities shall be designed to accommodate the 100-year, 24-hour storm event. Furthermore, minimum design requirements contained in the Massachusetts Department of Environmental Protection Stormwater Policy Manual shall be used, irrespective of whether or not work is proposed within wetland jurisdictional areas.

3. Soil excavation - Volume calculations for any site soil excavation or filling proposed as part of the project construction shall be prepared and submitted with the application.

4. Traffic safety and impact - A detailed traffic study shall be required by the SPGA. The key features that need to be considered to address this section in every submittal include, but are not necessarily limited to, traffic counts, suitability of offsite roads, offsite traffic patterns, sight access and egress, cornering site distance, trip generation, and overall impact.

5. Lighting - In the area of new construction, outdoor lighting, including lighting on the exterior of a building or lighting in parking areas, shall be arranged to minimize glare and light spilling over to neighboring properties. Except for low-level intensity pedestrian lighting with a height of less than eight (8) feet, all outdoor lighting shall be designed and located so that (1) the luminaire has an angle of cutoff less than 76 degrees, (2) a line drawn from the height of the luminaire along the

angle of cutoff intersects the ground at a point within the development site, and (3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five (5) feet above the ground on neighboring properties or streets.

6. Landscaping - Any landscaping shall be designed to enhance the visual impact of the use upon the lot and adjacent property. Where appropriate, existing vegetation may be retained and used to satisfy the landscaping requirements. Landscaping areas shall be maintained as open planted areas and used to (1) ensure buffers between properties, (2) provide landscaped areas between buildings, (3) minimize the visual effect of the bulk and height of buildings, structures, parking areas, lights or signs and (4) minimize the impact of the use property on land and water resources.

7. Emergency Response Plan - An emergency response plan shall be presented as part of the application. The Plan should review every aspect of the proposed operation indicating the proper method of response, who should be notified, evacuation procedures, cleanup of spills, releases to the environment, etc. Minimum requirements for personnel training and licensing shall also be submitted.

§ 173-120. Facility siting requirements.

A. Building Separation - The minimum separation between the Infectious Waste Transfer and/or Processing Facility and any other building located onsite shall be 250-feet. The minimum separation between the Infectious Waste Transfer and/or Processing Facility and any other building located offsite shall be 500-feet.

B. Buffer Areas - The following are areas that have been identified to be of concern and shall be protected by the implementation of the buffer zones provided:

a. Riverfront area - No facility shall be located within the Riverfront area to a Perennial Stream as defined by the Wetlands Protection Act Regulations 310 CMR 10.000.

b. Wetland Resource Area - No facility shall be located within 100-feet of a resource area as defined by the Wetlands Protection Act Regulations 310 CMR 10.000.

c. Residentially Zoned areas - No facility shall be located on a site that lies within 500-feet of an abutting residentially zoned area.

§ 173-121. Approval.

Special Permit approval shall be granted upon determination by the SPGA that the following conditions have been satisfied:

1. Maximize pedestrian and vehicular safety both on and around the site;

2. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of soil erosion, and threat of air and water pollution;

3. Minimize obstruction of scenic views from publicly accessible locations;

4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;

5. Minimize glare from headlights through plantings or other screening;

6. Minimize lighting intrusion through use of such devices as cut-off luminaries confining direct rays to the site, with fixture mounting not higher than 12 feet;

7. Minimize unreasonable departure from the character and scale of building in the vicinity, as viewed from public ways. The front building facade facing a street shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, detailing and contrasting shapes is required. Building fronts shall contain windows covering at least 15% of the facade's surface. Windows shall be highlighted with frames, lintels and sills or equivalent frame features. Windows and doors shall be arranged to give the facade a sense of balance and symmetry.

8. Eliminate the potential for the contamination of groundwater from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

§ 173-122. Conditions.

The SPGA shall include but not necessarily be limited to the following conditions as part of any Special Permit issued under this Section of the Northbridge Code, as appropriate:

1. The Special Permit shall be filed at the Worcester County Registry of Deeds within 30 days of its issuance, otherwise it shall be deemed to be void. A certified copy of the recorded Special Permit shall be furnished to the SPGA and the Building Inspector prior to the start of any site construction activity or operation. No building permit shall be issued until a certified copy of the recorded Special Permit is produced.

2. The Special Permit shall be valid only for a period of three years from the date of issuance. A new Special Permit shall be required every three years thereafter for continued operation. Recording of each subsequent Special Permit at the Worcester County Registry of Deeds is also required in order for the facility to operate continuously.

3. The Special Permit shall be recorded with the Worcester District Registry of Deeds within 30 days of its issuance but, if appealed, within 30 days of the final adjudication of the appeal, otherwise it shall be deemed to be void. Monitoring shall be performed by a Massachusetts State certified laboratory for any emissions identified as a threat by the SPGA or its agents. The Conditions of the Special Permit shall indicate the specific tests required.

4. Inspections shall be performed on a quarterly basis by a registered Professional Engineer and a Certified Industrial Hygienist to ensure that compliance with all applicable regulations is adhered. The consultants shall be contracted by the Town and the cost for the inspections shall be paid from the review and inspection account maintained by the Town.

5. Reporting of monthly tonnage received and/or processed shall be made to the Northbridge Board of Health and the SPGA. Failure to submit monthly reports within 30 days of the end of the previous month shall be grounds for revocation of this Special Permit. Exceeding the permitted capacity shall be grounds for revocation of this Special Permit.

6. Immediate reporting of any violations to the conditions of this Special Permit shall be made to the Board of Health and the SPGA by the Applicant, the Owner, the Operator and their respective agents. Lack of compliance with any of the Conditions of the Special Permit are grounds for suspension of the Special Permit.

