

Town of Seekonk – Proposed new Zoning Definitions for Use Table

ADMINISTRATION: (as an Industrial Use) The process or activity of running a business or organization. (Adapted from Merriam-Webster)

AGRICULTURE: As defined in M.G.L. Chapter 128 Section 1A. Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture or farming as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.

ASSEMBLY: (as an Industrial Use) The process of putting together a number of parts to make a machine or other product. (Adapted from Merriam-Webster)

AUTO SERVICE STATION: Any commercial building or structure, premises or other place used to support motor fuels (including alternative fuels such as natural gas or hydrogen), lubricants, tires, batteries, and other small accessories to motor vehicles, and where repair work is not done. Automobile maintenance is permitted in conjunction with a service station. (adapted from APA Planners Dictionary: Clark County, NV)

BAKERY: An establishment primarily engaged in the sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service. (adapted from APA Planners Dictionary: Santa Monica, CA)

BANK: A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. (adapted from APA Planners Dictionary: Santa Monica, CA)

BED AND BREAKFAST ESTABLISHMENT: A private dwelling with an on-site manager where no more than eight rooms are let and a breakfast is included in the daily rate. (adapted from Town of Stow, MA)

BOARDING HOUSE: A dwelling where more than two, but fewer than six rooms are provided for lodging with definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. (adapted from APA Planners Dictionary: Champaign, IL)

CAFÉ: An informal restaurant primarily offering coffee, tea, and other beverages, and where light refreshments and limited menu meals may also be sold. (adapted from APA Planners Dictionary: Plymouth, MN)

CEMETERY: An area of land set aside and dedicated for the final disposition of the remains of a deceased person. (Adapted from M.G.L. ch. 114, Section 1)

CHILD CARE FACILITY: A child care center or a school-aged child care program, as defined in M.G.L ch. 15D, section 1A.

COLLEGE: An educational institution other than a trade school that provides full-time or part-time education beyond high school. (adapted from APA Planners Dictionary: Durham, NC)

COMMERCIAL GREENHOUSE: A building used for a private gainful business with a roof and sides for the cultivation of plants or culture of other foods including but not limited to aquaponics, aquaculture and mushrooms. (adapted from City of Pawtucket, RI proposed amendments)

COMMERCIAL RECREATION ESTABLISHMENTS, INDOOR: A commercial recreation land use conducted entirely within a building, including arcade, arena, art gallery and studio, art center, assembly hall, athletic and health club, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, performance theater, pool or billiard hall, skating rink, swimming pool, tennis court. (adapted from APA Planners Dictionary: Glenwood Springs, CO)

COMMERCIAL RECREATION ESTABLISHMENTS, OUTDOOR: Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, and motorized cart and motorcycle tracks. (adapted from APA Planners Dictionary: Blacksburg, VA)

ESTABLISHMENT PROCESSING FOR DIRECT CONSUMPTION: Facility where the principal products are customarily delivered to individuals or retail outlets, as for example, bakeries, cleaning and dyeing plants, carpet cleaning plants, ice plants, soft drink bottling plants, printers, provided such establishments comply with industrial district construction and operation standards and limitations. (adapted from existing bylaws, Section 7.1)

FABRICATION: (as an Industrial Use) The process of constructing products from diverse and usually standardized parts. (Adapted from Merriam-Webster)

FAST FOOD ESTABLISHMENT: Restaurants principally providing prepared and packaged food for customer pick-up at a counter for take-out or for self-service within the building. (adapted from existing bylaws, Section 7.1)

FRATERNAL BUILDING: An establishment for a group of people formally organized for a common interest, usually cultural, religious, or entertainment, with regular meetings and formal written membership requirements. (adapted from APA Planners Dictionary: Schaumburg, IL)

FREIGHT HANDLING: Undertaking the transportation of goods and people for compensation, and may in turn make use of other transportation establishments in effecting delivery. (adapted from APA Planners Dictionary: Moorpark, CA)

FUNERAL HOME: A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. (adapted from APA Planners Dictionary: Gorham, ME)

GOLF COURSE: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses. (adapted from APA Planners Dictionary: Maryland Heights, MO)

HOSPITAL: Any institution, however named, whether conducted for charity or for profit, which is advertised, announced, established or maintained for the purpose of caring for persons admitted thereto for diagnosis or medical, surgical or restorative treatment which is rendered within said institution. This definition shall not include any hospital operated by the Commonwealth of Massachusetts or by the United States. (Adapted from 105 CMR 13.020)

HOTEL OR MOTEL: A building in which lodging is provided and offered to the public for compensation only for transient occupation, and which is open to transient guests and is not a boarding house or bed and breakfast establishment as herein defined. (adapted from APA Planners Dictionary: Boone County, MO)

KENNEL: Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred. (adapted from APA Planners Dictionary: Jefferson County, CO)

LANDSCAPE NURSERY: Any land a form of agriculture in which land is used to raise trees, shrubs, flowers, and other plants for sale or for transplanting. (adapted from APA Planners Dictionary: Jefferson County, CO)

LIBRARY: A public facility for the use, but not sale, of literary, musical, artistic, or reference materials. (adapted from APA Planners Dictionary: Redmond, CA)

MANUFACTURING: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, including but not limited to oils, plastics, resins, etc. (adapted from APA Planners Dictionary: Clarksdale, AZ)

MEDICAL/HEALTH-RELATED LABORATORY: ~~(as a Commercial Use) Related to the maintenance of physical and mental well-being and the prevention, alleviation, or cure of disease~~
A facility for scientific laboratory analysis in support of medical, dental or veterinary treatment where blood, tissue or other human or animal products are stored and analyzed. (Adapted from Merriam-Webster A Planners Dictionary)

MINI-STORAGE: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities. (adapted from APA Planners Dictionary: Price William County, VA)

MOTEL: ~~See Hotel or Motel A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy. (adapted from APA Planners Dictionary: Londonderry, NH) Should this be changed so to be distinguishable from hotels? Should motels be included? I seem to remember Narragansett defining these uses separately but I don't know if its necessary.~~

MULTI-FAMILY DWELLING: A building for residential use containing more than two dwelling units. (adapted from Town of Stow, MA)

MUNICIPAL RECREATION AREA: Indoor and/or outdoor publicly owned or operated recreation land use. (adapted from APA Planners Dictionary: Santa Rosa, CA)

MUNICIPAL USE: Uses owned and/or operated by local government. (adapted from APA Planners Dictionary: California Planning Roundtable)

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use. (adapted from APA Planners Dictionary: Newport, RI)

NEWSPAPER OR JOB PRINTING ESTABLISHMENT: A building used for the production of publications, printed on newsprint or otherwise. (adapted from APA Planners Dictionary: Golden, CO)

OFFICE: A room, or group of rooms, for conducting the affairs of a business, profession or service industry. (adapted from APA Planners Dictionary: Miami, FL)

PROCESSING: (as an Industrial Use) To subject to some special process or treatment, as in the course of manufacture; change in the physical state or chemical composition of matter; the second step in use of a natural resource. (adapted from APA Planners Dictionary: Glenwood Springs, CO)

PUBLIC OR PRIVATE UTILITY: A building or structure used or intended to be used by any public or private utility, including but not limited to any gas treatment plant reservoir, tank, or other storage facility; electric generating plant, distribution, or transmission substation; telephone switching or other communications plant, earth station, or other receiving or transmission facility; any storage yard for public utility equipment or vehicles; and any parking lot for parking vehicles or automobiles to serve a utility. (adapted from APA Planners Dictionary: Redondo Beach, CA)

~~**SCHOOL, PUBLIC, PRIVATE AND/OR PAROCHIAL:** An institution for the teaching of children or adults and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state. (adapted from APA Planners Dictionary: Campbell County, VA)~~

RELIGIOUS PURPOSE: For the purpose of a belief system concerning more than the earthly and temporal to which the adherent is faithful. (adapted from the Handbook of Massachusetts Land Use and Planning Law)

RESEARCH: (as an Industrial Use) The conduct of systematic investigation, development, and testing in various fields of science, such as but not limited to chemistry, pharmacy, medicine, electricity, transportation and engineering. (adapted from APA Planners Dictionary: Glen Ellyn, IL)

RESIDENTIAL APARTMENT: A part of a building consisting of a room or rooms intended, designed, or used as a residence by an individual or a single family. (adapted from APA Planners Dictionary: Lake Lure, NC)

RESTAURANT (NOT INCLUDING FAST FOOD ESTABLISHMENTS): A structure in which the principal use is the preparation and sale of food and beverages. (adapted from APA Planners Dictionary: Prince William County, VA)

RETAIL STORE: A commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser. (adapted from APA Planners Dictionary: Federal Way, WA)

SANITORIUM: Health station, retreat, or an institution for the recuperation and treatment of persons suffering from physical or mental disorders. (adapted from APA Planners Dictionary: Jefferson County, CO)

SCHOOL, PUBLIC, PRIVATE AND/OR PAROCHIAL: An institution for the teaching of children or adults and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the state. (adapted from APA Planners Dictionary: Campbell County, VA)

SERVICE ESTABLISHMENT: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government and other enterprises. (adapted from APA Planners Dictionary: North Liberty, IA)

SINGLE-FAMILY DWELLING: A building containing one (1) dwelling unit. (adapted from City of San Leandro, CA)

STABLE: A building in which horses are sheltered; may be accessory to a residential use or a freestanding principal use. (adapted from APA Planners Dictionary: Prince William County, VA)

STORAGE: (as an Industrial Use) A space or place where goods, materials, or personal property is placed and kept for more than 24 consecutive hours. (adapted from APA Planners Dictionary: Las Vegas, NV)

TEMPORARY MOBILE HOME: A transportable structure suitable for year-round single-family occupancy and having water, electrical, and sewage connections similar to those of conventional dwellings that is on the site of a residence which has been destroyed by fire or other natural holocaust for occupancy by the owner and occupier of the destroyed residence for a period not to exceed twelve months while the residence is being rebuilt. (Said mobile home must satisfy the provisions of the state sanitary code while being so used and must be recorded with the Inspector of Buildings upon commencement of such use.). (adapted from existing bylaws, Section 6.1 and APA Planners Dictionary: Pima County, AZ)

TWO-FAMILY DWELLING: (also referred to as duplex) A structure containing two dwelling units, each of which has direct access to the outside. (adapted APA Planners Dictionary: Boulder, CO)

WORKSHOP: a room or small establishment where manufacturing or handicraft activities are carried on. (Adapted from Merriam-Webster)

SECTION 4. USE REGULATIONS

4.2 Use Table

The following Use Table is divided into six sections: 1) Agricultural Uses; 2) Institutional, Utility and Recreation Uses; 3) Residential Uses; 4) Business and Commercial Uses; and 5) Industrial Uses. Sections are organized and formatted to best suit the category of land uses contained therein. Where applicable, readers are strongly encouraged to read the introductory language to individual sections. Where an activity might be classified under more than one of the uses provided in the Land Use Table, the more specific classification shall govern, if equally specific, the more restrictive shall govern. Uses not classifiable under any category listed for the applicable district are prohibited unless provisions for said uses are provided elsewhere in the Zoning Bylaw. The following shall apply to this section:

Y: Permitted by-right

N: Prohibited

SP: Subject to Special Permit

4.2.1 Agricultural Uses

Principal Uses (unless specified otherwise)	Residence Districts				Business Districts				Industrial District
	R-1	R-2	R-3	R-4	LBD	HBD	LCVD	I	
Agricultural Uses									
1. Commercial Greenhouses									
a. On lots less than 45,000 square feet in size	N	N	N	N	N	N	N	N	N
b. On lots greater than 45,000 square feet in size	Y	Y	Y	Y	Y	Y	Y	Y	SP ¹
2. Agriculture									
a. On parcels of any size devoted principally to the raising of crops	Y	Y	Y	Y	Y	Y	Y	Y	Y
b. On parcels not protected under M.G.L. Chapter 40 Section 3 and devoted to the raising of livestock	SP	SP	SP	SP	SP	SP	SP	SP	N
c. On parcels protected under M.G.L. Chapter 40 Section 3 devoted to the raising of livestock ²	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Stables	SP	SP	SP	SP	SP	SP	SP	SP	N
4. Kennels	SP	SP	SP	SP	SP	SP	SP	SP	N

¹Must be consistent with the requirements of an industry district as outline in Section X.

²Farms on parcels of more than five acres devoted to the raising of livestock are permitted provided the following construction and operation standards and limitations are met:

- physical restraint – livestock shall be restrained from passing outside the owner's property lines unattended or uncontrolled; and
- odors – no objectionable odors shall be observable at the property line. Detailed plans for the elimination of odors may be required before the issuance of any building permit.

4.2.2 Institutional, Utility and Recreational Uses

Principal Uses (unless specified otherwise)	Residence Districts				Business Districts			Industrial District
	R-1	R-2	R-3	R-4	LBD	HBD	LCVD	
Institutional or Utility Uses								
1. Protected Institutional Uses (protected as principal and accessory)								
a. All religious purposes	Y	Y	Y	Y	Y	Y	Y	Y
b. All education purposes by a nonprofit educational corporation ¹	Y	Y	Y	Y	Y	Y	Y	Y
c. Child Care Facility (day care center or school age child care program as defined in M.G.L. Ch. 28A, s.9)	Y	Y	Y	Y	Y	Y	Y	Y
2. Other Institutional Uses								
a. Public, private and parochial schools	SP	SP	SP	SP	SP	SP	SP	SP ²
b. Colleges	SP	SP	SP	SP	SP	SP	SP	SP ²
c. Libraries	SP	SP	SP	SP	SP	SP	SP	SP ²
d. Museums	SP	SP	SP	SP	SP	SP	SP	SP ²
e. Hospital or sanatoria	SP	SP	SP	SP	SP	SP	SP	SP ²
f. Municipal uses	SP	SP	SP	SP	SP	SP	SP	SP ²
g. Public or private utilities ³	SP	SP	SP	SP	SP	SP	SP	SP ²
h. Fraternal or civic buildings	SP	SP	SP	SP	SP	SP	SP	SP ²
i. cemeteries	SP	SP	SP	SP	SP	SP	SP	SP ²
Recreational Uses								
1. Municipal recreation areas, Indoor and Outdoor	SP	SP	SP	SP	SP	SP	Y	SP ²
2. Golf courses	SP	SP	SP	SP	SP	SP	N	SP ²
3. Commercial recreation establishments, Indoor	N	N	N	N	N	Y	Y	SP ²
4. Commercial recreation establishments, Outdoor	N	N	N	N	N	Y	Y	SP ²

¹Uses for educational purposes as referred to in item 5.A.2 shall include classrooms, laboratories, research centers, auditoria, study halls, libraries, dormitories, housing for students, faculty and staff, campus centers, bookstores, athletic facilities, executive and administrative offices, staff offices, maintenance and service facilities, parking facilities, vehicular ways and pedestrian walkways of a campus, open spaces and all other elements and features associated with educational institutions.

