



ZONING BY-LAWS
OF THE
TOWN OF SEEKONK,
MASSACHUSETTS

APPROVED OCTOBER 2, 1958
INCORPORATING SUBSEQUENT REVISIONS THROUGH TOWN MEETING
CONCLUDED MAY 16, 1991

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

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SECTION 1. 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 overcrowding 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.

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

SECTION 2. 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. However, garden/yard sheds of 10' x 14' x 8' from grade to roof peak, or less, shall not be subject to the dimensional requirements of Section 6, but shall not be closer than ten (10) feet to any other main structure.

BASE FLOOD LEVEL: The elevation of flood waters having a one percent chance of being equalled 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 theatre screens, and similar projections shall be excluded.

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

CORPORATIONS: 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 bylaws.

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.

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.

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

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

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

MEAN SEA LEVEL: The average height of the sea for all stages of the tide (ref. to National Geodetic Vertical Datum of 1929).

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.

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.
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.

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 bylaw.

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 3. ESTABLISHMENT AND CLASSIFICATION OF DISTRICTS

3.1

DISTRICTS

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

Residence "R-1" Districts
Residence "R-2" Districts
Residence "R-3" Districts
Residence "R-4" Districts
Local Business Districts
Highway Business Districts

Industry Districts
Special Districts
1. Planned Unit Development
2. Wetlands and Floodplain Protec.
3. Mixed Use
4. Groundwater Aquifer Protection

3.1.1

The Special Districts entitled "Wetlands and Floodplain Protection", "Mixed Use" and "Groundwater Aquifer Protection" are to be superimposed over the other districts in the affected areas on the Zoning Map. See Sections 9.2, 9.3, and 9.4 for the applicable regulations.

3.2

DISTRICT BOUNDARIES

3.2.1

The boundaries of nine of the eleven districts are hereby established as shown on the Seekonk, Massachusetts, Zoning Map dated 1979, which is hereby made a part of this by-law and which is on file in the offices of the Inspector of Buildings, the Town Clerk, and also at the Planning Office.

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, Inspector of Buildings, and Planning Office.

3.2.2

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.

3.2.3

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.

3.2.4

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.

3.2.5

The boundary limits of the Wetlands and Floodplain Protection District are not described by dimensions; however, the floodplain is generally described by elevation above mean sea level. Distance shall be determined by the use of the scale shown on the zoning map. If simple scaling cannot ascertain whether or not the parcel of land in question falls within the boundaries of the District, the Inspector of Buildings will determine by field inspection the location of the parcel with respect to the district. In such a determination, the Inspector of Buildings shall seek the advice of the Conservation Commission, Planning Board and/or the Massachusetts Division of Environmental Management, and where such advice is given, it shall become part of the record.

3.3

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. GENERAL PROVISIONS

4.1 ZONING AFFECTS EVERY STRUCTURE AND USE

No structure or land shall be hereafter used and no structure or part thereof shall be erected, altered, or moved unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided.

4.2 RECORDED LOTS OF LESS THAN MINIMUM SIZE

4.2.1 A nonconforming lot is a lot of less than minimum size as defined in Section 6 of this by-law and recorded prior to November 14, 1942.

4.2.2 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 6 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 6, a structure may be constructed thereon, subject to the approval by the Board of Appeals.

4.3 ONLY ONE DWELLING ON ANY LOT

In no case shall there be more than one dwelling unit and its accessory buildings on any one lot unless otherwise permitted elsewhere in these by-laws.

4.4 CORNER VISIBILITY

Within any required front or corner side yard on any corner lot, no wall, fence, sign post, structure, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of 2-1/2 feet and 10 feet above the existing grade within 60 feet of the intersection of any street right-of-way lines or their extension.

4.5 REDUCTION OF LOT AND YARD AREAS PROHIBITED

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.

4.6 REQUIRED YARDS CANNOT BE USED BY ANOTHER BUILDING

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.

MULTI-UNIT STRUCTURE

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.

4.8

CERTIFIED PLOT PLAN

4.8.1

Contents of Certified Plot Plan:

The certified plot plan shall indicate the location of the existing foundation, and/or accessory buildings such as porch, garage, etc. The location shall be fixed by perpendicular distances from existing street lines and property lines. It shall also indicate zoning designation, top of foundation elevation, cellar floor elevation, highest groundwater elevation encountered at the foundation area, relating bench mark, assessors plat and lot numbers, street designation (public, private, accepted, non-accepted), abutters, easements, north arrow, and appropriate scale.

4.8.2

A statement by a Massachusetts Professional Land Surveyor shall appear: "I certify that the location of the foundation is as shown on this plan and the lot does (or does not) lie within a flood hazard zone based on the flood insurance rate map (FIRM) of the Town of Seekonk, Community Panel No. 250063 0005 A or 250063 0010 A."

4.8.3

A certified plot plan for all new dwellings and commercial construction must be submitted to and approved by the Inspector of Buildings and Health Agent before a building permit is issued. A certified plot plan will be required for additions and alterations if deemed necessary by the Inspector of Buildings.
(See Figure 1.)