7. This Special Permit is not transferable. In the event of change of property ownership or change of operator, a new special permit shall be required.

§ 173-123. Severability.

The provisions of this Article are severable and, in the event that any provision of this Article is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

ARTICLE XIX
Historic Mill Adaptive Reuse Overlay District [*Added 6-15-2004 ATM, Art. 28]*

§ 173-124. Purpose.

The intent of this section is to create an overlay district that allows for the adaptive reuse of historic mills in the Town of Northbridge that are underutilized. The primary purposes for Historic Mill Adaptive Reuse Overly District are:

- To promote the economic health and vitality of the Town by encouraging the preservation, reuse and renovation of underutilized or abandoned historic mill properties;
- To allow for the conversion of Northbridge's historic mills in a way that preserves the character of nearby residential and commercial neighborhoods; and
- To encourage mixed-use development that includes, but is not limited to, offices, retail and/or service establishments, community facilities, and multi-family housing.

§ 173-125. Overlay district. *[Amended 10-23-2012 ATM, Art 15]*

The Historic Mill Adaptive Reuse Overlay District is hereby established as an overlay district. All requirements pertaining to the underlying district(s) shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternate to such requirements. The boundaries of the Historic Mill Adaptive Reuse Overlay District are shown on a map entitled Northbridge, Massachusetts Zoning Overlay Districts prepared by CMRPC (Central Mass Regional Planning Commission) dated October 2012.

§ 173-126. Location.

A. The Linwood Mill on Linwood Avenue, consisting of Assessors Map 5, Parcel(s) 39 & 47.

B. The John Whitin Mill on Douglas Road, consisting of Assessors Map 2, Parcel 7.

§ 173-127. Permitted uses.

A. All uses permitted in the underlying zoning districts are permitted uses in the Historic Mill Adaptive Reuse Overlay District;

B. All applications for a special permit under this section must provide an area within the mill for education of the history of the property.

C. Multi-family dwelling units shall only be permitted in conjunction with one or more of the non-residential uses permitted under this section:

(1) Office for administrative, executive, professional, sales and other similar uses;

(2) Retail, service, and restaurant;

(3) Institutional (museum, educational use, charitable or philanthropic institution, municipal use, club or lodge);

(4) Recreational (indoor commercial recreation); and

(5) Appropriate accessory uses.

§ 173-128. Special permit required.

The proposed adaptive reuse of a historic mill within the Historic Mill Adaptive Reuse Overlay District may be conducted upon the issuance of a special permit by the Planning Board, in accordance with § 173-47, Special Permits, and upon site plan approval pursuant to § 173-49, Site Plan Review, subject to the requirements set forth herein. No other use or structures shall be permitted in conjunction with the conversion of a historic mill, except as specifically provided herein.

§ 173-129. Special Permit Granting Authority.

The Planning Board shall serve as the Special Permit Granting Authority (SPGA) pursuant to this Article.

§ 173-130. Application.

A. Pre-application review. The applicant is strongly encouraged to request a pre-application review at a regular business meeting of the Planning Board prior to submitting a formal application. The purpose of a pre-application review is to minimize the applicant's costs of engineering and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed project for adaptive reuse, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application. No formal filings are required for the pre-application review; however, the applicant is encouraged to prepare sufficient preliminary architectural and/or engineering drawings to inform the Planning Board of the scale and overall design of the proposed project.

B. Special Permit/Site Plan Review. An application for a special permit for the adaptive reuse of a historic mill shall be submitted to he Planning Board on forms furnished by the Planning Board in accordance with § 173-47, Special Permits. Each such special permit application shall be accompanied by a site plan conforming to the requirements of § 173-49.1, as well as the following:

(1) A floor plan to scale for each building indicating, if applicable:

(a) Proposed use of floor space;

(b) Number of units;

(c) Number of bedrooms;

(d) Square footage for each unit or space;

(2) A plan describing the care, custody and control of all dams and water rights;

(3) A plan for any waste water treatment facility, if applicable;

(4) Narrative reports describing the following:

(a) A proposed development schedule (including start date, rate of development, phases, estimated completion date);

(b) Information pertaining to any organization which the applicant proposes to form where the development is to be a condominium or other ownership organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;

(c) Copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;

(d) A concise narrative prepared by a preservation consultant including any and all historical information shall be submitted to the Northbridge Planning Board and the Northbridge Historical Commission for comment.

§ 173-131. Development standards.

In order to be eligible for consideration for a special permit pursuant to this Article, the proposed development shall meet all of the following standards:

A. Density. For the conversion of a historic mill that proposes multi-family dwelling units, the maximum number of dwelling units shall not exceed 10 units per gross acre of the combined parcels of the development. The Planning Board may grant a density bonus under the following provision:

(1) Affordability: For each affordable dwelling unit provided above the minimum required 10%, two additional dwelling units may be permitted.

B. Parking. Number of Parking Spaces. The Applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of § 173-27. The Planning Board may allow a reduction of the required number of spaces by up to 25% if it can be demonstrated that two or more uses within the development can share parking spaces. In determining the

appropriate reduction, if any, the Planning Board may give consideration to the hours of operation and/or usage of the proposed uses within the development, the opinions of merchants, residents and municipal officials as to the adequacy or inadequacy of parking spaces within the surrounding area, as well as other relevant information.

C. Expansion of Existing Buildings. Existing buildings, through a special permit under this section, may be expanded provided that such expansion is consistent with the existing building's historic character and scale and does not cause substantial detriment after considering the factors set forth herein.

D. New Buildings. New buildings, through a special permit under this section, may be constructed provided that the number, type, scale, architectural style, and uses within such new buildings shall be subject to Planning Board approval.