²Must be consistent with the requirements of an industry district as outline in Section X.

³Where individual renewable energy uses or other energy generating uses are specifically regulated elsewhere in the Zoning By-Law, and where the provisions contained therein may conflict with the allowances for “public or private utilities”, the provisions contained therein specific to that individual use shall govern.

4.2.3 Residential Uses

Principal Uses (unless specified otherwise)	Residence Districts						Business Districts			Industrial District
	R-1	R-2	R-3	R-4	LBD	HBD	LCVD	I		
Residential Uses										
1. Single-family dwelling units (not including mobile homes ¹)	Y	Y	Y	Y	N	N	Y	N	N	
2. Two-family dwelling units	N	N	N	N	N	N	Y	N	N	
3. Multi-family dwelling units	N	N	N	N	N	N	Y	N	N	
4. Temporary mobile homes	Y	Y	Y	Y	N	N	Y	N	N	
5. Trailer of mobile home, as a temporary office incidental to continuous construction on the site on which the trailer or mobile home is located	SP	SP	SP	SP	N	N	Y	N	N	
6. Conversion of single-family dwelling unit to a two-family dwelling unit ²	SP	SP	SP	SP	N	N	Y	N	N	
Other Residential Uses										
1. Bed and breakfast establishment ³	SP	SP	SP	SP	SP	SP	Y	SP ⁴	SP ⁴	
2. Boarding house	N	N	N	N	N	N	Y	SP ⁴	SP ⁴	
Accessory Residential Uses										
1. Accessory residential apartment above ground floor commercial (maximum 8 units)	N	N	N	N	SP	SP	Y	SP ⁴	SP ⁴	

¹With the following exception: mobile home on the site of a residence which has been destroyed by fire or other natural holocaust for occupancy by the owner and occupier of the destroyed residence for a period not to exceed twelve months while the residence is being rebuilt. (Said mobile home must satisfy the provisions of the state sanitary code while being so used and must be recorded with the Inspector of Buildings upon commencement of such use.)

²Conversion of a single-family structure to contain no more than two dwelling units provided that each resulting dwelling unit shall contain a minimum floor area of 800 square feet and provided further that the lot area is at least double the lot area required in the district.

³Provided that: It shall be operated by the family residing on the premises; it is a property with historical significance and the building is in existence as of this date; it is on one lot with a minimum of (three) 3 acres of land; no more than (eight) 8 bedrooms will be approved for use by Bed and Breakfast guests; off street parking will meet the standards set in Section 10 of the Zoning By-Laws; the sewage disposal system shall be approved by the Board of Health; and the use be appropriate and maintain the character of the neighborhood.

⁴Must be consistent with the requirements of an industry district as outline in Section X.

4.2.4 Business and Commercial Uses

The following section of the Use Table deals with Business Uses as they may be permitted in the Town of Seekonk. Where a Zoning District is not included in this Section, Business Uses as principal uses are categorically prohibited in those districts unless otherwise provided for in the notes at the end of this section. Several Business Uses are potentially allowable in other Districts as part of the Accessory Uses section of the Land Use Table.

Principal Uses (unless specified otherwise)	Business Districts			Industrial District
	LBD	HBD	LCVD	
Business and Commercial Uses				I
1. Offices ¹				
a. Under 2,000 square feet	Y	Y	Y	SP ²
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	Y	Y	N	SP ²
c. Equal to or over 25,000 square feet	Y	Y	N	SP ²
2. Retail stores and service establishments (other than restaurants, mini-storage facilities and Adult Uses defined in MGL Ch40A Sec. 9A)				
a. Under 2,000 square feet	Y ³	Y ⁴	Y	SP ²
b. Equal to or over 2,000 square feet	Y ³	Y ⁴	N	SP ²
3. Restaurants (not including bakeries, cafes or fast food restaurants)	Y	Y	N	SP ²
4. Bakery/café (not including drive-through)	Y	Y	Y	SP ²
5. Fast food establishments	N	Y	N	SP ²
6. Banks	Y	Y	Y	SP ²
7. Funeral homes	Y	Y	N	SP ²
8. Wholesale establishments	N	Y	N	SP ²
9. Hotels or motels	N	Y	N	SP ²
10. Establishments processing for direct consumption	N	Y	N	SP ²
11. Auto service stations ³	N	Y	N	SP ²
12. Carpentry, plumbing and electrical workshops	N	N	Y	SP ²
13. Medical or Health Related Laboratory	N	N	Y	SP ²
a. Under 2,000 square feet	Y	Y	Y	SP ²
b. Equal to or over 2,000 square feet, but less than 25,000 square feet	Y	Y	N	SP ²
c. Equal to or over 25,000 square feet	SP	SP	N	SP ²
14. Newspaper or job printing establishment	N	N	Y	SP ²
15. Nursing homes	N	N	N	SP ²
16. Non-residential mixed use development	N	N	N	SP ²
17. Any allowed business use that incorporates a drive-through facility	SP ³	Y ³	N	SP ³

¹The principal activities of which are the conduct of governmental, professional, management, or financial activities.

²Must be consistent with the requirements of an industry district as outlined in Section X.

³See Section 8.2 for performance standards related to drive-through facilities.

³Retail stores and service establishments, other than restaurants and mini-storage facilities, the principal activities of which are the selling of merchandise at retail; the merchandise and services of which are sold for use or consumption either within the building or principally off of the premises; and the customers of which are provided goods and services principally within a building.

⁴Retail stores and service establishments, excluding mini-storage facilities – the principal activities of which are the selling of services or merchandise at retail and the operations of which may be carried on outside a building as customarily as within.

⁵Provided that any building or facility within a service station site shall be at least 50' away from any residential district boundary and be at least 200' away from any entrance or exit to or from a school, playground, public library, church, hospital, or children's home, and provided further that any lubricating, washing, or repairing not conducted within a building shall be permitted only if a wall of solid appearance or a tight evergreen hedge not less than six (6) feet in height is erected and maintained between such uses and any adjoining residence district. That the minimum frontage measured at the street line shall be 150' and if a corner lot, it shall be 150' on both streets. That the minimum lot area shall be 15,000 sq. ft. or if a corner lot, 22,500 sq. ft.



4.2.5 Industrial Uses

The following section of the Use Table deals with Industrial Uses as they may be permitted in the Town of Seekonk. Where a Zoning District is not included in this Section, Industrial Uses as principal uses are categorically prohibited in those districts unless otherwise provided for in the notes at the end of this section.

Principal Uses (unless specified otherwise)	Business Districts			Industrial District
	LBD	HBD	LCVD	
H. Industrial Uses¹				I
1. Administration	N	N	N	Y
2. Research	N	N	N	Y
3. Manufacturing	N	N	N	Y
4. Processing	N	N	N	Y
5. Fabrication	N	N	N	Y
6. Assembly	N	N	N	Y
7. Storage	N	N	N	Y
8. Mini-storage	N	N	N	Y
9. Freight handling	N	N	N	Y

¹Excluding junk and used material storage or salvage operations, which are not pertinent to a manufacturing or fabrication use on the premises.

SECTION 5. DIMENSIONAL REGULATIONS

5.1 General Standards

5.1.1. No lot, yard, frontage, required open space, or parking area shall be so reduced, diminished, or maintained that yards, other open spaces, total lot area or parking area shall be smaller than prescribed by this By-Law. After the date of adoption of this By-Law, land in all residence districts shall be subdivided so that every lot conforms to this By-Law.

5.1.2. No part of a yard, parking space, or other open space required for any building or use for the purpose of complying with the provisions of this By-Law shall be included as part of a yard, parking space, or other open space required under this By-Law for another building except as provided in Section 10.

5.1.3. Each residential unit, be it in a single or multi-unit structure, be it fixed or mobile, be it permanent or temporary, must meet or exceed, either individually or in combined totals, the minimum lot area requirements of this By-Law for the residential zone in which the unit exists. If the unit is in other than a residential zone, it must meet or exceed the minimum lot area requirements of the least restricted residential zone. This is not authorization of any particular form of residential unit. It is a requirement of such residential units not specifically covered by these By-Laws. It is a requirement of residential units allowed by legal circumvention of other provisions of these By-Laws.

5.1.4 Dimensional Table

District	Minimum Lot Area (Square Feet)	Maximum Lot Coverage (%)	Minimum Frontage ¹ (feet)	Minimum Depth of Front Yard/ Corner Side Yard (feet) ²	Minimum Depth of Rear Yard (feet)	Minimum Depth of Both Front and Rear Yards	Minimum Width of Each Interior Side Yard	Maximum Height (Stories/ Feet)
R-1 ³	14,400	--	120	35/35	25	50% of longest side	15 feet + 5 feet for each story over one	3/40 ⁴
R-2 ³	22,500 ⁵	--	150	35/35	50	--	20 feet + 5 feet for each story over one	3/40 ⁴
R-3 ³	40,000 ⁵	--	200	50/50	70	--	35 feet + 5 feet for each story	3/40 ⁴

R-4 ³	62,500 ⁵	--	250	50/50	80	--	over one 35 feet + 5 feet for each story	3/40 ⁴
LBD	--	40	50	50/50 ^{6,7}	See note 8	--	over one 15 feet ^{6,7}	3/40
HBD	--	30	50	70/50 ^{6,7}	See note 8	--	15 feet ^{6,7}	3/40
LCVD	--	75	50	0/5 ^{6,7}	See note 8	--	5 feet ^{6,7}	4/45
I	20,000	50	50	50	20 ^{9,10}	--	20 ^{9,10}	3/40 ¹¹

¹In any district, a lot having frontages on two streets that do not intersect shall have two front yards each of a depth as provided in this By-Law.

²In any residence district, notwithstanding the provisions of Section 6, the required front yard of any residence hereafter erected shall conform to the average alignment of any existing dwellings on the same side of the street within 250' except that no residence shall have a front yard of less than 10' in depth or need have a front yard of greater depth than 50' in an R-4 District or 50' in an R-3 District or 35' in an R-2 District or 35' in an R-1 District.

³Alternate to Standard Minimums in Residential Districts: this alternate is offered to encourage more normally acceptable lot configurations, increased open space, decreased density, reduced lengths of roads, utilities and drains, and to legalize potential nonconforming uses:

- The minimum lot area must be increased by 250 square feet for each foot, or fraction thereof, of reduction of the minimum required lot width measured at the street line.
- The minimum lot area must be increased by 250 square feet for each foot, or fraction thereof, of reduction of the minimum required lot width measured at the rear of the required front yard.
- The minimum required lot width at the street line may be reduced to not less than 75% of the standard minimum of the affected zone, but not to less than 100'.
- The minimum required lot width at the rear of the required front yard may be reduced to not less than 75% of the standard minimum of the affected zone, but not to less than 100'.
- Any lot designed under 6.10 must be prominently identified on plans submitted for approval and/or endorsement.

⁴However, with respect to buildings or structures used for municipal purposes, including water and sewerage, no restrictions relative to height shall apply.

⁵Residential lots being subdivided in the R-2, R-3, and R-4 zones shall be designed geometrically as to show a 100' square resting at the midpoint of the setback line at its perpendicular. Residential lots being subdivided in the R-1 zone shall be designed geometrically as to show a 60' square resting at the midpoint of the setback line at its perpendicular.

⁶When a side yard adjoins a lot in a residence district, the side yard shall be of the same width as the required side yard in the adjoining district.

⁷The side and rear yard adjoining any district or use shall include a minimum of 15' around any buildings. This includes appurtenances extending out from any building, or other items, which in the opinion of the Planning Board unduly constitute an obstruction or which impeded safe vehicular travel by current emergency vehicles.

⁸When a rear yard abuts a lot in a residence district, the rear yard shall be of the same depth as the required adjoining yard, side or rear. When a rear yard abuts a street, the rear yard shall be of sufficient depth to provide the required off-street loading space.

⁹Except along boundaries abutting railroad tracks.

¹⁰Minimum side and rear yards when adjacent to a residence district are 50 feet.

¹¹Whichever is less.



**ZONING BY-LAWS
OF THE
TOWN OF SEEKONK
MASSACHUSETTS**

APPROVED OCTOBER 2, 1958

INCORPORATING SUBSEQUENT REVISIONS THROUGH TOWN MEETING

CONCLUDED [INSERT TOWN MEETING DATE]

Reprinted [INSERT RE-PRINTING DATE]

The following by-laws, having been adopted by the Town on April 28, 1958, and approved by the Attorney General of the Commonwealth of Massachusetts on October 2, 1958, supersede the original Zoning Laws approved November 14, 1942 and the amendments thereto.

SEEKONK PLANNING BOARD

Table of Contents

SECTION 1. AUTHORITY, PURPOSE, DEFINITIONS14

1.1 Authority14

1.2 Purpose14

1.3 Definitions.....14

SECTION 2. ADMINISTRATION66

2.1 Board of Appeals66

2.2 Special Permits.....88

2.3 Variances.....99

2.4 Public Hearing.....99

2.5 Repetitive Petitions1040

2.6 Notice of Decision1144

2.7 Appeal1144

2.8 Site Plan Review1144

2.9 Subdivision of Land1343

2.10 Single Lot Development within Residential Districts1343

2.11 Enforcement1444

2.12 Amendment1545

2.13 Penalty for Violations.....1646

2.14 Validity1746

2.15 Exemptions and Special Protections1747

SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS1848

3.1 Classification of Districts.....1848

3.2 Zoning Map.....1848

3.3 Location of Boundaries of Districts1848

3.4 Lots in more than One District.....2020

SECTION 4. USE REGULATIONS2124

4.1 Base Zoning Districts.....2124

4.2 Use Table2322

4.3 Non-Conforming Uses and Structures2322

SECTION 5. DIMENSIONAL REGULATIONS2524

5.1 Dimensional Table2524

5.2 Location of Detached Private Garages and Other Detached Accessory Buildings2524

5.3 Location of Attached Garages and Carports2524

SECTION 6. OVERLAY AND SPECIAL DISTRICTS	2625
6.1 Planned Unit Development District	2625
6.2 Wetlands and Floodplain Protection District	2726
6.3 Mixed Use Zone	3231
6.4 Groundwater Aquifer Protection District	3433
6.5 Adult Entertainment Overlay District	3736
6.6 Multifamily Development Overlay District	4039
6.7 Telecommunication Facilities Overlay District	4342
6.8 Solar Photovoltaic Overlay District	4645
6.9 Economic Development Area Overlay District	5251
SECTION 7. GENERAL PROVISIONS	5352
7.1 Zoning Affects Every Structure and Use	5352
7.2 Certified Plot Plan	5352
7.3 Lot Design/Layout	5352
SECTION 8. DEVELOPMENT AND DESIGN STANDARDS	5453
8.1 Parking	5453
8.2 Drive-Through Businesses	5756
8.3 Drainage	5857
8.4 Landscaping	5857
8.5 Lighting	5958
8.6 Buildings	6059
8.7 Sustainable Design	6059
8.8 Signs	6059
8.9 Noise	6665
8.10 Corner Visibility	6765
8.11 Additional Site Plan Standards for the Luther's Corners Village District	6766
8.12 Construction and Operation Standards and Limitations	6867
SECTION 9. SPECIAL REGULATIONS	6968
9.1 Home Occupations	6968
9.2 Conservation Subdivision Design	7069

Appendices

- Appendix A. Chronological List of Rezones Since February, 1959
- Appendix B. Chronological List of Revisions Since July, 1963
- Appendix C. Sign Definitions

SECTION 1. AUTHORITY, PURPOSE, DEFINITIONS

1.1 Authority

The Town of Seekonk Zoning Bylaw is adopted under Chapter 40A of the General Laws (the Zoning Act) and Article 89 of the Amendments to the Constitution (the Home Rule Amendment).