SECTION 5. NON-CONFORMING USES

5.1 DEFINITION

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.

5.2 APPLICABILITY

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

5.2.1 Any change to or substantial extension of a nonconforming use of a building, structure, or parcel of land;

5.2.2 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;

5.2.3 Any reconstruction, extension or structural change of a nonconforming structure;

5.2.4 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.

5.3 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.

EXEMPTIONS

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

5.4.1

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.

5.4.2

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.

5.4.3

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.

5.5

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 6. RESIDENCE DISTRICTS

6.1

USES PERMITTED

1. Single-family dwellings (but not including mobile homes with the following exception):
2. 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.)
3. Accessory buildings and uses.
4. Commercial greenhouses on lots of over 45,000 square feet in size.
5. Farms devoted principally to the raising of crops.
6. Farms on parcels of more than five acres devoted to the raising of livestock provided the following construction and operation standards and limitations are met:

6.1.1

PHYSICAL RESTRAINT: Livestock shall be restrained from passing outside the owner's property lines unattended or uncontrolled.

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.

6.2

USES PERMITTED AFTER APPROVAL BY THE ZONING BOARD OF APPEALS

1. Trailer or mobile home, as a temporary office incidental to continuous construction on the site on which the trailer or mobile home is located.
 2. Conversion 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.
 3. Farms under five acres devoted principally to the raising of livestock. 1 /
 4. Stables.
 5. Kennels.
 6. Philanthropic and religious purposes.
 7. Public, private and parochial schools.
 8. Colleges.
 9. Municipal recreation areas.
 10. Libraries.
 11. Museums.
 12. Hospitals or sanitarium.
 13. Municipal uses.
 14. Public or private utilities.
 15. Golf courses.
 16. Fraternal or civic buildings.
 17. Landscape nursery.
 18. Cemeteries.
- 1 / Owners of animals kept as pets or projects on properties not devoted principally to farming shall conform to relevant Town By-Laws.

		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
6.3	MINIMUM LOT AREA	14,400 sq.ft.	22,500 sq.ft.	40,000 sq.ft.	62,500 sq.ft.
6.3.1	Residential lots being subdivided in the R-2, R-3 and R-4 zones shall be designed geometrically as to show a 100' x 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' x 60' square resting at the midpoint of the setback line at its perpendicular.				
6.3.2	No porkchop, rattail, or excessively funnel-shaped or otherwise unusually gerrymandered lots shall be allowed.				
		<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>R-4</u>
6.4	MINIMUM LOT WIDTH, MEASURED AT THE REAR OF THE REQUIRED FRONT YARD	120'	150'	200'	250'
	AND				
	MINIMUM LOT WIDTH, MEASURED AT THE STREET LINE	100'	120'	150'	200'
6.5	MINIMUM DEPTH OF FRONT YARD AND OF CORNER SIDE YARD (See Section 13 for Front Yard Exception Provision)	35'	35'	50'	50'
6.6	MINIMUM DEPTH OF REAR YARDS	25'	50'	70'	80'
6.7	MINIMUM DEPTH OF BOTH FRONT AND REAR YARDS	50% of longest side	—	—	—
6.8	MINIMUM WIDTH OF EACH INTERIOR SIDE YARD	15' + 5' for each story over one	20' + 5' for each story over one	35' + 5' for each story over one	35' + 5' for each story over one
6.9	MAXIMUM HEIGHT	3 stories or 40',	3 stories or 40',	3 stories or 40',	3 stories or 40',

6.10 ALTERNATE TO STANDARD MINIMUMS

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 non-conforming uses.

- 6.10.1 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.
- 6.10.2 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.
- 6.10.3 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 feet.
- 6.10.4 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 feet.
- 6.10.5 Any lot designed under 6.10 must be prominently identified on plans submitted for approval and/or endorsement.

6.11 HOME OCCUPATIONS

Home occupations customarily conducted entirely within a dwelling such as custom dressmaking, millinery, tailoring, and fabric sewing; foster family care of not more than four children; office in which goods, wares or merchandise are not commercially created or handled; and rooming and boarding of not more than two persons are permitted in all Residence Districts provided that any such home occupation:

- 6.11.1 shall be operated entirely within a dwelling unit and shall have no exterior display or storage;
- 6.11.2 shall be operated only by the person or persons residing within the dwelling unit;
- 6.11.3 may display only one sign of not more than 3 square feet lighted only by non-flashing and non-animated incandescent illumination;
- 6.11.4 shall utilize not more than 20 percent of the gross area in the dwelling unit but in any event not more than 300 square feet.
- 6.11.5 shall have not more than one employee or regular assistant not residing in the dwelling unit.

6.12 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, within ten feet of any rear lot line and less than ten feet from any other building.

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

6.13 LOCATION OF ATTACHED GARAGES OR 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.

6.14 SINGLE LOT DEVELOPMENT

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 Mass. General Laws) shall conform with the following requirements. These requirements are in addition to those in effect under other local Boards, the Inspector of Buildings, and other sections of these By-Laws.