E. Affordable Dwelling Units. As a condition of any special permit for the conversion of a historic mill that proposes multi-family dwelling units, a minimum of 10% of the total number of dwelling units shall be required, in perpetuity, to be restricted to persons qualifying as moderate income in accordance with the Massachusetts Department of Housing and Community Development definitions of low and moderate incomes.

Affordable units shall be dispersed throughout the development and shall be indistinguishable from market rate units. The Town of Northbridge, through its Housing Authority and/or Office of Community Development, shall be responsible for selecting purchasers or tenants, and monitoring and insuring the long-term affordability of the units.

§ 173-132. Action by the Planning Board.

The Planning Board, after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for the conversion of a historic mill where it makes the following findings:

A. The proposed adaptive reuse constitutes an appropriate renovation as defined above; and

B. The proposed conversion does not cause substantial detriment to the neighborhood or Town after considering the traffic, environmental, fiscal, and community impacts.[EN]

[Editor's Note: Former Article XX, Limited Redevelopment Overlay District, added 6-8-2004 ATM, Art. 23, which immediately followed this section and was comprised of § § 173-133 through 173-140, was repealed 10-25-2005 ATM, Art. 14]

Table of Use Regulations

In the Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter "P". Those uses that may be permitted by special permit in the district, in accordance with §173-47, shall be designated by the letter "S". Uses designated "--" shall not be permitted in the district.

USE												**ZONING DISTRICT**
Residential:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
One-family detached dwelling	P	P	P	P	S	P	--	--	--	--	--	S
Two-family dwelling	--	S	S	P	P	S	--	--	--	--	--	S
Multifamily dwelling	--	--	--	S	P	--	S (2)	--	--	--	--	--
Accessory residential building such as tool shed, boathouse, playhouse, shelter for domestic pets, private greenhouse, private swimming pool and private detached garage for noncommercial vehicles	P	P	P	P	P	P	--	--	--	--	--	P
Planned townhouse development	--	--	--	--	--	S	--	--	--	--	--	--

USE												**ZONING DISTRICT**
Community Facilities:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Church or other religious purpose	P	P	P	P	P	P	P	P	P	P	P	P
Educational purpose which is religious, sectarian, denominational or public	P	P	P	P	P	P	P	P	P	P	P	S
Nonprofit recreational facility, not including a membership club	P	P	P	P	P	P	S	S	S	--	--	S
Nonprofit country, hunting, fishing, tennis or golf club	P	P	P	S	S	P	--	--	--	--	--	--
Nonprofit day camp or other nonprofit camp	P	P	P	S	S	P	--	--	--	--	--	S
Town building, except equipment garage	P	P	P	P	P	P	P	P	P	S	S	P
Town cemetery, including any crematory therein	S	S	S	S	S	S	S	S	S	--	--	--
Historical association or society	S	S	S	S	S	S	P	P	P	--	--	P
Nonprofit hospital or sanitorium	S	S	S	S	S	S	--	--	--	--	--	--
Street, bridge, tunnel	P	P	P	P	P	P	P	P	P	P	P	P
Town equipment garage	--	--	--	--	--	--	S	S	--	P	P	--
Public utility, water filter plant, except power plant, sewage treatment plant and refuse facility *[Amended 05-03-2011 ATM, Art. 25]*	P	P	P	P	P	P	P	P	P	P	P	S
Power plant, sewage treatment plant and refuse facility *[Amended 05-03-2011 ATM, Art. 25]*	--	--	--	--	--	--	--	--	--	P	S	--

USE												**ZONING DISTRICT**
Agricultural:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Agriculture, horticulture and floriculture, except a greenhouse or stand for retail sale	P	P	P	P	P	P	P	P	P	P	P	P
Year-round greenhouse or stand for wholesale and retail sale of agricultural or farm products *[Amended 10-23-2007 ATM, Art. 12]*	S	S	S	S	S	S	P	P	P	S (3)	S (3)	--
Temporary (not to exceed erection or use for a period exceeding 3 months in any 1 year) greenhouse or stand for retail sale of agricultural or farm products raised primarily on the same premises *[Amended 10-23-2007 ATM, Art. 12]*	P	P	P	S	S	P	P	P	P	S	S	--
Raising and keeping livestock, horses and poultry, including dairy farming, not including the raising of swine or fur animals for commercial use	P	P	S	S	--	S	--	--	--	--	--	--
Commercial stables, kennels or veterinary hospital in which all animals, fowl or other forms of life are completely enclosed in pens or other structures	S	S	S	S	--	S	--	--	--	--	--	--
Noncommercial forestry and growing of all vegetation	P	P	P	P	P	P	P	P	P	P	P	P

USE												**ZONING DISTRICT**
Retail and Service:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Stores usually selling a combination of 2 or more of the following: dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware and food *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	P	S	P	S (3)	S (3)	--
Establishment primarily selling food and drink for home preparation and consumption or on its premises *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	P	S	S	S (3)	S (3)	--
Sales by dispenser-type vending machines	--	--	--	--	--	--	P	P	P	P	P	--
Establishments selling new automobiles or new and used automobiles and trucks, new automobile tires and other accessories, aircraft, boats, motorcycles and household trailers *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	S	P	S	S	S	--
Hotels and motels *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	S	--	P	P	P	S (3)	S (3)	--
Lodging house	--	--	S	S	S	--	--	--	--	--	--	--
Bed-and-breakfast Inn	S	S	S	--	--	S	S	--	--	--	--	S
Personal service establishments	--	--	--	--	--	--	P	S	P	S (3)	S (3)	--
Funeral home or mortuary establishment	--	--	S	S	P	--	P	S	--	--	--	S
Convalescent or nursing home	S	S	S	S	S	--	--	--	--	--	--	S