1.2 Purpose

The zoning districts and regulations pertaining thereto as herein set forth are made in accordance with a comprehensive plan to regulate the use of land, buildings, and structures for the purpose of promoting and protecting the health, safety and general welfare of the community and the present and future inhabitants of the Town of Seekonk.

They are designed to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water supply, drainage, sewerage, schools, parks, open space, and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town, including consideration of the Master Plan adopted by the Planning Board and the Comprehensive Plan, if any, of the Southeastern Regional Planning and Economic Development District; and to preserve and increase amenities, to promote responsible economic development; and to support quality housing for persons of all income levels. They are made with reasonable consideration given to the character of each district and its peculiar suitability for particular uses.

Since the purpose of these by-laws is to promote the quality of life and environment in Seekonk by regulating property uses, whenever there appear to be multiple interpretations of points within these by-laws, the more restricting or more controlling interpretation is intended and will prevail unless ruled otherwise by due course of law.

Subsections of this by-law will not be interpreted out of the context of the next superior section within which it appears.

1.3 Definitions

In this By-Law words used in the present tense include the future, the singular includes the plural and the plural, the singular. The word "used" includes "designed, intended or arranged to be used". The following terms for the purpose of this By-Law are defined as follows:

ACCESSORY BUILDING: A subordinate building incident to and located on the same lot as the principal building or use.

ADULT BOOKSTORE: As defined by G.L. c.40A, Section 9A.

ADULT MOTION PICTURE THEATER: As defined by G.L. c.40A, Section 9A.

ADULT PARAPHERNALIA STORE: As defined by G.L. c.40A, Section 9A.

ADULT VIDEO STORE: As defined by G.L. c.40A, Section 9A.

AQUIFER: A geologic formation composed of rock, sand, or gravel, capable of yielding over eighty gallons per minute of potentially usable, or recoverable, amounts of water.

AS-OF-RIGHT SITING: As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval.

BASE FLOOD LEVEL: The elevation of flood waters having a one percent chance of being equaled or exceeded in any given year. This is also referred to as the "100-year flood level", or that level as revised by FEMA and/or the Conservation Commission.

BUILDING HEIGHT: The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of the top story in the case of a flat roof or to the mean height between the plate and the ridge in the case of a pitched roof. In determining building height, belfries, steeples, chimneys, outdoor theater screens, and similar projections shall be excluded.

BUILDING PERMIT: A construction permit issued by the Building Official; the building permit evidences that the project is consistent with the state and federal building codes as well as these Zoning Bylaws.

CORNER LOT: A lot at the junction of and fronting on two or more public ways intersection at an angle of less than 135 degrees.

CORPORATION: That entity or enterprise incorporated under the General Laws of Massachusetts, including those from other states and legally entitled to conduct business in Massachusetts; to include corporations which are similar in nature and/or which have identical principals as owner or lessees, be they individual or other corporations. No lot or use shall be further subdivided or sublet as to circumvent or lessen other requirements of these By-Laws.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

DWELLING: Any building used in whole or in part for habitation as approved in accordance with the Massachusetts State Building Code, per 780 CMR.

ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY FOR ITS PATRONS: As defined by G.L. c.40A, Section 9A.

FARM: A parcel of land used for the cultivation of the soil for the purpose of producing crops and/or for the raising of livestock with exception of the following noxious uses: piggeries, turkey farms and guinea hen farms.

FLOOD INSURANCE RATE MAP: An official map prepared by the Federal Insurance Administration delineating both special flood hazard areas and risk premium zones.

FLOOD PROOFING: Any combination of structural and non-structural alterations to property, which minimize or eliminate flood damage.

GROUNDWATER: Water in the surface zone beneath the water table in which most or all pore spaces are filled with water.

HAZARDOUS SUBSTANCE: Any hazardous substance or mixture of such physical, chemical, or infectious characteristics as to pose significant actual or potential hazard to water supplies, or to human or animal health, if such substance or mixture were discharged to land or waters of this town. These would include organic chemicals, petroleum products, heavy metals,

radioactive or infectious wastes, acids and alkalies, and other products such as pesticides, herbicides, solvents, and thinners, as also defined by M.G.L., Chapter 21E and Chapter 111.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious cover is defined to include, without limitation, exposed stone, paved or gravel parking lots, sidewalks, roof tops, paved or gravel driveways, patios or staging areas, and compacted dirt surfaced roads.

LEACHABLE WASTES: Waste materials, be they directly relatable or by-products of surface or subsurface generators including solids, sewage, sludge, and agricultural wastes that are capable of releasing waterborne contaminants to the surrounding environment.

LARGE-SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC FACILITY: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum rated nameplate capacity of 250 kW DC.

LOT: A parcel of land defined by metes, bounds, or boundary lines in a recorded deed or shown on a recorded plan or plat.

LOT COVERAGE: The amount of any lot that is covered with man-made impervious surface.

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 application non-elevation design requirements of this ordinance.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide based on the North American Vertical Datum of 1988 (NAVD 88).

MINING OF LAND: Removal or relocation of geologic materials, including topsoil, for the purpose of extracting sand and gravel, metallic ores, or bedrock.

NONCONFORMING LOT: A lot of less than minimum size as defined in Section [REDACTED] of this by-law and recorded prior to November 14, 1942.

NONCONFORMING USE/STRUCTURE: Any lawful building or structure or any lawful use of land, building, or structure which is not an authorized use in the district in which it is located by virtue of the adoption or subsequent amendment of these By-Laws is a nonconforming use.

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

RECHARGE AREA: That area composed of permeable stratified sand and gravel, and certain wetlands that collect surface water and carry it to aquifers. Primary recharge area lies directly over the designated aquifer, and adjacent areas of strata, from which groundwater flows directly into the aquifer. Secondary recharge area lies adjacent to the primary area, and from which groundwater moves downgradient into the aquifer. Tertiary recharge area is the upstream drainage area of streams that traverse the primary and/or secondary recharge areas.

REGULATORY FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

SEPTAGE: Sludge produced by domestic waste that is pumped from septic tanks.

SOLID WASTE: Discarded solid material, decomposing or not, which may contain other liquid or gaseous materials, but with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material.

SPECIAL FLOOD HAZARD AREA: Land subject to a one percent or greater chance of flooding in any given year.

SPECIAL PERMIT: A special permit allows a use that would not be appropriate generally or without restriction throughout the zone, but which if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, or general welfare. Such uses may be permitted in such zone by special permit, if specific provision for such special permit uses is made in these zoning By-Laws. Special permits are to be issued only for uses, which are in harmony with the general purpose and intent of these By-Laws, and are subject to general or specific provisions set forth therein. Special permits may also impose conditions, safeguards and limitations on time or use.

SPECIAL PERMIT GRANTING AUTHORITY: The Town Board or Boards designated by the zoning By-Laws to issue special permits under authority of Section 1 of Chapter 40A of the Massachusetts General Laws.

START OF CONSTRUCTION: When piles are installed or columns are constructed; or in the case of a manufactured home, when the manufactured home is placed on a site or foundation. The erection, alteration, repair, renovation, demolition, or removal of any building or structure.

STORY: That portion of a building between the upper surface of any floor and the upper surface of the floor next above, having more than one-half of its height above the average elevation of the finished lot grade adjoining the building and any portion of a building, used for human occupancy and/or material storage between the topmost floor and the roof.

STREET: A public way established by or maintained under public authority.

STREET LINE: The dividing line between a public way and an adjacent lot.

STRUCTURE: Anything erected requiring location on the ground or attachment to something having location on the ground specifically excepting canopies and dispensing islands for gasoline filling stations. For floodplain management purposes, a structure is a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a mobile home.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either, (a) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (b) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

TELECOMMUNICATIONS FACILITY: Any equipment used to provide telecommunication service, as defined by the Telecommunications Act of 1996, including but not limited to towers, antennas, appurtenant devices and accessory buildings.

TRAILER: Any vehicle basically designed for human habitation and for occasional or frequent mobile use whether on wheels or rigid support.

VARIANCE: A variance is a relaxation of the terms of the zoning By-Laws where such variance will not be contrary to the public interest or nullify or substantially derogate from the intent of these By-Laws and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these By-Laws would involve substantial hardship, financial or otherwise. As used in these By-Laws, a variance is authorized for circumstances relating to soil conditions, shape, size, or topography of land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. Establishment or expansion of a use or activity otherwise prohibited shall not be allowed by variance. Conditions, safeguards and limitations of both time and use may be applied.

YARD: A required space on a lot, open, and unoccupied and unobstructed by structures, except as otherwise provided in this By-Law.

YARD, FRONT: A required yard extending across the full width of the lot adjacent to the front street line.

YARD, REAR: A required yard extending across the full width of the lot adjacent to the rear lot line.

YARD, SIDE: A required yard extending from the rear of the required front yard, or from the street line where no front yard is required, to the front of the required rear yard, or to the rear lot line where no rear yard is required.

YARD, INTERIOR SIDE: A required side yard not adjacent to a public way.

YARD, CORNER SIDE: A required side yard adjacent to a public way.

SECTION 2. ADMINISTRATION

2.1 Board of Appeals

2.1.1 Organization

The Zoning Board of Appeals shall consist of five members who are citizens living within the confines of the town, and to be appointed by the Board of Selectmen in accordance with provisions of Section 12, Chapter 40A of the General Laws.

The terms of office for members of the Zoning Board of Appeals shall be for three years and the term of at least one member shall expire each year as provided in the Town Charter.

There shall also be appointed by the Board of Selectmen three Associate Members of the Zoning Board of Appeals, also citizens living within the confines of the town, in accordance with the provisions of the same section of the General Laws.

The terms of office for Associate Members shall be for three years and shall be staggered so that the term of one associate member shall expire each year.

The Zoning Board of Appeals heretofore established under the Zoning By-Law previously in effect shall continue as the Zoning Board of Appeals under this By-Law. The members and associate members thereof shall continue in office for the duration of their appointed terms as modified by the Board of Selectmen to conform to the provision for staggered terms described in the preceding paragraphs.

The Zoning Board of Appeals shall elect annually a chairman from its own number and a clerk, and may, subject to appropriation, employ experts and clerical and other assistants.

Any member may be removed for cause by the Board of Selectmen upon written charges and after a public hearing.

Vacancies shall be filled for unexpired terms in the same manner as in the case of original appointments.

The Chairman of the Zoning Board of Appeals shall designate an Associate Member to sit on the Board in case of absence, inability to act or conflict of interest on the part of any member thereof or in the event of a vacancy on the Board until said vacancy is filled in the manner provided in this section.

The Zoning Board of Appeals shall adopt rules not inconsistent with the Zoning By-Laws of the Town of Seekonk for the conduct of its business and for the purposes of Chapter 40A of the General Laws.

A copy of said rules shall be filed with the Town Clerk.

2.1.2 Powers

The Zoning Board of Appeals shall have all the powers and duties of Board of Appeals under the applicable provisions of the General Laws of the Commonwealth of Massachusetts and of this By-Law as specified therein.

The Board shall:

2.1.2.1 Hear and decide appeals from any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of this By-Law or Chapter 40A of the General Laws, by the Southeastern Regional Planning and Economic Development District, or by any person including an officer or Board of the Town of Seekonk, or of an abutting city or town aggrieved by an order or decision of the Building Official, or other administrative official, in violation of any provision of this By-Law or Chapter 40A of the General Laws. Prior to making a decision on applications for building permits referred to the Board of Appeals in accordance with the provisions of Section ~~2.1.1.3.2.6.3~~, the Board may request the opinion of the Planning Board and one or more expert consultants selected by the Board as qualified to advise as to whether a proposed use will conform to performance standards contained in these By-Laws.

Any building permit so authorized and issued shall be conditioned on, among other things, the applicant's completed building and installations in operation being in conformity with the applicable performance standards.

2.1.2.2 Hear and decide petitions or appeals for variances as set forth in Section [REDACTED] of this By-Law.

2.1.2.3 Hear and decide applications for special permits.

In exercising its powers, the Zoning Board of Appeals may, in conforming with the provisions of this By-Law and Chapter 40A of the General Laws, make orders or decisions, reverse or affirm in whole or in part, or modify any order or decision, and to that end shall have all the powers of the office from whom the appeal is taken and may issue or direct the issuance of a permit.

2.1.3 Appeals Procedure

Any appeal to the Zoning Board of Appeals under Section ~~2.1.2.1.2.1~~ of this By-Law shall be taken within thirty days from the date of the order or decision which is being appealed, by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk, who shall forthwith transmit copies thereof to such office or Board whose order is being appealed and to the Zoning Board of Appeals. Such officer or Board shall forthwith transmit to the Zoning Board of Appeals all documents and papers constituting the record of the case in which the appeal is taken.

Meetings of the Zoning Board of Appeals shall be held at the call of the chairman or when called in such other manner as the Board shall determine in its rules. The Zoning Board of Appeals shall hold a hearing on any appeal, application or petition transmitted to it by the Town Clerk within sixty-five days from the transmittal to the Board of such appeal, application or petition. The Board shall cause notice of such hearing to be published and sent to parties in interest as provided for herein, and shall notify the Planning Board of the Town of Seekonk and, the Planning Board of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the Zoning Board of Appeals. The Chairman, or in his absence the Acting Chairman, may administer oaths, summon witnesses, and call for the production of papers.