USE	ZONING DISTRICT											
Retail and Service: (cont.)	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Membership club	S	S	S	S	S	S	P	S	S	--	--	S
Miscellaneous business offices and services *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	P	S	P	S (3)	S (3)	--
Home occupation (subject to Section 173-13)	P	P	P	P	P	P	P	P	P	P	P	P
Automotive repair, automobile services and garages (not including a junkyard or open storage of abandoned automobiles or other vehicles)	--	--	--	--	--	--	S (5)	P	--	S	S	--
Automotive or other junkyard or open storage of abandoned automobiles or other vehicles	--	--	--	--	--	--	--	S	--	S	--	--
Miscellaneous repair service	--	--	--	--	--	--	S	P	--	--	--	--
Motion-picture establishment *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	P	P	P	S (3)	S (3)	--
Agri-Tourism Farm *[Added 5-4-2010 ATM, Art. 15]*	P	P	P	P	P	P	P	P	P	--	--	--
Amusement and recreation services	--	--	--	--	--	--	S	S	S	--	--	--
Commercial recreation, exercise and athletic facilities *[Amended 5-5-2009 ATM, Art. 22]*	--	--	--	--	--	--	S (6)	S (6)	S (6)	S	S	--
Horse racing facility and all accessory uses incidental to a horse track, on a site containing at least 50 acres, provided that no accessory uses will be permitted on the site until a track is constructed for live horse racing	--	--	--	--	--	--	--	--	--	--	P	--

USE												**ZONING DISTRICT**
Retail and Service: (cont.)	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Taxi and bus terminals	--	--	--	--	--	--	P	P	S	--	--	--
Communications and television towers	S	S	--	--	--	--	S	S	--	S	S	--
Airport and landing strip	S	--	--	--	--	--	--	--	--	S	S	--
Commercial parking lot or structure	--	--	S	S	S	--	P	P	P	S	S	--
Planned business development [see Section 173-47B(2)] *[Amended 10-23-2007 ATM, Art. 12]*	--	--	--	--	--	--	S	S	P	S	S	--
Accessory use	S	S	S	S	S	--	S	S	S	P	P	--
Use accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production. The accessory use does not have to be located on the same parcel as the principal use. In issuance of the special permit, the Board of Appeals must find that the proposed accessory use does not substantially derogate from the public good	S	S	S	S	S	S	S	S	S	S	S	S
Retail use accessory to a wholesale trade when that retail use occupies 10% or less of the total square footage of the building housing that wholesale trade	--	--	--	--	--	--	--	--	--	P	P	--
Office for administrative, executive, professional, sales and other similar uses *[Amended 2-21-2012 STM, Art. 3]*	--	--	--	--	--	--	--	--	--	S	P	S

USE	ZONING DISTRICT											
Retail and Service: (cont.)	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Research & Development (laboratory for scientific, agricultural, or industrial research)	--	--	--	--	--	--	--	--	--	S	P	--
Tattoo parlor/body piercing studio	--	--	--	--	--	--	S	--	S	--	--	--
Historic Inn (4)	--	--	--	--	--	S	--	--	--	--	--	--

USE	ZONING DISTRICT											
Wholesale and Manufacturing:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Mining and quarrying	--	--	--	--	--	--	--	--	--	S	S	--
Construction activities or suppliers	--	--	--	--	--	--	--	--	--	S	S	--
Manufacturing and light industries	--	--	--	--	--	--	S	S	--	P	P	--
Railroads and railway express service	--	--	--	--	--	--	S	S	--	P	P	--
Trucking service and warehousing	--	--	--	--	--	--	--	S	--	P	P	--
Other transportation services (taxicabs)	--	--	--	--	--	--	--	S	--	P	P	--
Wholesale trade	--	--	--	--	--	--	--	S	S	P	P	--

USE	ZONING DISTRICT											
Adult Entertainment Uses:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Adult bookstore	--	--	--	--	--	--	--	--	--	--	S	--
Adult motion-picture theater	--	--	--	--	--	--	--	--	--	--	S	--
Adult paraphernalia store	--	--	--	--	--	--	--	--	--	--	S	--
Adult video store	--	--	--	--	--	--	--	--	--	--	S	--
Adult live entertainment establishment	--	--	--	--	--	--	--	--	--	--	S	--

USE												ZONING DISTRICT
Processing & Transfer Facilities:	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	B-3 (1)	I-1	I-2	H
Infectious Waste Transfer Station	--	--	--	--	--	--	--	--	--	S	S	--
Infectious Waste Processing Facility	--	--	--	--	--	--	--	--	--	S	S	--

NOTES:

(1) *[Added 9-11-1990 STM, Art. 20]*

(2) The area, width and yard requirements for such use shall be as required in the R-5 District.

(3) Use shall only be allowed if part of a Planned Business Development. *[Added 6-11-2002 ATM, Art. 23]*

(4) Parking shall be provided as per Article VIII; said parking shall be prohibited within the front yard, as defined herein. *[Added 6-17-2003 ATM, Art. 20]*

(5) No special permit shall be required for automobile service stations in the B-1 district that primarily sell gasoline, do not provide automobile repair services and are located on a parcel of land containing at least 40,000 sq.ft. of area. *[Added 6-15-2004 ATM, Art. 29]*

(6) No special permit shall be required for commercial recreation, exercise and athletic facilities in the B-1 District when the square-footage of the building designated for such use is less than or equal to1,000 square feet. No special permit shall be required for commercial recreation, exercise and athletic facilities in the B-2 District when the square-footage of the building designated for such use is less than or equal to 3,000 square feet. No special permit shall be required for commercial recreation, exercise and athletic facilities in the B-3 District when the square-footage of the building designated for such use is less than or equal to 7,000 square feet. *[Added 5-5-2009 ATM, Art. 22]*