The concurring vote of four members of the Zoning Board of Appeals shall be necessary to reverse any order or decision of any administrative official under this By-Law or to effect any variance in the application of any By-Law.

All hearings of the Zoning Board of Appeals shall be open to the public. The decisions of the Board shall be made within one hundred days after the date of the filing of an appeal, application or petition, except in regard to special permits. Failure by the Board to act within said one hundred days shall be deemed to be the grant of the relief, application or petition sought, subject to an applicable judicial appeal as provided for in Chapter 40A of the General Laws. The Board shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and setting forth clearly the reason or reasons for its decision and of its official actions, copies of all of which shall be filed within fourteen days in the office of the Town Clerk and shall be a public record; and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in Section [REDACTED] and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each notice shall specify that appeals, if any, shall be made pursuant to Section [REDACTED] and shall be filed within twenty days after the date of filing of such notice in the office of Town Clerk.

2.2 Special Permits

2.2.1 Definition

The Zoning By-Laws of the Town of Seekonk provide for specific types of uses which shall only be permitted in the specific districts upon the issuance of a special permit.

2.2.2 Powers

The Seekonk Zoning Board of Appeals shall have the power, after public hearing notice has been given by publication and posting as provided in Section [REDACTED] and by mailing to all parties in interest, to issue, upon application, special permits for uses permitted thereby in certain districts.

Special permits are to be issued only for uses which are in harmony with the general purpose and intent of these By-Laws, and shall be subject to general or specific provisions set forth herein. Special permits may also impose conditions, safeguards and limitation on time or use.

2.2.3 Procedures

Special permits shall only be issued following public hearings held within sixty-five days after filing of an application with the Town Clerk, a copy of which shall forthwith be given to the Zoning Board of Appeals by the Town Clerk. The Zoning Board of Appeals shall adopt and from time to time amend rules relative to the issuance of such permits and shall file a copy of said rules in the office of the Town Clerk. Such rules must prescribe the size, form, contents, style and number of copies of plans and specifications and the procedure for the submission and approval of such permits.

The Zoning Board of Appeals shall act within ninety days following a public hearing for which notice has been given by publication or posting as provided in Section [REDACTED] and by mailing to all parties in interest. Failure by the Zoning Board of Appeals to take final action upon an application for a special permit within said ninety days following the date of the public hearing shall be deemed to be a grant of the permit applied for. Special permits issued by the Zoning Board of Appeals shall require four (4) concurring votes.

2.2.4 Period of Validity

A special permit granted under this section shall lapse after one year, plus such time as is required to pursue or await the determination of an appeal referred to in Section 221 from the grant thereof, if a substantial use thereof has not soon commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.

2.2.5 Special Permits for Scientific Research Development / Production Uses

Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit provided the Zoning Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.

2.3 Variances

2.3.1 Definitions, Powers

The Zoning Board of Appeals shall have the power, after public hearing notice has been given by publication and posting as provided in Section 221 and by mailing to all parties in interest, to grant, upon petition with respect to particular land or structures, a variance from the terms of the By-Law where the Zoning Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, size or topography of such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the By-Law 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 these By-Laws. No variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located, provided, however, that such variances properly granted prior to January first, nineteen hundred and seventy-six by limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

2.3.2 Conditions of Variance

The Zoning Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguards and limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner.

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

2.4 Public Hearing

2.4.1 General Requirements

In all cases where notice of a public hearing is required, notice shall be given by publication in a newspaper of general circulation in the Town of Seekonk once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting

such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing. In all cases where notice to individuals or specific boards or other agencies is required, notice shall be sent by mail, postage prepaid.

2.4.2 Parties of Interest

“Parties in interest” as used in this By-Law shall mean the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line all as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the Seekonk Planning Board, and the Planning Board of every abutting city or town. The Assessors maintaining any applicable tax list shall certify to the Zoning Board of Appeals or the Planning Board the names and addresses of parties in interest and such certification shall be conclusive for all purposes. The Zoning Board of Appeals or Planning Board may accept a waiver of notice from, or an affidavit of actual notice to any party in interest or, in his stead, any successor owner of record who may not have received a notice by mail, and may order special notice to any such person, giving not less than five nor more than ten additional days to reply.

2.4.3 Public Hearing Notice Content

Publications and notices required by this section shall contain the name of the petitioner, a description of the area or premises, street address, if any, or other adequate identification of the location, of the area or premises which is the subject of the petition, the date, place and time of the public hearing, the subject matter of the hearing, and the nature of action or relief requested, if any. No such hearing shall be held on any day on which a state or municipal election, caucus or primary is held in the Town.

2.4.4 Reviewing Agencies

All applications for special permits, petitions for variance, or appeals submitted to the Zoning Board of Appeals shall be submitted to and reviewed by the following, and such reviews may be held jointly: the Board of Selectmen, the Board of Health, the Planning Board, the Building Official, the Superintendent of Public Works, the Conservation Commission and the Industrial Development Commission. Any such board or agency to which said petitions, appeals, or applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Zoning Board of Appeals and to the applicant, provided, however, that failure of any such board or agency to make recommendations within 35 days shall be deemed lack of opposition thereto.

2.5 Repetitive Petitions

Any appeal, application or petition which has been unfavorably and finally acted upon by the Zoning Board of Appeals shall not be acted favorably upon within two years after the date of final unfavorable action unless said Zoning Board of Appeals finds, by a vote of four members, specific and material changes in the conditions upon which the previous unfavorable action was based. The Board shall describe such changes in the record of its proceedings. All but one of the members of the Planning Board must also consent thereto. Notice shall be given to parties in interest of the time and place of the proceedings when the question of such consent will be considered.

Any petition for a variance or application for a special permit which has been transmitted to the Zoning Board of Appeals may be withdrawn, without prejudice, by the petitioner prior to the

publication of the notice of a public hearing thereon, but thereafter may be withdrawn without prejudice only with the approval of the Zoning Board of Appeals.

2.6 Notice of Decision

Upon the granting of a variance or special permit, or any extension, modification, or renewal thereof, the Zoning Board of Appeals shall issue to the owner and to the applicant, if other than the owner, a copy of its decision, certified by the Zoning Board of Appeals, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for the issuance of such a variance or special permit and certifying that copies of the decision and all plans referred to in the decision have been filed with the Planning Board and Town Clerk. No variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk that twenty days have elapsed and no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Registry of Deeds for Bristol County and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.

2.7 Appeal

Any person aggrieved by a decision of the Zoning Board of Appeals, whether or not previously a party to the proceedings, or any municipal officer or board may appeal to the Superior Court or to the Land Court under Section 14A of Chapter 240 of the General Laws for the County in which the land concerned is situated by bringing an action in the manner provide by the Laws of Massachusetts, and particularly by Section 17 of Chapter 40A of the Massachusetts General Laws.

2.8 Site Plan Review

2.8.1 Purpose

The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of certain developments which may have a substantial impact upon the character of the Town and upon traffic, utilities and services therein.

2.8.2 Powers and Administrative Procedures

All site plans are subject to the review and approval by the Planning Board (Board). The Board shall impose any conditions they find reasonably appropriate to improve the site design as based on the design standards below. The Board may adopt and periodically amend rules and regulations to effectuate the purposes of this by-law. Failure by them to promulgate such rules and regulations shall not have the effect of suspending or invalidating this by-law.

2.8.3 Applicability

Any construction or alteration of a non-residential structure or change of use of a building or property to a non-residential use that would necessitate an on-site change to any of the design standards of ~~SECTION 8~~ SECTION 8 shall be subject to Site Plan Review. Residential uses are exempt from this section.

Notwithstanding the aforesaid, all activities subject to the provisions in Section [REDACTED] of the Zoning Bylaw (Solar Photovoltaic Facility Overlay District) and the associated Site Plan Review process shall not be subject to Site Plan Review as described in this section.

2.8.4 Pre-Application Review

The applicant is strongly encouraged to request a pre-application review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent and Public Works Superintendent. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

2.8.5 Procedure

Applicants shall submit an application for Site Plan Review in accordance with the rules and regulations effectuating the purposes of this bylaw adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant. Review fees shall be in the form of a check made out to the Board's reviewing engineer. Said review fee should be forwarded to the Board for payment to the Board's reviewing engineer.

Prior to the issuance of a building permit, a site plan shall be submitted to the Planning Board for review of compliance with these By-Laws. A building permit shall not be issued without either an approved plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated approval as follows. If the Planning Board does not act to reject such plan within sixty (60) consecutive days after receipt of a completed application, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension can be granted by Board upon receipt of correspondence by the applicant seeking said extension. Prior to construction erosion and sedimentation control measures shall be in place in accordance with any bylaws regulating said measures.

2.8.6 Design Standards

2.8.7 The development and design standards outlined in SECTION 8SECTION 8, in addition to any standards prescribed elsewhere in this by-law, shall be utilized by the Board in considering all site plans. Compliance:

Before the issuance of a permanent occupancy permit, the Town Planner shall verify compliance with the approved site plan and an as-built, certified by a registered professional land surveyor or engineer shall be submitted to the Planning Board and Building Official. The as-built plan shall

attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the design standards of ~~SECTION 8~~ shall be submitted to the Planning Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause a change in any of the design standards of ~~SECTION 8~~.

2.8.8 Appeals

Any person aggrieved by a decision of the Board under this section, shall first appeal to the Zoning Board of Appeals (would like this removed). Subsequent appeals shall be brought forth to Superior Court, the Land Court or the District Court pursuant to Chapter 40A, section 17 of the Massachusetts General Laws^[n1].

2.9 Subdivision of Land

The subdivision of land in all districts shall conform to the subdivision regulations as approved by the Planning Board.

2.10 Single Lot Development within Residential Districts

The creation of or development of single lots which are not included in an approved subdivision (as per Chapter 41, Section 81K-81GG of the MA General Laws) shall conform with the following requirements. These requirements are in addition to those in effect under other local Boards, the Building Official, and other sections of these By-Laws.

2.10.1 A site plan at a scale of at least 1" = 40' shall be submitted to the Building Official, and it shall:

- 2.10.1.1 List Assessors Plat and Lot number;
- 2.10.1.2 Identify abutting street(s) and property owner(s);
- 2.10.1.3 Locate proposed building(s) on the site and indicate the proposed lowest floor elevation of said building(s);
- 2.10.1.4 Indicate existing and proposed grades on the lot at 1-foot contour intervals;
- 2.10.1.5 Locate existing water bodies, wetlands, drainage swales and/or drainage structures that are on or abut the site;
- 2.10.1.6 Locate the test hole(s) and indicate soil types found and the percolation rate; and
- 2.10.1.7 Locate proposed drainage swales, structures and/or retention areas and indicate the means of disposing of stormwater runoff.

2.10.2 The Building Official shall review this plan to ensure that the following conditions are met on the site.

- 2.10.2.1 Stormwater runoff is disposed of so as not to cause additional runoff onto abutting lots nor to cause roadway flooding.
- 2.10.2.2 The lot is graded so as to shed stormwater runoff away from the proposed building(s).

- 2.10.2.3 The groundwater level is not raised so as to cause groundwater infiltration of basements or the malfunctioning of sewerage disposal systems in the proposed/existing building(s) of this property and of those abutting properties.
- 2.10.2.4 The Conservation Commission has reviewed and approved the plans whenever such action was required by State Statute or local By-Laws.
- 2.10.2.5 The lot is graded and landscaped so that the driveway entrance area provides an unobstructed view for exiting vehicles and roadway traffic.

2.11 Enforcement

2.11.1 Building Official

This By-Law shall be enforced by the Board of Selectmen through the Building Official. The Building Official shall approve no application, plan, or permit, or the specifications thereof except in conformity with this By-Law.

2.11.2 Building Permits

No structure shall hereafter be erected or structurally altered and no premises shall hereafter be changed in use until a permit authorizing the same shall be issued by the Building Official. The Building Official shall withhold a permit for the construction, alteration or moving or any building or structure if the building or structure as constructed, altered, or moved would be in violation of these By-Laws. No permit or license shall be granted for a new use of a building, structure or land which use would be in violation of this By-Law. If the Building Official is requested in writing to enforce this By-Law against any person allegedly in violation of the same and declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

Any application for a building permit shall be accompanied by plans and specifications in duplicate showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure, and such other information as may be necessary under the provisions of these By-Laws to provide for its execution and enforcement.

A record of all such applications, plans and permits shall be kept on file by the Building Official.

2.11.3 Construction and Operation Standards Data

The Building Official may require the submission both of plans of any proposed machinery, operations and products and of specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements referred to in Sections [REDACTED] and §.128.11. The Building Official may also require an affidavit from the applicant acknowledging his/her understanding of the applicable performance standards of Sections [REDACTED] and §.128.11, and his/her agreement to conform with the same at all times. No applicant will be required to reveal any secret processes, and any information will be treated as confidential if so requested.

If there is any reasonable doubt concerning the likelihood of conformance with the performance standards of Sections [REDACTED] and §.128.11, the Building Official shall refer the application to the

Board of Appeals, which shall take action in accordance with the provisions of Section

~~2.1.22.1.2.~~

2.12 Amendment

These Zoning By-Laws or any portion thereof may be amended, modified or repealed in the following manner:

2.12.1 Initiation

Change of Zoning By-Laws may be initiated by the submission to the Board of Selectmen, by the Zoning Board of Appeals, by an individual owning land to be affected by the change, by request of registered voters of the town pursuant of Section 10 of Chapter 39 of the General Laws, by the Planning Board, by the Southeastern Regional Planning and Economic Development District, or by other methods provided by municipal charter. The Board of Selectmen shall, within fourteen days of receipt of such Zoning By-Law, submit it to the Planning Board for review.

2.12.2 Public Hearing

No Zoning By-Law or amendment thereto shall be adopted until after the Planning Board has held a public hearing thereon at which interested persons shall be given an opportunity to be heard. Said public hearing shall be held within sixty-five days after the proposed Zoning By-Law is submitted to the Planning Board by the Board of Selectmen. Notice of time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid, to all abutters within 300 feet of parcel boundary/boundaries affected by the proposed amendment as well as the Department of Community Affairs, the Southeastern Regional Planning and Economic Development District and the Planning Boards of all abutting cities and towns. Notices mailed to abutters shall be in the form of certified mail return receipt requested and shall be prepared by the applicant. Said notices shall then be forwarded to the town for mailing. A separate, conspicuous statement shall be included with property tax bills sent to non-resident property owners, stating that notice of hearings under this By-Law shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the Town Clerk no later than January first, and pays a fee of five dollars per annum. In cases involving boundary or use changes within a district, notice shall be sent without charge to any such nonresident property owner who has filed such a request with the Town Clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this By-Law shall invalidate any Zoning By-Laws unless such defect is found to be misleading.

2.12.3 Town Meeting Action

No vote to adopt any such proposed By-Law shall be taken until a report with recommendations by the Planning Board has been submitted to Town Meeting, or twenty-one days have elapsed without submission of such report or recommendations. After such notice, hearing and report, or after twenty-one days shall have lapsed after such hearing without submission of such report, a Town Meeting may adopt, reject, or amend any By-Laws. If a Town Meeting fails to vote to

adopt any proposed By-Law within six months after such hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as above provided.

No Zoning By-Law shall be adopted or changed except by a 2/3 vote of a Town Meeting.

2.12.4 Reconsideration

No proposed Zoning By-Law which has been unfavorably acted upon by a Town Meeting shall be considered by Town Meeting within two years after the date of such unfavorable action unless the adoption of such proposed By-Law is recommended in the final report of the Planning Board.

2.12.5 Submission to Attorney General

When Zoning By-Laws or amendments thereto are submitted to the Attorney General for approval as required by Section 32 of Chapter 40A of the General Laws, he shall also be furnished with a statement prepared by the Planning Board explaining the By-Laws or amendments proposed, which statement may be accompanied by explanatory maps or plans if appropriate.

2.12.6 Effective Date of Amendment

The effective date of the amendment of the Zoning By-Laws shall be the date on which such amendment was voted upon by a Town Meeting.

2.13 Penalty for Violations

Any person, partnership, association or corporation violating any of the provisions of this By-Law shall be punished by a fine not exceeding one-hundred dollars for each offense; and each day that such violation shall continue shall be deemed to constitute a separate offense.

Whenever it is necessary to take administrative or other action to recover a fine or damages or to compel the removal, alteration or relocation of any structure or alteration of a structure by reason of any violation of these By-Laws, the provisions of this section and Section [REDACTED] of these By-Laws and Section 7 of Chapter 40A of the General Laws shall be followed.

The following provisions apply to real property that has been improved and used in accordance with the terms of the original building permit issued by a person duly authorized to issue such permits.

Any action, the effect or purpose of which is to compel

- (1) the abandonment, limitation or modification of a use allowed by such a properly issued building permit, or
- (2) the removal, alteration or relocation of any structure erected in reliance on such a properly issued building permit, must be commenced and notice thereof recorded in the Registry of Deeds for Bristol County within six years after the commencement of the alleged violation of law.

Any action that does not meet this requirement cannot be maintained. The notice to be recorded shall include names of one or more of the owners of record, the name of the person initiating the action, and adequate identification of the structure and the alleged violation.

1. [KR2] *The Superior Court has jurisdiction to enforce the provisions of Chapter 40A of the General Laws, and any By-Laws adopted thereunder, and may restrain by injunction violations thereof.*

2.14 Validity

2.14.1 Invalidity

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision.

2.14.2 Other Regulations

Nothing contained herein shall be construed as repealing or invalidating any existing By-Law or regulation of the town, but shall operate in addition thereto. Where this By-Law imposes restrictions greater than are imposed by such By-Law or regulation, the provisions of this By-Law shall prevail.

2.15 Exemptions and Special Protections

Nothing in this By-law shall be construed to prohibit or unreasonably regulate use of land in a manner that is inconsistent with Chapter 40A Section 3 of Massachusetts General Laws or any other state and federal laws that pre-empt the authority of local zoning.

SECTION 3. ESTABLISHMENT OF ZONING DISTRICTS

3.1 Classification of Districts

For the purpose of this ordinance, the Town of Seekonk is hereby divided into classes of districts, designated as follows:

Base Zoning Districts

1. Residence "R-1" District
2. Residence "R-2" District
3. Residence "R-3" District
4. Residence "R-4" District
5. Local Business District
6. Highway Business District
7. Luther's Corners Village District
8. Industry District

Overlay and Special Districts

1. Planned Unit Development District
2. Wetlands and Floodplain Protection District
3. Mixed Use Zone
4. Groundwater Aquifer Protection District
5. Adult Entertainment Overlay District
6. Multifamily Development Overlay District
7. Telecommunication Facilities Overlay District
8. Solar Photovoltaic Overlay District
9. Economic Development Area Overlay District
10. Continuing Care Residency Campus Overlay District

3.2 Zoning Map

The boundaries of the majority of the zoning districts are hereby established as shown on the Seekonk, Massachusetts, Zoning Map dated [INSERT DATE], which is hereby made a part of this by-law and which is on file in the offices of the Building Official, the Town Clerk, and also at the Planning Board Office. Where zoning districts are not shown on the Zoning Map, their boundaries are described in Section [REDACTED].

3.3 Location of Boundaries of Districts

- 3.3.1 Unless otherwise shown on the Seekonk, Massachusetts, Zoning Map, the boundary lines of districts are lot lines, center lines of streets or alleys, or such lines extended, railroad right-of-way lines, or the center lines of water courses.
- 3.3.2 A district boundary otherwise shown and approximately parallel to a street, railroad, or water course line shall be deemed to be parallel to such line, and the figure placed on the zoning map between the boundary and such line shall be the distance in feet between them, as measured at a right angle from such line unless otherwise indicated.
- 3.3.3 Questions concerning the exact location of district boundary lines as shown on the zoning map shall be decided by the Board of Appeals after consultation with the Planning Board.
- 3.3.4 The boundaries of the Wetlands and Floodplain Protection District are shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps as prepared by the Federal Insurance Administration in the Flood Insurance Study for the Town of

Seekonk, Bristol County, Massachusetts, and on the map entitled Superimposed Zoning District, October 1975, by Metcalf & Eddy. Both maps are on file in the offices of the Town Clerk, Building Official, and Planning Office.

3.4 Lots in more than One District

Where a district boundary line divides a lot, the regulations applicable to the less restricted portion of such lot may extend not more than 30 feet into the more restricted portion.

SECTION 4. USE REGULATIONS

4.1 Base Zoning Districts

4.1.1 Residence Districts

The Residence Districts are intended for typical residential uses and non-commercial uses. Please see Section 4.2 for the allowed uses as well as Section 5.1 for the dimensional standards for the Residence Districts.

4.1.1.1 Residence "R-1" District

This district represents older or otherwise well-established residential areas within the community.

4.1.1.1 Residence "R-2" District

This district represents residential areas of moderate density within the community.

4.1.1.2 Residence "R-3" District

This district represents residential areas of low density within the community.

4.1.1.3 Residence "R-4" District

This district represents rural residential areas within the community, which are characterized by scenic roadways, agricultural uses, sparse residential development, preserved land, and large recreational uses and constrained by wetlands and lack of public utilities.

4.1.2 Commercial Districts

The Commercial Districts are intended to meet local and regional needs for retail goods and services primarily within a building. Please see Section 4.2 for the allowed uses as well as Section 5.1 for the dimensional standards for the Commercial Districts.

4.1.2.1 Local Business District

This district represents areas of the community distinguished by intensive commercial activities that serve the daily shopping and service needs of the local community.

4.1.2.2 Highway Business District

This district includes commercial areas that serve the shopping needs of the greater regional community, and are accessible by major highways. Viability of businesses in this district primarily depends in large part upon a large volume of vehicular traffic.

4.1.2.3 Luther's Corners Village District

This district represents a pocket of traditional village style development, which provides a significant opportunity to bolster access for all residents to local goods and services.

4.1.3 Industry Districts

The Industry Districts are intended to encourage and permit industrial uses that are compatible with the community.

4.2 Use Table

INSERT

4.3 Non-Conforming Uses and Structures

4.3.1 Applicability

Except as hereinafter provided, the provisions of this section shall apply to:

- 4.3.1.1 Any change to or substantial extension of a nonconforming use of a building, structure, or parcel of land;
- 4.3.1.2 A building or special permit issued after first notice of public hearing on a zoning By-Law or amendment that would cause such use, building or structure to become nonconforming;
- 4.3.1.3 Any reconstruction, extension or structural change of a nonconforming structure;
- 4.3.1.4 Any alteration of a structure, begun after the first notice of a public hearing on a zoning By-Law or amendment that would cause the use of a structure to become nonconforming, to provide for the structure's use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

4.3.2 Extension

Pre-existing legal nonconforming structures or uses may be extended or altered by special permit upon a finding by the Zoning Board of Appeals that such change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

Pre-existing legal nonconforming structures or land used for the primary purpose of agriculture, horticulture, or floriculture on parcels of more than five acres in size may be expanded or reconstructed even if it prolongs the use of a nonconforming structure. However, the reconstruction or expansion shall conform to the dimensional regulations for the district if such regulations would not prohibit the re-establishment of the agricultural use or structure. For such purposes land divided by a public or private way or waterway shall be construed as one parcel.

4.3.3 Exemptions

The following buildings, structures or use of land, building or structures are exempted from the provisions of this section:

- 4.3.3.1 Structures or uses lawfully in existence or lawfully begun, or building or special permits issued, before the first publication of notice of the public hearing on a zoning By-Law or amendment which would cause the structure or use to become nonconforming, provided that construction or operations under a building or special permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within a period of not more than 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.

4.3.3.2 Alteration, reconstruction, extension or structural change to a single or two-family residential structure where such action(s) does not increase the nonconforming nature of said structure.

4.3.3.3 Any increase in area, frontage, width or yard or depth requirements of this By-Law shall not apply to a lot for single and two-family residential use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and has less than the proposed requirement but at least 5,000 square feet of area and fifty feet of frontage.

4.3.3.4 If two or more adjacent nonconforming lots are in the same ownership on the date of adoption of this By-Law, and such combination of nonconforming lots, or a portion thereof, constitutes a lot of minimum size as defined in Section [REDACTED] of this By-Law, such combinations or portions shall be considered as conforming to the requirements of this By-Law and no structure may be constructed thereon unless it meets the requirements of this By-Law. If such combination or portion does not contain sufficient area to permit conformance with Section [REDACTED], a structure may be constructed thereon, subject to the approval by the Board of Appeals.

4.3.4 Discontinuance of a Nonconforming Use

No building, structure, or premises where a nonconforming use, other than an agriculture, horticulture, or floriculture use, has ceased for more than two years shall again be devoted to a nonconforming use. No nonconforming agricultural, horticultural, or floricultural use on a parcel of five acres or less in size in areas not zoned for agriculture, horticulture, or floriculture which has ceased for more than five years shall be devoted to a nonconforming use.

SECTION 5. DIMENSIONAL REGULATIONS

5.1 Dimensional Table

INSERT

5.2 Location of Detached Private Garages and Other Detached Accessory Buildings

A detached garage or other accessory buildings other than roadside stands shall not be located in any required front or side yard, or within ten feet of any rear lot line, or within ten feet from any other building. However, the words “within ten feet of any rear lot line” do not apply to garden/yard sheds of 200 square feet or less.

Accessory farm buildings, except roadside stands, shall be located at least 60' from any dwelling. Roadside stands shall be located at least 25' from any street line.

5.3 Location of Attached Garages and Carports

An attached garage or carport shall not be located nearer to the front and side lot lines than the minimum distance provided herein for the main building.

SECTION 6. OVERLAY AND SPECIAL DISTRICTS

6.1 Planned Unit Development District

6.1.1 Definition and Intent

A planned unit development district means a non-residential mixed use development on a plot of land containing a minimum of the greater of sixty thousand square feet or five times the minimum lot size of the zoning district in which a mixture of commercial uses or a mixture of industrial uses and a variety of building types are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by these By-Laws.

Planned unit development districts may be for commercial use - PLANNED UNIT DEVELOPMENT DISTRICT COMMERCIAL - or industrial use - PLANNED UNIT DEVELOPMENT DISTRICT INDUSTRIAL. Such districts may be established from time to time in such a manner as best to fit the general pattern of land use established by these By-Laws and to constitute a harmonious, efficient, and convenient commercial or industrial center.

Planned unit development districts shall be established by process of amendment.

6.1.2 Site Plan Prerequisite for Approval

Any amendment to this zoning By-Law by which a planned district may be established shall be adopted in accordance with the provisions of Section [REDACTED] of this By-Law and only after a site plan for said district shall have been reviewed and given final approval by the Seekonk Planning Board. Any such adoption shall become effective only after the site plan has been recorded with the Planning Board and Bristol County Registry of Deeds. Site plans as recorded may be revised provided such revisions are approved by the Town authority having appropriate jurisdiction, after a public hearing and after such revisions shall have been recorded with the Planning Board and the Bristol County Registry of Deeds.

6.1.3 Content of Site Plan

A site plan for a planned district shall be certified by a Registered Land Surveyor, Professional Engineer, Landscape Architect, or Architect, and it shall indicate the location of main and accessory buildings on the site and the relation of one to another, the traffic circulation features within and without the site, the height and bulk of buildings, the provision of off-street parking and loading spaces, the location of other open spaces on the site, the location and design of signs, and the description of uses of buildings and areas, provided, however, that the uses of buildings and areas which by virtue of the design of the building or area may be occupied by more than one type of enterprise need not be designated.

6.1.3.1 A site plan for a planned district commercial shall provide:

- a.) Front, side, and rear yards of depth at least as great as those required in highway business districts.
- b.) A wall of solid appearance or tight evergreen hedge at least six (6') feet high to be erected and maintained in any side or rear yard adjacent to a residence district.

- c.) Paved parking areas in a ratio of at least four square feet of parking area (including driveways) for each one square foot of gross floor area designed for retail business or service establishment use and excluding basement storage area.

6.1.3.2 A site plan for a planned district industrial shall provide:

- a.) Front, side, and rear yards of depths at least as great as those required in industry districts.
- b.) A wall of solid appearance or tight evergreen hedge at least six (6) feet high to be erected and maintained, said wall or hedge to be required in accordance with the provisions of Section [REDACTED].
- c.) In considering any site plan for a planned district, the Planning Board shall assure safety and convenience of traffic movement, both within the area covered by the plan and in relation to access streets, and harmonious and beneficial relations between the planned district and contiguous and adjacent neighborhoods.

6.1.4 Duration of Approval

Any amendment to this By-Law by which a planned district is established shall cease to be in effect three years from the date of its adoption unless a building permit for construction in the planned district shall have been taken out. The zoning classification of any planned district, which has ceased to be in effect, shall revert to the classification in effect before the adoption of the appropriate planned district amendment.

6.2 Wetlands and Floodplain Protection District

6.2.1 Purpose and Intent

The purpose of the Wetlands and Floodplain Protection District is as follows:

- 6.2.1.1 To provide that lands in the Town of Seekonk subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health, safety, or welfare of the occupants thereof, or of the public generally, or so as to burden the public with costs resulting from unwise individual choices of land use.
- 6.2.1.2 To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety of the Town.
- 6.2.1.3 To assure the continuation of the natural flow pattern of the watercourse within the Town, in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

6.2.2 Definition of the District

The Wetlands and Floodplain Protection District is superimposed over any other district established by this Zoning By-Law.