Table of Area Regulations

Minimum required where serviced by public sewer system

District	Use	Area (square feet)	Width (feet)	Yards: Front (feet)	Yards: Side (feet)	Yards: Rear (feet)
R-1	Any permitted structure or principal use	30,000	150	40	15	50
R-2	One-family detached dwelling	20,000	100	40	10	40
	Two-family dwelling	20,000	125	30	10	40
R-3	One-family detached dwelling *[Amended 9-10-1995 STM, Art. 8; 5-5-1998 ATM, Art. 20]*	20,000	100	25	10	30
	Two-family dwelling	20,000	125	20	10	30
R-4	One-family detached dwelling	5,000	60	15	8	20
	Two-family dwelling	10,000	80	15	10	20
	Multifamily dwelling	5,000 plus 2,500/unit	100	10	10	15
R-5	One-family detached dwelling	5,000	60	15	8	20
	Two-family dwelling	5,000	60	15	10	20
	Multifamily dwelling	2,000 plus 2,000/unit	50	10	10	15
R-6	One-family detached dwelling	10,000	200	50	20	50
	Townhouse dwelling	§ See 173-17				
	Historic Inn *[Added 6-17-2003 ATM, Art. 20]*	40,000 plus 2,500/lodging unit	200	50	50	50

Table of Area Regulations (Cont.)

Minimum required where serviced by public sewer system

District	Use	Area (square feet)	Width (feet)	Yards Front (feet)	Yards Side (feet)	Yards Rear (feet)
B-1	Hotel & motel	40,000 plus 1,000/unit	100	20	20	20
	Any other permitted structure or principal use	1,000	20	None	None	None
B-2	Automotive sales, service or repair establishment	10,000	100	25	10	25
	Motion-picture or amusement & recreation establishment	20,000	125	25	12	25
	Any other permitted structure or principal use	5,000	40	10	8	10
B-3	Hotel or motel *[Added 9-11-1990 STM, Art. 20]*	40,000 plus 1,000/unit	100	30	15	15
	Any other permitted structure or use *[Added 9-11-1990 STM, Art. 20]*	15,000	100	30	15	15
I-1	Any permitted structure or principal use	40,000	100	20	20	20
H	Any permitted structure or principal use [Added 5-13-80 ATM, Art. 39]	20,000	100	40	10	40

Table of Area Regulations (Cont.)

Minimum required where NOT serviced by public sewer system

District	Use	Area (square feet)	Width (feet)	Front (feet)	Yards Side (feet)	Rear (feet)
R-1	Any permitted structure or principal use	40,000	200	40	25	50
R-2	Any permitted structure or principal use *[Amended 11-10-1998 ATM, Art. 20]*	40,000	150	40	15	40
R-3	One-family detached dwelling	20,000	100	40	10	30
	Two-family dwelling	30,000	125	40	10	30
R-4	One-family detached dwelling	5,000	60	15	8	20
	Two-family dwelling	10,000	80	15	10	20
	Multifamily dwelling	5,000 plus 2,500/unit	100	10	10	15
R-5	One-family detached dwelling	5,000	60	15	8	20
	Two-family dwelling	5,000	60	15	10	20
	Multifamily dwelling	2,000 plus 2,000/unit	50	10	10	15
R-6	Historic Inn *[Added 6-17-2003 ATM, Art. 20]*	60,000 plus 2,500/lodging unit	200	50	50	50

Table of Area Regulations (Cont.)

Minimum required where NOT serviced by public sewer system

District	Use	Area (square feet)	Width (feet)	Yards Front (feet)	Yards Side (feet)	Yards Rear (feet)
B-1	Hotel & motel	40,000 plus 1,000/unit	100	20	20	20
	Any other permitted structure or principal use	1,000	20	None	None	None
B-2	Automotive sales, service or repair establishment	10,000	100	25	10	25
	Motion-picture or amusement & recreation establishment	20,000	125	25	12	25
	Any other permitted structure or principal use	5,000	40	10	8	10
B-3	Any permitted structure or principal use *[Added 9-11-1990 STM, Art. 20]*	40,000	150	30	15	15
I-1	Any permitted structure or principal use	40,000	100	20	20	20
I-2	Any permitted structure or principal use	40,000	150	50	20	50

NOTES:

(1) Except for multiple-family developments, shopping center, industrial complex, community facilities and public utilities, only one principal structure shall be permitted on one lot. Principal structures, so limited, shall be completely unobstructed in view from the street, except for vegetation and permitted accessory signs.

(2) A corner lot shall have minimum street yards with depths which shall be the same as the required front yard depths for the adjoining lots.

(3) A side yard which is used for a legal service driveway shall have a minimum width of 10 feet.

(4) At each end of a through lot, there shall be a setback depth required which is equal to the front yard depth required for the district in which each street frontage is located.

(5) No building except a boathouse shall be within 25 feet of any watercourse or wetland area or, if subject to flooding, within 25 feet beyond its floodline. No land or structure shall be exempted from floodplain or wetland regulations established pursuant to general law.

(6) Projections into required yards or other required open spaces are permitted, subject to the following:

(a) Balcony or bay window, limited in total length to one-half the length of the building: not more than two feet.

(b) Open terrace or steps or stoop under four feet in height: up to one-half the required yard setback.

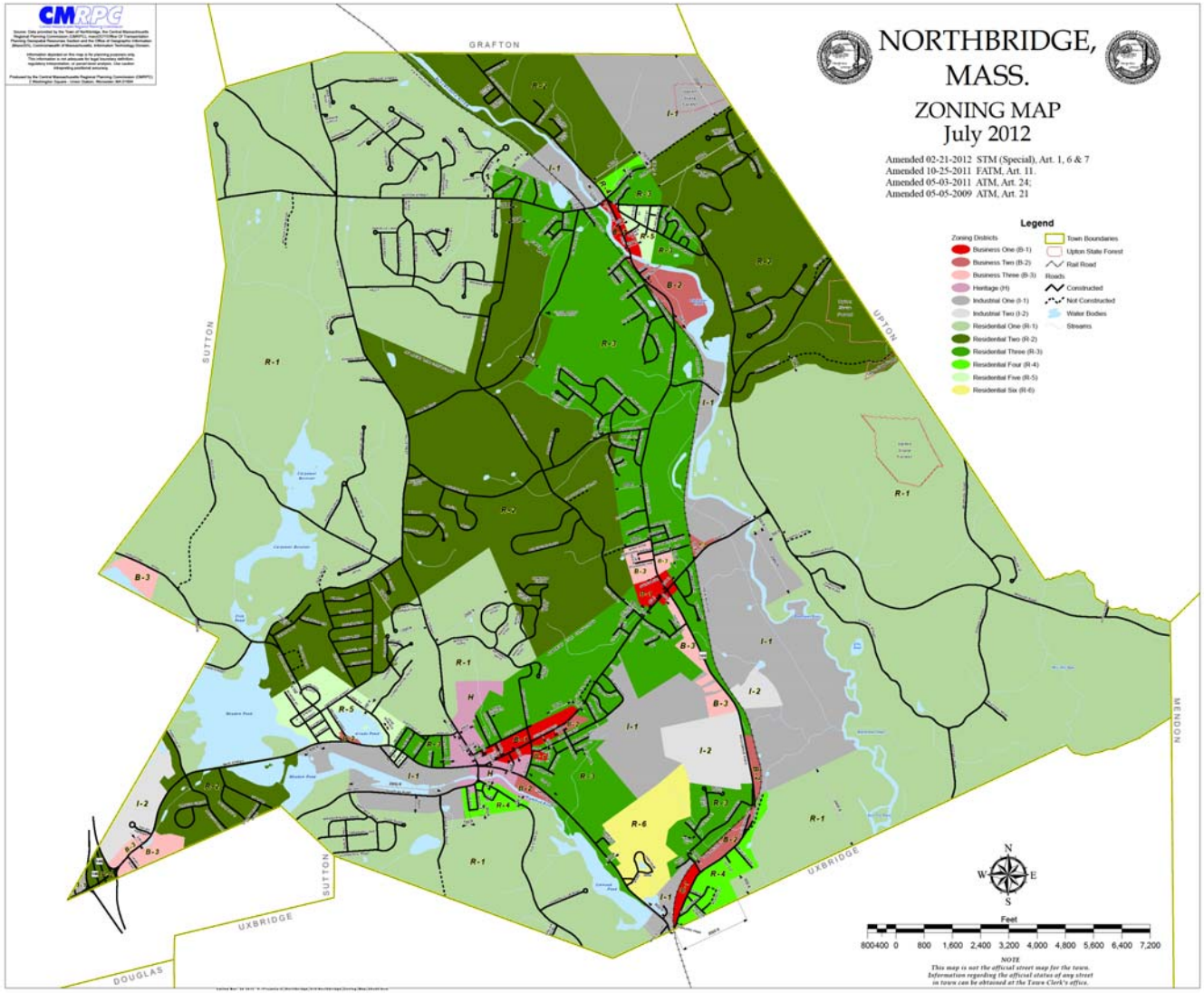
(c) Steps or stoop over four feet in height, windowsill, chimney, roof eave, fire escape, fire tower, storm enclosure or similar architectural features: not more than two feet.

(7) In any R District, any permitted accessory building shall conform to the following provisions: It shall not occupy more than 40% of the required rear yard: it shall he not less than 60 feet from any street lot line, except on a corner lot used for garage purposes, then the same distance as the required depth of the front yard for the adjacent lots: it shall not be less than six feet from any lot line; it shall not exceed 25 feet in height. And, if a private in-ground swimming pool, it shall be completely enclosed by a fence at least four feet in height with a maximum height of six feet and secured by a locked gate. Aboveground private swimming pools must be equipped with a suitable safety device limiting direct access to the pool. *[Amended 5-2-1989 ATM, Art. 9]*