6.2.2.1 The Wetlands portion of this District shall be defined as all lands in the Town as shown on the map entitled "Superimposed Zoning District" and which have been identified as follows:

- shallow fresh water marsh (FM)
- deep fresh water marsh (DM)
- salt marsh (SM)
- shrub swamp (SS)
- wooded swamp (WS)
- cranberry bog (CB)
- pond (P)
- river (R)
- drainage ditches and other water courses

6.2.2.2 The floodplain portion of this District includes all special flood hazard areas within the Town of Seekonk designated as Zone A, AE, AH, AO, A99, V or VE on the Bristol 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 Bristol County FIRM that are wholly or partially within the Town of Seekonk are panel numbers 25005C0114F, 25005C0118F, 25005C0202F, 25005C0203F, 25005C0204F, 25005C0206F, 25005C0208F, 25005C0212F, 25005C0214F, 25005C0216F, 25005C0218F, dated July 7, 2009. 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 Bristol County Flood Insurance Study (FIS) report dated July 7, 2009. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official, and Conservation Commission.

6.2.3 Uses Permitted

Municipal use, such as waterworks, pumping stations, essential services and parks, is permitted under this section. Land in the Wetlands and Floodplain Protection District may be used for any purpose otherwise permitted in the underlying residential, business or industrial district subject to all the provisions of this section, as well as all provisions of the underlying district.

6.2.3.1 No structure intended for human occupancy or use on a permanent basis having water and sewerage facilities and no other building, wall, dam or structure (except flagpoles, signs, or the like) intended for permanent use shall be erected, constructed, altered, enlarged or otherwise created or moved for any purpose unless a Special Permit is granted by the Zoning Board of Appeals.

However, a structure existing at the time this By-Law becomes effective may be reconstructed or repaired to the original proportions after a fire or other casualty provided that no other provisions of these By-Laws are violated.

6.2.3.2 Dumping, filling, mining, dredging, grading, drilling, paving, or transferring of any earth material within the district is prohibited unless the Zoning Board of Appeals grants a Special Permit.

However, this does not prohibit ordinary gardening or farming activities in lawn, garden or farm areas, which are used for such purposes at the time this By-Law becomes effective.

6.2.3.3 No ponds or pools shall be created nor shall there be other changes in water courses for swimming, fishing, or other recreational uses, agricultural uses, scenic features, or drainage improvements or any other uses without a Special Permit being issued by the Zoning Board of Appeals.

6.2.3.4 Within the regulatory floodway, no development or encroachment, including fill or change of grade, shall be allowed.

6.2.4 Special Permits and Procedure

Any persons(s) desiring a Special Permit shall submit an application to the Zoning Board of Appeals which shall comply with the conditions and submittal requirements as listed in the following subsections. Such conditions shall include, where applicable, approval by the Conservation Commission, the Massachusetts Department of Public Works, and the Massachusetts Division of Environmental Management under Chapter 131 of the General Laws, acts relating to the protection of the inland wetlands of the Commonwealth.

6.2.4.1 Submittal Requirements

An application for a Special Permit shall be accompanied by the following information:

- a.) LOCUS PLAN: A location plan at a scale of 1" = 600' shall be submitted showing the lot(s) to be developed, lot lines within which the development is proposed and tie-in to the nearest road intersection.
- b.) SITE PLAN: A site plan at a scale of 1" = 40' shall be prepared by a registered land surveyor, professional engineer, landscape architect or architect. The site plan shall show the following information:
 - i. The location, boundaries and dimensions of each lot in question.
- c.) One foot contours of the existing and proposed land surface.
- d.) Delineation of the wetlands and/or base flood level on the lot(s).
- e.) The location of existing and proposed structures, water courses, drainage easements, and means of access and the location of drainage and sewage disposal facilities.
- f.) The elevation of the basement and first floor.
- g.) The area and location of leaching fields.

6.2.4.2 Development Conditions

For the development of land within the Wetlands and Floodplain Protection District, the following conditions shall apply:

- a.) All new construction and substantial improvements, including the placement of prefabricated and manufactured buildings, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed with materials and utility equipment resistant to flood damage, and by methods and practices that minimize flood damage. Methods of anchoring may include, but are not limited to, use of over-the-top, or frame

ties, to ground anchors, in addition to applicable state and local anchoring requirements for resisting wind forces.

- b.) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards.
- c.) All electrical, heating, ventilation, plumbing and air conditioning equipment, and all other service facilities and public utilities, shall be designed and/or located so as to prevent water from entering or accumulating within any component during conditions of flooding.
- d.) All new and replacement water supply systems and sanitary sewerage systems shall be constructed to minimize or eliminate infiltration of floodwaters into the systems. Sanitary sewer systems shall also be constructed to minimize or eliminate discharges from the system into flood water, and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- e.) The following minimum requirements apply in all unnumbered "A" zones and all zones numbered "A1 through A7" designated on the Flood Insurance Rate Maps:
 - i. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
 - ii. All new construction and substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated to or above the base flood level or constructed so that the structure and attendant utility and sanitary facilities below the base flood level are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - iii. Where floodproofing is utilized for a particular structure, including nonresidential when it is intended to be made watertight below the base flood level, in accordance with the above paragraphs, a registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

6.2.4.3 Special Permit Procedure

The applicant shall file for a Special Permit in accordance with Section [REDACTED], Special Permits, of these By-Laws.

6.2.5 Administration

This By-Law shall be administered by the Building Official as follows:

- 6.2.5.1 Review proposed development within the Wetlands and Floodplain Protection District to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law.
- 6.2.5.2 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- 6.2.5.3 Obtain, review and reasonably utilize any base flood elevation data from a federal, state, or other source as criteria for requiring that all new construction, substantial improvements, or other development in Zone A and other special flood hazard areas meet the requirements of these By-Laws. All new subdivision proposals or any development greater than fifty lots or five acres, whichever is the lesser, any portion of which is in the floodplain of Zone A, shall include base flood elevation data based on the Hundred Year Storm.
- 6.2.5.4 Obtain the elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures. Also determine whether the structure has been floodproofed, and if so, the elevation to which it was floodproofed.
- a.) For all new construction or substantial improvements, fully enclosed areas below the lowest floor, which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Any such design must be certified by a registered professional engineer/architect or meet or exceed all the following criteria:
- i. a minimum of two openings having a total net area of a minimum of one square inch for every square foot of enclosed area which is subject to flooding;
 - ii. the bottom of all opening shall be no higher than one foot above grade;
 - iii. openings may be equipped with screens, louvers, or other devices provided they permit automatic entry/exit of floodwaters.
- Records of the lowest floor elevations and floodproofing certification prepared by the architect or engineering and in accordance with these By-Laws shall be maintained on file as a matter of public record.
- 6.2.5.5 Prior to any alteration or relocation of a watercourse, notify adjacent affected communities and the Massachusetts Division of Water Resources, and also submit copies of such notification to the Federal Insurance Administration.
- 6.2.5.6 Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- 6.2.5.7 No occupancy permit shall be issued until all Boards with jurisdiction under this By-Law have given written notice to the issuing officer that they are satisfied with compliance by the applicant with this By-Law. Failure by any Board to respond within 21 days to a written request from the issuing officer for an opinion on compliance will constitute agreed compliance by the requested Board.

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

- a.) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 120.G, "Flood Resistant Construction and Construction in Coastal Dunes");
- b.) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
- c.) Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
- d.) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, title 5);

6.2.6 Area and Yard Requirements

A lot, a portion of which is in the Wetlands and Floodplain Protection District, meets the minimum area regulations as specified under other sections of these By-Laws, provided that not more than 20% of the lot area which is required to meet the minimum area requirements is within the Wetlands and Floodplain Protection District, and provided no construction or drains are planned or executed within this protected district.

6.3 Mixed Use Zone

6.3.1 Definition and Intent

A mixed use zone is an overlay zone, which is superimposed upon residential zones along major designated traffic routes. The purpose of this zone is to preserve the rural character along Seekonk's major roadways, to prevent strip commercial development and its associated problems, to concentrate commercial activity in clusters, to preserve and enhance the environmental assets of the Town, and to promote well planned viable commercial development in the community.

6.3.2 Uses Permitted

Residence district uses permitted in Section [REDACTED].

6.3.3 Uses Permitted by Special Permit of the Zoning Board of Appeals

Residence district uses permitted by Special Permit in Section [REDACTED].

The following business activities:

- 6.3.3.1 Businesses such as antique shops, craft shops, specialty shops, etc.
- 6.3.3.2 Nursing homes and funeral homes.
- 6.3.3.3 Professional offices, such as doctors, attorneys, real estate and insurance offices.
- 6.3.3.4 Businesses, which do not generate traffic flows in excess of those listed in Sections ~~6.3.3.16-3.3.1~~, ~~6.3.3.26-3.3.4~~, and ~~6.3.3.36-3.3.3~~.
- 6.3.3.5 The type and number of commercial vehicles to be parked on the property shall be appropriate to the location.

6.3.3.6 No outside display, storage or demonstration shall be allowed.

6.3.4 Site Plan Prerequisite for Approval

6.3.4.1 Content of Site Plan: The site plan shall indicate the location of main and accessory buildings on the site and the relation of one to another, the traffic circulation features within and without the site, off-street parking and loading spaces, the location of open spaces and natural features on the site, the location and design of signs, the description of uses of buildings and areas, and landscaping.

6.3.4.2 Design Requirements: The site plan shall be designed in conformance with the provisions of Section [REDACTED], Parking, of the Zoning By-Laws, as well as the following provisions. (If there is a conflict between other sections of this by-law and the following provisions, the more restrictive shall be considered in effect.)

- a.) Setback: Buildings, parking areas and all associated improvements, with the exception of free-standing signs, shall be located no closer than 50' to the street lot line.
- b.) Side and Rear Yards: Buildings, parking areas and all associated structures shall be located no closer than the side and rear yard requirements of the underlying residential district of the area.
- c.) Building Coverage: Buildings shall cover no more than 30% of the total lot area.
- d.) Landscaping: All landscaping shall be of natural vegetation. A screening type of landscaping of at least six feet in height, and of solid appearance, shall be located along the property lines to the rear of the setback line.
- e.) Entrance/Exit: The entrance/exit shall be limited to one, but otherwise shall conform with SECTION 8SECTION 8 of these By-Laws.
- f.) Natural Features: Any natural features of the site such as hills, ledge outcroppings, wetlands, floodplain, trees of at least 10" in diameter, etc., shall be retained in the site design to the extent feasible.
- g.) Building Height: The height of all buildings shall be limited to three stories, but shall not exceed 40'.
- h.) Signs:
 - i. Free-standing signs shall conform with the requirements of Section [REDACTED] of these By-Laws and, in addition, shall be of a colonial or rustic design of a size not to exceed 12 square feet. Approval by the Zoning Board of Appeals shall be required as a part of the special permit process.
 - ii. Signs affixed to the building(s) shall conform with the requirements of Section [REDACTED] of these By-Laws.

6.3.5 Period of Validity

A special permit granted under this section is subject to the provisions as specified in Section [REDACTED], Special Permits, of the Zoning By-Laws of the Town of Seekonk.

6.4 Groundwater Aquifer Protection District

6.4.1 Purpose and Intent

- 6.4.1.1 To protect, preserve, and maintain the existing and potential groundwater supply and groundwater recharge areas within the Town of Seekonk, and adjoining cities and towns, so as to promote the health, safety, and general welfare of the community;
- 6.4.1.2 To preserve and protect present and potential water resources;
- 6.4.1.3 To conserve the natural resources of the town;
- 6.4.1.4 To prevent blight and pollution of the environment.

6.4.2 Definition of the District

The Groundwater/Aquifer Protection District (hereinafter called "district" in this section) shall be considered as overlying other zoning districts established by these Zoning By-Laws, and as revised.

- 6.4.2.1 The district shall be defined as all lands in the Town of Seekonk as shown on a map entitled "Superimposed Aquifer Protection District" comprising the following elements and which also lie within said district:
 - a.) aquifers, together with the surface of the land lying directly above them;
 - b.) a surrounding protective strip to the public well supply, 400' in radius;
 - c.) recharge areas, and the surface of the land lying directly above them.
- 6.4.2.2 The district shall also include the entire length of shoreline(s), to the seasonal high water line(s), plus an additional twenty (20) horizontal feet, of any stream or river, or other body of water, flowing into said district.
- 6.4.2.3 The Aquifer Protection District has been superimposed onto a map, which is hereby made a permanent part of this By-Law, and may be amended from time to time by a vote of Town Meeting.

6.4.3 Uses Regulated

The following shall apply within the boundaries of the district.

6.4.3.1 Uses Authorized:

- a.) Maximum, one dwelling unit per 40,000 square feet of land area, provided no more than twenty percent (20%) of each lot, including driveways and roofs of buildings and structures, is rendered impervious. Larger percentages, if required, may be constructed with permeable material;
- b.) Conservation of soil, water, plants, and wildlife;
- c.) Outdoor recreation, nature study, fishing, hunting;

- d.) Foot, bicycle, and/or horse paths or bridges; normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply, protection, and conservation devices;
- e.) Maintenance, repair, enlargement of any existing structure, provided there is no increase in impermeable surface beyond the twenty percent (20%) allowed in this section;
- f.) Pesticides, herbicides, and fertilizers which are in compliance with mandated and revised federal and state regulations, and which are subject to a yearly review and update by the Board of Health;
- g.) Safe storage of petroleum products or other legally permissible discharges above ground that assures containment of potential spills;
- h.) Runoff from impervious surfaces shall be recharged on-site and diverted towards areas covered by vegetation for surface infiltration to the maximum extent possible. Drywells shall only be used where other methods are unfeasible, built according to state standards, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.
- i.) Residential structure(s) intended for human occupancy, and out-buildings in existence prior to the effective date of these By-Laws, and existing businesses and industrial facilities and structures within the aquifer protection district that would not be allowed under this By-Law, become legal nonconforming, but are subject to inspection by the Board of Health to insure they are in compliance with current federal, state, and local regulations pertaining to storage, use, and/or disposal of solid waste, hazardous substances and septage as defined in Section 17.04. These facilities and structures may be repaired or reconstructed to the original proportions after a fire or other casualty, provided that the intent of this section or other sections of these By-Laws are not violated. (See Section 17.04)
- j.) Normal residential lawn and garden maintenance;
- k.) Tree trimming, pruning, and bracing; removal of dead or diseased trees; removal of trees sufficient only to clear that portion of the land necessary for building construction, septic system placement, and associated structures, provided that the natural drainage pattern is minimally disrupted and/or compensated for;
- l.) Ordinary repair, construction, maintenance of stone or retaining walls provided that surface water runoff is not altered;
- m.) Decorative landscaping, including the addition of trees and plants;
- n.) Emergency activities necessary to preserve the health, safety and well being of any person(s) or to prevent damage to personal or real property. Such emergency work shall be performed as to cause the least change, modification, disturbance, or damage to the district.