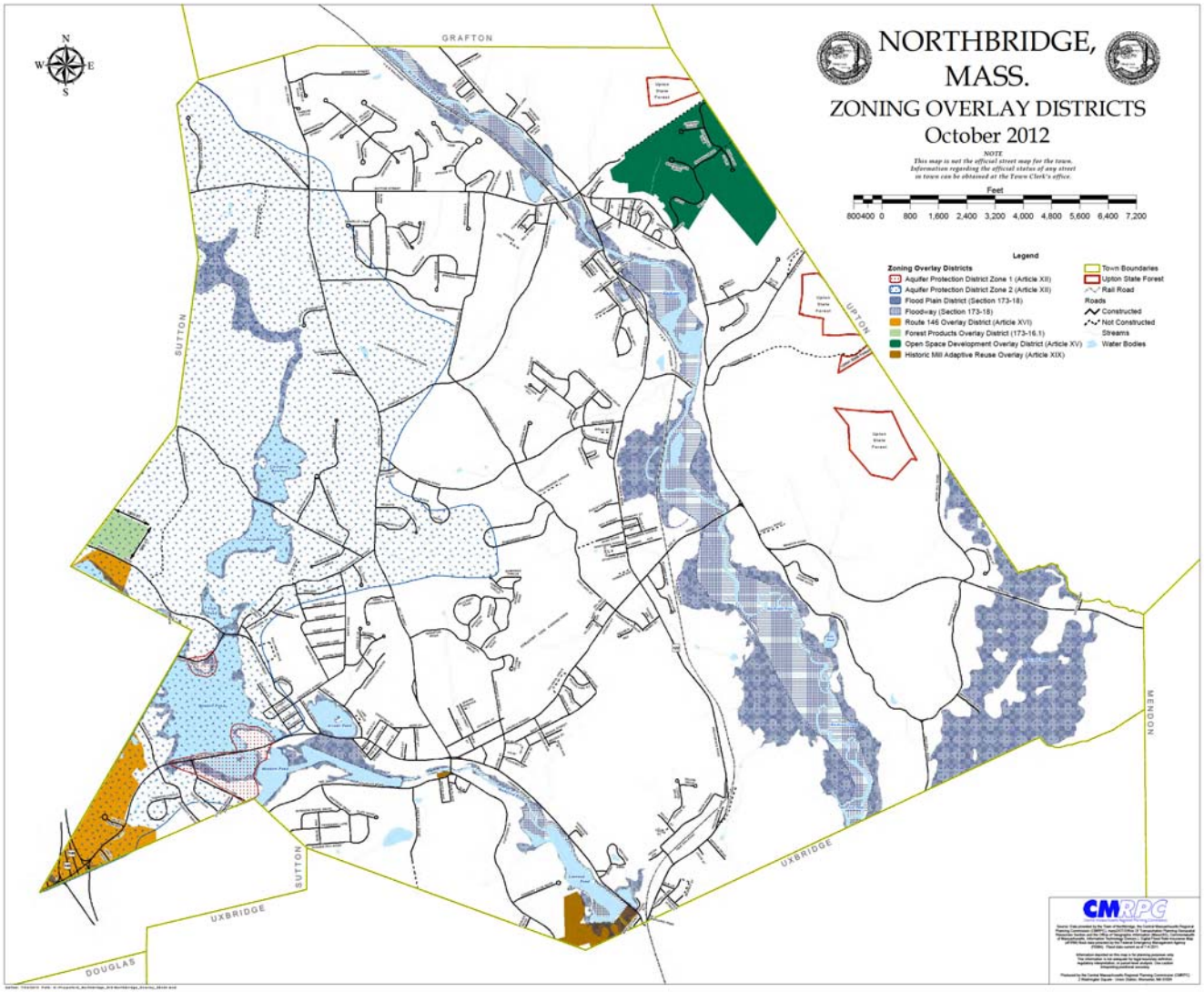
(8) No building or structure in an industrial district (except fencing) shall be erected within 100 feet of a residential district boundary, except where the zoning district boundary is in a street in which case the set back from said boundary shall be 75 feet. No building or structure in a business district (except fencing) shall be erected within 50 feet of a residential district boundary, except where the zoning district is in a street. Along residential district boundaries (except streets) landscaping shall be such as to form a vegetated visual buffer zone of a width of at least 50 feet in industrial districts and 10 feet in business districts. *[Amended 6-15-2004 ATM, Art. 26; 5-2-2006 ATM, Art. 19]*

(9) The area of the lot, exclusive of area in a street or recorded way open to public use, at least 75% of the minimum lot area required for zoning, shall be contiguous and other than land located within a line identified as wetland resource areas in accordance with the Wetlands Protection Act, MGL C. 131, § 40. The proposed structure must be constructed on said designated contiguous land area. *[Added 9-9-1986 STM, Art. 17]*

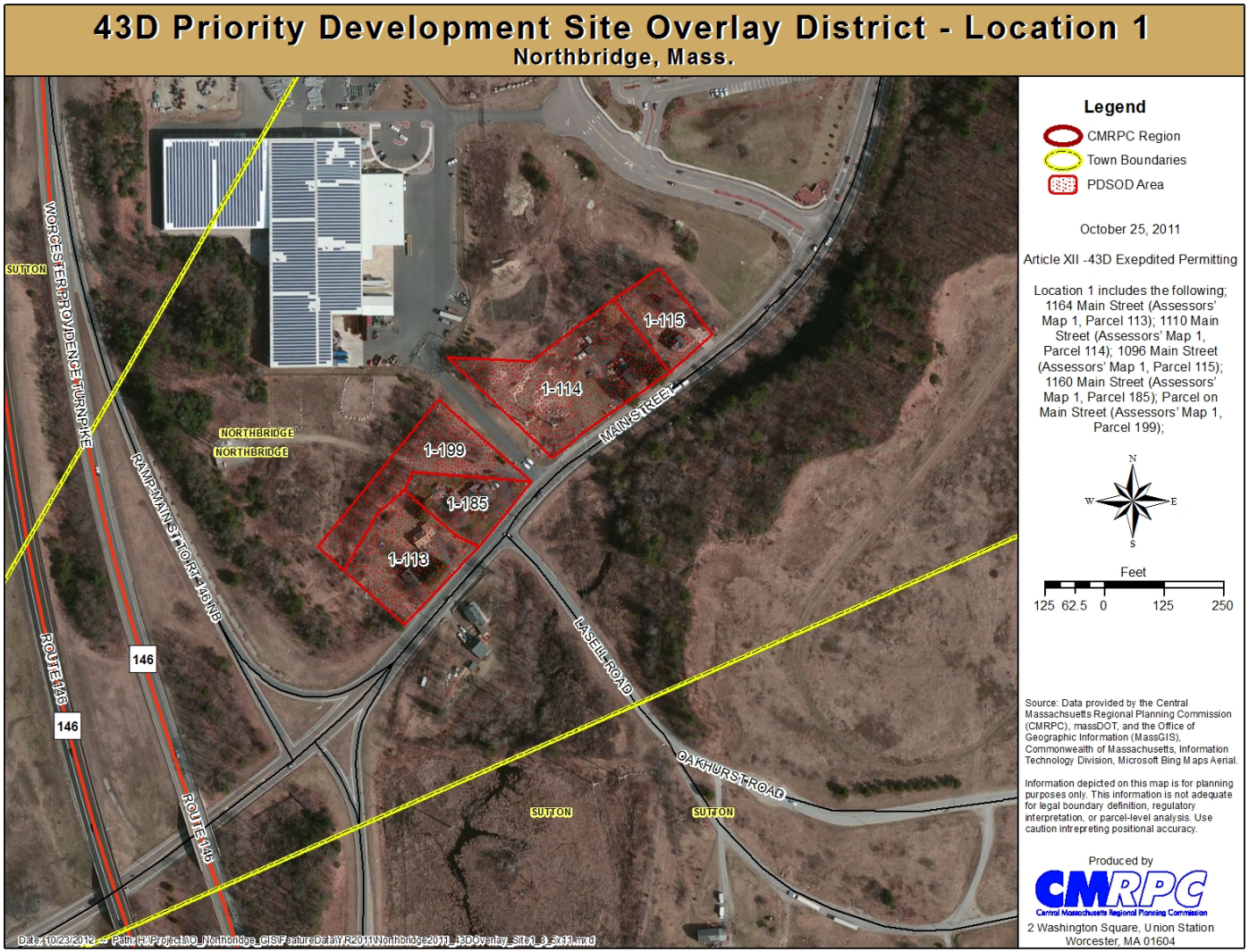
Town of Northbridge Zoning Map



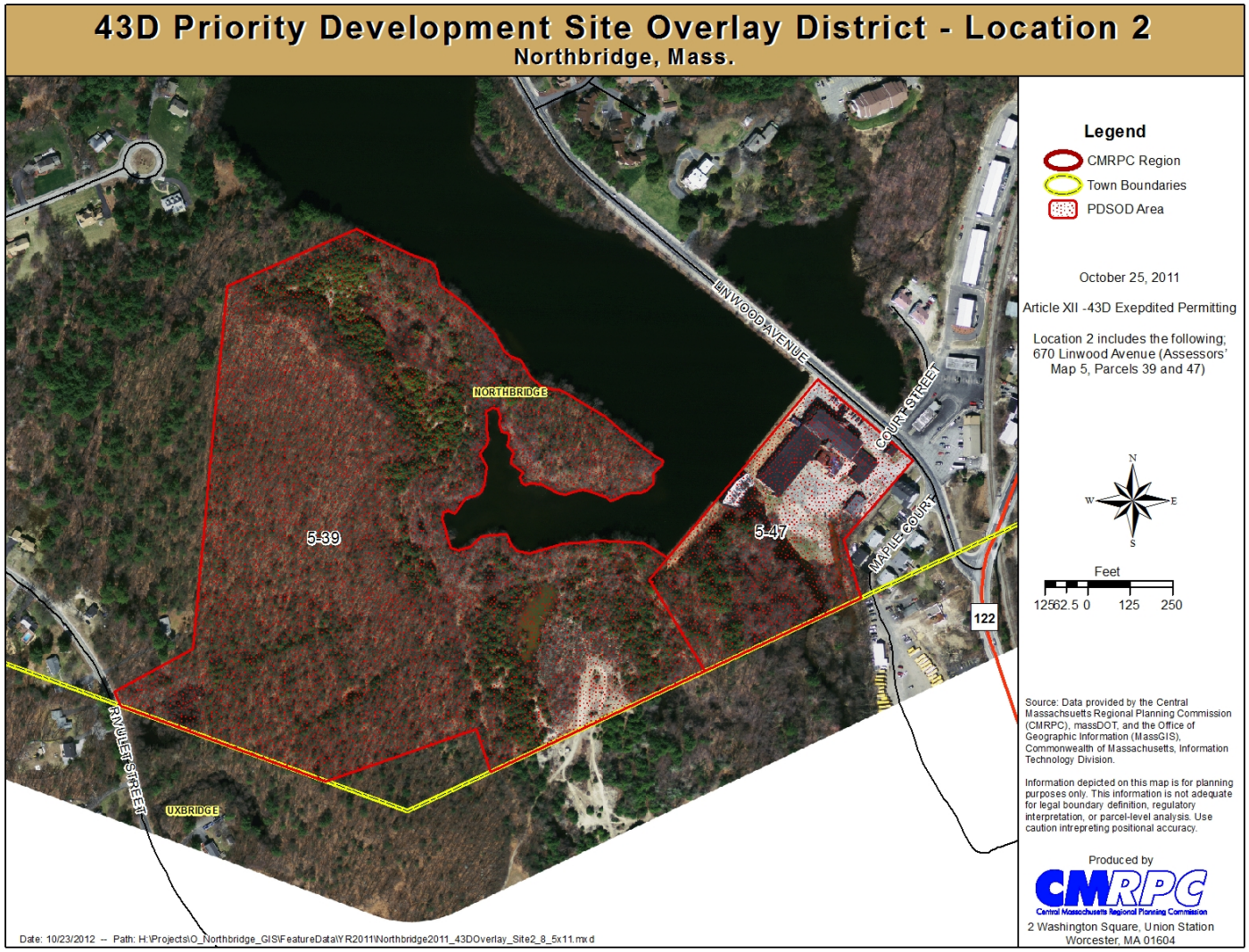
Town of Northbridge Zoning Overlay District Map



Town of Northbridge 43D Expedited Permitting Overlay District Map(s)



Town of Northbridge 43D Expedited Permitting Overlay District Map(s)



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