6.4.3.2 Uses Prohibited

- a.) Disposal of solid wastes, other than brush and stumps;
- b.) Underground storage of petroleum or similar products, excepting storage within buildings it will heat;
- c.) Disposal of liquid or leachable septage waste, except that of Board of Health approved residential subsurface waste disposal greater than that allowed under Section ~~6.4.3.3~~ ~~6.4.3.3~~;
- d.) Industrial uses which discharge process wastewater on-site. These include, but are not limited to:
 - i. chemical and bacteriological laboratory;
 - ii. electronic circuit assembly;
 - iii. metal plating, finishing, and polishing;
 - iv. motor and machinery service and assembly;
 - v. printing;
- e.) Commercial board and motor vehicle repair, service, and/or assembly, including junk or salvage yards;
- f.) Cabinet making, painting, wood preserving, and furniture stripping commercial establishments;
- g.) Cleaning of septic systems or cesspools utilizing chemicals;
- h.) Photographic processing;
- i.) Open storage of roadsalts or other de-icing chemicals utilized by the town, or other major application of roadsalt on a ratio of less than 14 parts of sand to one part of salt;
- j.) Dumping of snow containing de-icing chemicals from off site;
- k.) Storage of uncovered manure;
- l.) Mining of land, except as incidental to the exercise of a permitted use allowed hereunder;
- m.) Hazardous waste siting facility;
- n.) Introduction of influents of high thermal content so as to cause detrimental ecological effect.

6.4.3.3 Uses Requiring Special Permit

- a.) Commercial or industrial uses, except those activities outlined in Section ~~6.4.3.2~~ ~~6.4.3.2~~ above, and which are permitted in the underlying zone, provided that the development will not increase any loading of contaminants to the groundwater. A maximum of six (6) gallons of wastewater per one thousand (1000) square feet of land area may be discharged per day through a septic system;

- b.) The rendering of imperviousness of more than twenty percent (20%) of any lot;
- c.) Any use not mentioned above or in other sections of these By-Laws shall be allowed by a Special Permit.
- d.) For any Special Permit hereinafter issued by the Special Permit Granting Authority, it shall be the duty of the Planning board to render written advice to the Zoning Board of Appeals within the time frame allotted by Massachusetts General Laws pertaining to Special Permits.

6.4.4 Special Permits and Procedures (required in addition to Section [REDACTED])

- 6.4.4.1 After public notice and public hearing, and after due consideration of any reports and recommendations of other boards or agents, the Zoning Board of Appeals may grant a Special Permit provided only that the proposed use or work:
 - a.) Is in harmony with the purpose and intent of this By-Law and will promote the purposes of this district;
 - b.) Is appropriate to the natural topography, soils and other characteristics of the site to be developed;
 - c.) Will not have, during construction and after, an adverse environmental impact on an aquifer or its recharge area;
 - d.) Will not adversely affect an existing water supply.
- 6.4.4.2 The aquifer district, as defined in Section 6.4.26.4.2, has been superimposed onto a map which is to be part of this By-Law, and may be changed from time to time by a 2/3 majority vote of Town Meeting.

6.4.5 Administration

This By-Law shall be administered by the Building Official, as follows:

- 6.4.5.1 Review proposed development within this district to assure that all necessary permits have been received from all governmental agencies from which approval is required by local, state, and federal laws, prior to issuing a certificate of occupancy.
- 6.4.5.2 A lot, any portion of which is in this district shall be affected by the intent of this section, and must conform to the requirements of this section.
- 6.4.5.3 The development of each lot within this district shall conform to the area, yard, and other regulations of the underlying zone, the more restrictive being applied. Where this section conflicts with the intent, purpose, or administration of other sections of these By-Laws, in particular Section [REDACTED], Wetlands and Floodplains, the more restrictive regulation shall apply.
- 6.4.5.4 Submittal requirements of a site plan shall, at a minimum, be in accordance with Section [REDACTED] of these By-Laws, and Subdivision Rules and Regulations, when necessary.

6.5 Adult Entertainment Overlay District

6.5.1 Authority

This By-Law is enacted pursuant to M.G.L. Chapter 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 the location of and preventing the clustering and concentration of certain adult entertainment enterprises, as defined and designated herein, because of their deleterious effect in generating crime and blight.

6.5.2 Purpose

It is the purpose of the Adult Entertainment Overlay District to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses 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 of the Town, adverse impacts on the property values of residential and commercial properties, and adverse impacts on the quality of life in the Town. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Seekonk and its inhabitants.

The provisions of this By-Law have neither the purpose nor intent of imposing limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this By-Law to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States of America or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this By-Law to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

6.5.3 Adult Entertainment Uses by Special Permit in the Adult Entertainment Overlay District

Notwithstanding any other provision in this By-Law to the contrary, adult entertainment uses shall be prohibited in all Zoning districts in the Town of Seekonk except in the Adult Entertainment Overlay District, which shall have the boundaries defined in **SECTION 3** of this By-Law and shall overlay the underlying industrial district, and, furthermore may be permitted in the Adult Entertainment Overlay District only upon issuance 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.

- 6.5.3.1 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.
- 6.5.3.2 No adult use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 60 or M.G.L. Chapter 272, Section 28.
- 6.5.3.3 Adult uses shall not be located within:
 - a.) 400' from the nearest residential zoning district; or
 - b.) 400' from the nearest church, school, park, playground, play field, youth center or other location where groups of minors regularly congregate; or

- c.) 400' from the nearest adult entertainment use as defined herein; or
- d.) 400' from the nearest establishment licensed under M.G.L. Chapter 138, Section 12.

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.

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

6.5.3.5 No adult use shall be allowed to display for advertisement or other purpose any signs, placards or other like 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 as defined in M.G.L. Chapter 272, Section 31.

6.5.3.6 No adult use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.

6.5.3.7 No adult use shall be allowed within a building containing other retail, consumer or residential uses.

6.5.3.8 No adult use shall be allowed within a shopping center, shopping plaza or mall.

6.5.3.9 The proposed adult entertainment use shall comply with the off-street parking requirements set forth in Section [REDACTED] of the Zoning By-Laws.

6.5.3.10 No adult entertainment use shall have any flashing lights visible from outside the establishment.

6.5.3.11 No adult entertainment use shall have a free-standing accessory sign.

6.5.3.12 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 Section 6.5.3.36-6.5.3.4.

6.5.4 Conditions

The special permit granting authority may impose reasonable conditions, safeguards, and limitations on time or use of any special permit granted and shall require that any such special permit granted shall be personal to the applicant, shall not run with the land and shall expire upon sale or transfer of the subject property.

6.5.5 Expiration

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three-year periods thereafter, provided that a written request for such renewal is made to the

special permit granting authority not less than 30 days prior to said expiration date 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.

6.5.6 Retroactive Application

Each adult use in existence upon the effective date of this section shall apply for an adult use special permit within 90 days of the adoption of this By-Law.

6.5.7 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.

6.6 Multifamily Development Overlay District

6.6.1 Purpose

The purpose of this Section, Multifamily Development Overlay District (MDOD), is to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; 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 varied housing opportunities.

6.6.2 Overlay District

The MDOD is an overlay district superimposed on all underlying zoning districts. All uses permitted by right or by special permit in the pertinent underlying zoning district shall be similarly permitted in the MDOD subject to the provisions of this Section. Where the MDOD authorizes uses not otherwise allowed in the underlying district, the provisions of the MDOD shall control.

6.6.3 Minimum Area

The parcel or set of contiguous parcels containing the MDOD shall not be less than forty (40) acres, all of which shall be located exclusively in the Town of Seekonk.

6.6.4 Multifamily Development Project

Within the MDOD, a Multifamily Development Project (MDP), as defined herein, may be constructed as of right, upon site plan approval by the Planning Board, as set forth below. A MDP shall meet all of the standards set forth in this By-law.

6.6.5 Procedures

An applicant for site plan approval of a MDP shall file with the Planning Board six (6) copies of a Development Plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plan shall also include:

6.6.5.1 Existing and proposed topography;

6.6.5.2 Wetland areas; 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 G.L., c. 131, §40, and 310 CMR 10.05(3), the Wetlands Protection Act.

- 6.6.5.3 Unless the development is to be sewerred, the results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation.
- 6.6.5.4 Specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's Rules and Regulations.
- 6.6.5.5 Notwithstanding the provisions of Section ~~2.8.52.3.5~~, the applicant shall not be required to submit the parking plan otherwise required therein.
- 6.6.5.6 The applicant may be required to submit any additional information necessary to make the determinations and assessments cited herein.

6.6.6 Dwelling Units

The following standards shall govern dwellings and dwelling units:

- 6.6.6.1 Density: The maximum number of units allowed in a MDP shall be the greater of
 - a) the total area of the subject property in square feet divided by 10,000 sq. ft. or
 - b) the total upland area of the subject property in square feet divided by 5,000 sq ft. Upland area "shall mean land not regulated by the provisions of G.L.C. 131 S.40 as protected resource area. The unit count of (a) in excess of (b) or (b) in excess of (a) will be constructed as 55 and over units.
- 6.6.6.2 Buildings: No individual structure within a MDP shall contain more than forty-eight (48) dwelling units, unless a special permit for more dwelling units is granted by the Planning Board.
- 6.6.6.3 Height: No building shall exceed four (4) stories or fifty-five (55) feet in height, unless a special permit for greater height is granted by the Planning Board.
- 6.6.6.4 Parking: Each dwelling unit shall be served by two (2) parking spaces.

6.6.7 Open Space Requirements

A minimum of 20% 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 MDP.

- 6.6.7.1 Use: 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.
- 6.6.7.2 Cover: 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, and agriculture.
- 6.6.7.3 Utilities: Underground utilities to serve the MDP may be located within the required open space.
- 6.6.7.4 Ownership: The required open space shall, at the owner's election, be conveyed to the Town or its Conservation Commission; 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; or a corporation or trust owned jointly or in common by the owners of units within the MDP. If such corporation or trust is utilized, ownership thereof shall pass with conveyance of the units in perpetuity.

6.6.8 Standards

The following standards shall apply for the design of a MDP:

- 6.6.8.1 Buffer Areas: All dwellings and structures shall be located a minimum of twenty-five (25) feet from adjacent properties, and fifty (50) feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property.
- 6.6.8.2 Utilities: The MDP shall be served by a public water supply.
- 6.6.8.3 Irrigation: Water for irrigation purposes may be provided on-site and not by the public water supply.
- 6.6.8.4 Accessory Buildings: Permitted accessory buildings may include property management office, common recreational facilities (including fitness center, swimming pool, meeting rooms, etc.), physical plant and maintenance facilities, wastewater treatment facility, water treatment facilities, water storage tank or tanks and the like.
- 6.6.8.5 Stormwater Management: Stormwater management shall be consistent with the requirements for subdivisions set forth in the Rules and Regulations of the Planning Board.
- 6.6.8.6 Roadways: The principal roadway(s) serving the MDP shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the applicant.
- 6.6.8.7 Maximum Coverage: Not more than 45% of the MDP shall be covered by an impervious surface.

6.6.9 Decision

The Planning Board shall render its decision regarding the site plan within (60) days of the date of the application, which such deadline may only be extended by agreement in writing. If no extension is agreed upon and no decision is rendered within 60 days, the application will be considered and deemed to have been approved. Such decisions (or a certification that no decision has been timely made) shall be filed with the office of the Town Clerk. Site plans will be accepted for review immediately following the passage of this zone change by Town meeting and the 60 day time period will start immediately upon submission of those plans. Site plan approval for a MDP shall be granted upon determination by the Planning Board that new building construction or other site alteration satisfies all of the following objectives:

- 6.6.9.1 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 stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- 6.6.9.2 Maximize pedestrian and vehicular safety both on the site and egressing from it;

- 6.6.9.3 Minimize obstruction of scenic views from publicly accessible locations;
- 6.6.9.4 Minimize visual intrusion by controlling the visibility of parking, storage, HVAC or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 6.6.9.5 Minimize glare from headlights and lighting intrusion and light overspill into the night sky;
- 6.6.9.6 Provide adequate access to each structure for fire and other emergency service equipment;
- 6.6.9.7 Provide adequate stormwater management consistent with the functional design standards in the Planning Board's Subdivision Rules and Regulations;
- 6.6.9.8 Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places; and,
- 6.6.9.9 Minimize contamination of ground-water from on-site wastewater disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

6.6.10 Appeal

Any decision of the Planning Board pursuant to this Section shall be appealed in accordance with G.L., c. 40A, §17 to a court of competent jurisdiction.

6.6.11 Relation to Other Requirements

The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-law.

6.7 Telecommunication Facilities Overlay District

6.7.1 Establishment of District

This section establishes a Telecommunication Facilities Overlay District. The District is established as a special district, which may overlay any other zoning district. The provisions of this Section shall apply in addition to the requirements of the underlying zoning district.

6.7.2 Purpose

The Telecommunication Facilities Overlay District is established for the purpose of permitting telecommunication facilities in specific areas of Seekonk, in order to minimize visual impacts from such towers and facilities on the Town's rural, residential and village areas.

6.7.3 Location

The Telecommunication Facilities Overlay District consists of all lands zoned as "Industry" or "Highway Business," and any other areas that may be added thereto by amendment to the Zoning Map duly adopted in accordance with the law.

6.7.4 Use Regulations

Land within the Telecommunication Facilities Overlay District may be used for all the purposes permitted in the underlying zoning district, as modified by any other overlay district, and for telecommunication facilities subject to the provisions of this Section. All development shall be

subject to the regulations of the underlying zoning district, and of any applicable overlay district that are not specifically modified by the provisions of this Section.

6.7.5 General Provisions for Telecommunication Facilities

- 6.7.5.1 Special Permit Requirement: Telecommunication facilities may be erected only in a Telecommunication Facilities Overlay District or enclosed within or attached to existing structures, such as, but not limited to, steeples, utility stanchions or water tanks, upon the issuance of a special permit by the Zoning Board of Appeals, subject to the conditions of this By-Law and other reasonable conditions that may be applicable.
- 6.7.5.2 Applicability: The provisions of this Section shall apply to any Telecommunication facility except the following:
- a.) An antenna structure used by a federally licensed amateur radio operator, provided that the (1) tower shall be set back from property lines a distance at least equal to its height, and (2) the tower must be removed if the use is discontinued for six months.

6.7.6 Standards for Towers

Construction of telecommunication facilities shall be subject to all of the following conditions:

- 6.7.6.1 Only self-supporting towers shall be permitted. Guyed towers are specifically prohibited. The towers shall be designed to utilize internally-mounted antennas.
- 6.7.6.2 Tower height shall not exceed 100 feet above the mean finished grade of the tower base. Variance applications to exceed this height limit cannot be requested.
- 6.7.6.3 A tower shall not be erected nearer to any property, not owned by the applicant, than a distance equal to the vertical height of the tower (inclusive of any appurtenant devices), measured at the mean finished grade of the tower base. This distance shall be increased to one and half times the vertical height of the tower when abutting a residential zoning district.
- 6.7.6.4 A tower shall be set back from any public way, except interstate highways, a distance at least equal to one and one-half times the vertical height of the tower, measured at the mean finished grade of the tower base.
- 6.7.6.5 Telecommunication facilities shall be designed to allow for up to three separate telecommunication carriers, as defined in the Telecommunications Act of 1996, and the original telecommunication facility owner shall allow co-location by these said additional carriers.
- 6.7.6.6 Towers shall not include facilities for microwave transmission and shall comply with all lawful and applicable FCC regulations concerning radio frequency emissions.
- 6.7.6.7 All network interconnections from the lot on which the tower is located shall be via landlines.
- 6.7.6.8 One Telecommunication facility accessory building, not to exceed in the aggregate 300 square feet gross floor area per telecommunication carrier, as

defined in the Telecommunications Act of 1996, may be constructed, provided that the building is similar in architectural style and materials to other structures in the neighborhood. Such an accessory building must comply with the setbacks of the underlying zoning district.

- 6.7.6.9 Any electrical generators shall be shielded so as to prevent unreasonable noise impacts on neighboring properties.
- 6.7.6.10 Tower lighting shall not be permitted unless required by the FAA.
- 6.7.6.11 Existing on-site vegetation shall be preserved to the maximum extent practicable and all fencing shall be entirely screened by landscaping.
- 6.7.6.12 Towers shall be enclosed by a fence which shall be locked at all times and have a sign identifying the owner of the facility and information regarding contact for a responsible party in the event of an emergency. No other signs shall be allowed except those indicating no trespassing/private property or any other signage required by law or regulation, including without limitation, FCC regulations.

6.7.7 Special Permit Procedures

6.7.7.1 Submittal Requirements

An application for a permit for a telecommunication facility shall include a site plan, with the number of copies prescribed on a Zoning Board of Appeals application, prepared by a professional engineer or land surveyor registered to do business in the Commonwealth of Massachusetts, which shall show the following at a minimum:

- a.) Ownership, zoning, use, the general location of structures and topography within two hundred feet of the property line of the lot; and
- b.) All major site features; including:
 - i. Driveways, including widths;
 - ii. Parking areas;
 - iii. Street line, including widths;
 - iv. Roadways, including widths;
 - v. Pedestrian walks, including widths;
 - vi. Wetlands;
 - vii. Drainage, including detail design data, pipe sizing, etc.; and
 - viii. Stone walls.

The applicant shall also describe the number and types of antennas that the telecommunications facility can accommodate and any accessory structures.

6.7.7.2 Required Findings: The Zoning Board of Appeals may grant a special permit for a telecommunication facility only if it makes all of the following findings:

- a.) Existing or approved towers or structures cannot accommodate the telecommunication facility planned for the proposed tower.

- b.) The design of the telecommunication facility will minimize adverse visual effects on the environment to the maximum extent feasible.
- c.) Traffic associated with the telecommunication facility shall not adversely affect abutting ways.

6.7.7.3 Conditions: The Zoning Board of Appeals may impose reasonable conditions on a special permit granted under this section, including fencing requirements and painting and lighting standards.

6.7.8 Modification of an Approved Telecommunication Facility

6.7.8.1 Additional antennas and equipment may be added, by-right, to a telecommunication facility that has received a special permit under this section, unless specifically prohibited in the special permit decision. Thirty (30) days prior to such addition, the telecommunication facility owner shall, in writing, notify the Zoning Enforcement Officer regarding the name and address of the entity adding the antennas or equipment.

6.7.8.2 Any modifications to an approved telecommunication facility must be consistent with the requirements of this Section.

6.7.9 Non-Use

Any telecommunication facility which has not been used for 6 months shall be dismantled and removed at the telecommunication facility owner's expense. A removal bond shall be posted in an amount consistent with a cost removal estimate issued by a registered professional engineer, which shall be approved by the Zoning Board, to cover to the cost of removal of said telecommunication facility in the event the owner does not remove the telecommunication facility within 6 months after cessation of use.

6.8 Solar Photovoltaic Overlay District

6.8.1 Purpose

The purpose of the Solar Photovoltaic Facility (SPF) Overlay District is to promote the creation of new large-scale ground-mounted SPFs by providing standards for the placement, design, construction, operation, monitoring, modification and removal of such facilities, which standards address public safety, minimize impacts on scenic, natural and historic resources and providing adequate financial assurance for the eventual decommissioning of such facilities.

The provisions set forth in this section shall apply to the construction, operation, repair and/or eventual removal of large-scale ground-mounted SPFs.

6.8.2 Applicability

This section applies to large-scale ground-mounted SPFs proposed to be constructed after the effective date of this section within the SPF Overlay District. This section also pertains to physical modifications that materially alter the type, configuration, or size of these facilities or related equipment.

6.8.3 Location

The SPF District shall be defined as all lands within the Industry District located in the southeastern area of the Town, bordered to the east by the Town of Rehoboth, to the south by the

Town of Swansea, to the north by the Town's Residential-4 zoning district and to the west by the Town's Residential-3 Zoning District as shown on the Seekonk, Massachusetts, Zoning Map dated 1979 and amendments.

6.8.4 Compliance with laws, Ordinances, and Regulations

The construction and operation of all large-scale ground-mounted SPF's shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a large-scale ground-mounted SPF shall be constructed in accordance with the State Building Code.

6.8.5 Solar Photovoltaic Facility Site Plan Review

The following section applies only to Site Plan Review procedures and requirements related to applicants proposing to develop large-scale ground-mounted SPF's within the SPF District. Applicants within the SPF District proposing to develop a large-scale ground-mounted SPF shall abide by this section and shall not be subject to Section [REDACTED], Site Plan Review, of these Zoning Bylaws.

6.8.5.1 Purpose

The purpose of the SPF Site Plan Review is to protect the safety, public health, convenience and general welfare of the inhabitants of the Town of Seekonk by providing detailed review of the design and layout of large-scale ground-mounted SPF's with 250 kW or larger of rated nameplate capacity. These facilities shall undergo Site Plan Review prior to construction, installation or modification as provided in this section.

6.8.5.2 Powers and Administrative Procedure

All site plans are subject to the review and approval by the Planning Board (Board), which shall be administrative. The Board shall impose any reasonable conditions they find appropriate to improve the site design as based on the design standards below.

6.8.5.3 Pre-Application Review

The applicant is strongly encouraged to request a Pre-Application Review with the Town Planner, Conservation Agent, Building Official, Health Agent, Fire Chief, Water Superintendent, Public Works Superintendent, or other Town official. The applicant's consultants are strongly encouraged to attend. The purpose of this review is to outline the applicant's preliminary plan and receive comments from the members of the Town staff listed above so as to minimize the applicant's costs for engineering and other technical experts that may arise throughout the development process.

6.8.5.4 Procedure

Applicants shall submit an application for SPF Site Plan Review in accordance with the rules and regulations effectuating the purposes of this bylaw adopted and periodically amended by the Board. Said application shall be deemed complete by the Town Planner in accordance with the required items for a completed

application as outlined in the rules and regulations. An application will be deemed either complete or incomplete within one week of its receipt. Applicants who have submitted incomplete applications will then be notified in writing of which required items are missing.

When reviewing an application for approval, the Board may determine that the assistance of outside consultants is warranted due to a project's potential impacts. The cost of such outside consultants shall be borne by the applicant.

No large-scale ground mounted SPF shall be constructed, installed or modified as provided in this section without first obtaining a building permit. A building permit shall not be issued without either an approved plan signed by the Clerk of the Board that is compliant with any conditions put forth as part of the approval by the Board or by indicated approval as follows. If the Board does not act upon such plan within three-hundred-sixty five (365) days after receipt of a completed application, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.

Site Plan approvals are valid for one year following the date of approval. Construction shall commence within this timeframe. A one-year extension may be granted by the Board upon receipt of written correspondence by the applicant seeking said extension. Prior to construction, erosion and sedimentation control measures shall be in place in accordance with these Bylaws.

6.8.5.5 Compliance with Approved Plan

Before the issuance of a permanent occupancy permit, the Building Official, in consultation with the Town Planner, shall verify compliance with the approved site plan and an as-built plan, certified by a registered professional land surveyor or engineer, which shall be submitted to the Board and Building Official. The as-built plan shall attest to a development's conformity to its approved site plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

Any changes in the approved site plan or in the activity to be conducted on the site that would cause a change to any of the standards in Section [REDACTED] shall be submitted to the Board for review and approval. The Town Planner may administratively approve any changes to the approved site plan that do not cause non-compliance with any of the standards in Section [REDACTED].

6.8.5.6 Appeals

Any person aggrieved by a decision of the Board under this section, may appeal this decision to the Zoning Board of Appeals. Subsequent appeals shall be brought forth to Superior Court, the Land Court or the District Court pursuant to Chapter 40A, Section 17 of the Massachusetts General Laws.

6.8.6 Dimensional and Design Standards

The following elements, in addition to any standards prescribed elsewhere in this Bylaw, shall be utilized by the Board in considering all site plans.

6.8.6.1 Dimensional Standards

a.) Setbacks

All construction shall comply with the yard, space, and height requirements of the underlying zoning district(s).

6.8.6.2 Design Standards

a.) Parking Requirements

The application shall demonstrate that adequate access, parking, and circulation are provided for service and emergency vehicles as determined by the Board.

b.) Drainage

Erosion and sedimentation control shall conform to Category 20B – Stormwater Management – Construction of the General Bylaws. Runoff control shall conform to Category 20C – Stormwater Management – Post-Construction of the General Bylaws.

c.) Landscaping

- i. A minimum 10-foot landscaped buffer around the perimeter of all sites shall be provided. A 25-foot buffer containing landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, shall be provided on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residential district.
- ii. Any double row of parking spaces shall be terminated by landscaped islands which measure not less than ten feet in width and not less than 36 feet in length. The interior of parking lots shall have at a minimum landscaped center islands at every other double row as applicable. Pedestrian paths may be incorporated within the landscaped area provided a minimum of four feet, exclusive of paved areas, is maintained for all landscaped areas. Said double rows of parking spaces shall not exceed twenty (20) adjacent spaces or ten (10) spaces in each row.
- iii. The interior of parking areas shall be shaded by deciduous trees to the maximum extent practicable without limiting sunlight exposure of the SPF
- iv. Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area except grassed areas to be used as overflow parking areas.
- v. Landscaping, which shall all be live, shall include trees or shrubs of a potential height of at least three (3) feet sufficiently spaced to define and screen the area in the event the landscaping is inadequately maintained. Landscaping shall not interfere with a safe view of traffic or pedestrian flow.

- vi. Utility areas as well as garbage collection, recycling areas, and other outside storage areas shall be screened by a planted buffer strip along three sides of such a facility. Planting material should include a mixture of evergreen trees and shrubs.

d.) Lighting

The minimum illumination levels measured in footcandles for all parking spaces serving the designated uses of the SPF District is 1.0 footcandle.

The maximum spillover illumination to adjacent property shall be 1.0 footcandle. No areas shall be floodlit. Drives and parking areas shall not be illuminated by lighting fixtures higher than twenty (20) feet. Sidewalks shall not be illuminated by lighting fixtures higher than fifteen (15) feet. All lighting fixtures shall be shielded to have a total cutoff of all light at less than ninety (90) degrees. The total cutoff of all light shall occur within the property lines of the parcel to be developed. A lighting plan showing the location and type of lighting fixtures as well as a photometric plan conforming to this section shall be submitted.

e.) Architectural Guidelines

The design of the proposed large-scale ground-mounted SPFs and associated appurtenant structures shall complement, whenever feasible, the general setback, roof line, arrangement of openings, color, and exterior materials, proportion and scale of existing buildings in the vicinity.

f.) Signage

Signs on large-scale ground-mounted SPFs shall comply with Section [REDACTED] of these Bylaws. A sign consistent with Section [REDACTED] shall be required to identify the owner and provide a 24-hour emergency contact phone number. SPFs shall not be used for displaying any advertising except for reasonable identification, as determined by the Board, of the manufacturer or operator of the SPF.

g.) Utility Connections

Reasonable efforts, as determined by the Board, shall be made to place all utility connections from the SPF underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

6.8.7 Safety and Environmental Standards

6.8.7.1 Emergency Services

The applicant shall submit a plan clearly marking all means of shutting down the SPF and identification of a responsible person for public inquiries throughout the life of the facility to the Board, Fire Chief and Police Chief.

6.8.7.2 Land Clearing, Soil Erosion, and Habitat Impacts

Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted SPF or as otherwise prescribed by applicable laws, regulations, and bylaws.

6.8.8 Operation and Maintenance Plan

The applicant shall submit a plan for the operation and maintenance of the large-scale ground-mounted SPF, which shall include measures for maintaining safe access to the facility, stormwater controls, as well as general procedures for operational maintenance of the facility. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures.

6.8.9 Utility Notification

No large-scale ground-mounted SPF shall be constructed until evidence has been given to the Board that the utility company that operates the electrical grid where the facility is to be located has been informed of the SPF owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

6.8.10 Abandonment and Decommissioning

6.8.10.1 Removal Requirements

Any large-scale ground-mounted SPF which has reached the end of its useful life or has been abandoned consistent with Section ~~6.8.10.2~~ 6.8.10.1 of this Bylaw shall be removed. The owner or operator shall physically remove the facility no more than 180 days after the date of discontinued operations. The owner or operator shall notify the Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a.) Physical removal of all large-scale ground-mounted SPFs, structures, equipment, security barriers and transmission lines from the site.
- b.) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c.) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

6.8.10.2 Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one year without the written consent of the Board. If the owner or operator of the large-scale ground-mounted SPF fails to remove the facility in accordance with the requirements of this section within 180 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the facility.

6.8.11 Financial Surety