6.14.1 A site plan at a scale of at least 1" = 40' shall be submitted to the Inspector of Buildings, and it shall:

6.14.1.1 List Assessors Plat and Lot number;

6.14.1.2 Identify abutting street(s) and property owner(s);

6.14.1.3 Locate proposed building(s) on the site and indicate the proposed lowest floor elevation of said building(s);

6.14.1.4 Indicate existing and proposed grades on the lot at 1 foot contour intervals;

6.14.1.5 Locate existing water bodies, wetlands, drainage swales and/or drainage structures that are on or abut the site;

6.14.1.6 Locate the test hole(s) and indicate soil types found and the percolation rate;

6.14.1.7 Locate proposed drainage swales, structures and/or retention areas and indicate the means of disposing of stormwater runoff.

6.14.2 The Inspector of Buildings shall review this plan to ensure that the following conditions are met on the site.

6.14.2.1 Stormwater runoff is disposed of so as not to cause additional runoff onto abutting lots nor to cause roadway flooding;

6.14.2.2 The lot is graded so as to shed stormwater runoff away from the proposed building(s);

- 6.14.2.3 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.
- 6.14.2.4 The Conservation Commission has reviewed and approved the plans whenever such action was required by State Statute or local By-Laws;
- 6.14.2.5 The lot is graded and landscaped so that the driveway entrance area provides an unobstructed view for exiting vehicles and roadway traffic.

SECTION 7. LOCAL AND HIGHWAY BUSINESS DISTRICTS

7.1 USES PERMITTED

Residence district uses permitted in Section 6.1 except dwellings:

LOCAL BUSINESS

Retail 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 a building or principally off the premises; and the customers of which are provided goods and services principally within a building.

Restaurants with the exception of those described under Highway Business.

Offices and banks -- the principal activities of which are the conduct of governmental, professional, management, or financial activities.

Funeral homes.

Accessory buildings and uses.

HIGHWAY BUSINESS

Local business district uses. Retail 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.

Wholesale establishments, the principal activities of which are the sale of merchandise to individuals and corporations for resale to the public.

Hotels, motels.

Commercial recreational establishments.

Establishments processing for direct consumption--the principal products from which 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.

Restaurants principally providing prepared and packaged food for customer pick-up at a counter for take-out or for self-service within the building (i.e., fast food restaurants) to be allowed only in Highway Business Zone.

HIGHWAY BUSINESS

Automotive service stations--provided that any building or facility within a service station site shall be at least 50 feet away from any residential district boundary and be at least 200 feet 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 6 feet high is erected and maintained between such uses and any adjoining residence district. That the minimum frontage measured at the street line shall be 150 feet and if a corner lot, it shall be 150 feet on both streets. That the minimum lot area shall be 15,000 sq. ft. or if a corner lot, 22,500 sq. ft.

7.2

USES PERMITTED AFTER APPROVAL OF THE ZONING BOARD OF APPEALS

include those residence district uses permitted in Section 6.2, plus dwelling units that are an accessory use within a structure utilized primarily for uses listed in Sections 7.1 and 6.2.

7.3

SCREENING

All outdoor storage areas or facilities for fuels, materials and products, shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than 6 ft. high erected and maintained where necessary to conceal such areas or facilities from adjoining residence districts and uses.

Any highway business use not conducted wholly within a building shall be permitted only if a wall of solid appearance or tight evergreen hedge not less than 6 ft. high is erected and maintained between such use and any adjoining residence district or use.

LOCAL BUSINESS

HIGHWAY BUSINESS

7.4 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

40 percent

30 percent

7.5 MINIMUM DEPTH OF FRONT YARD

50 feet

70 feet

7.6 MINIMUM LOT WIDTH AT STREET LINE

50 feet

50 feet

7.7 MINIMUM WIDTH OF SIDE YARD

15 feet, except 50 feet from
a side street

15 feet, except 50 feet
from a side street

When 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.

The side and rear yard adjoining any district or use shall include a minimum of 15 feet 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 impede safe vehicular travel by current emergency vehicles.

7.8 MINIMUM DEPTH OF REAR YARD

When 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.

7.9 EXTERIOR LIGHTING

Exterior lighting shall not shine directly on properties and streets beyond the property line.

7.10 MAXIMUM HEIGHT REQUIREMENT

The maximum building height shall be three stories or 40 feet, whichever is less.

SECTION 8. INDUSTRY DISTRICTS

The following provisions shall apply to industry districts:

8.1 PROHIBITED USES

Within any industry district the following are declared to be non-industrial uses and no building may hereafter be constructed and no land hereafter may be used in whole or in part therefor: Dwellings, business district uses, except as provided in Section 8.3.

8.2 PERMITTED USES

Within an industry district industrial uses are declared to be the uses of land and buildings for administration, research, manufacturing, processing, fabrication, assembly, storage, mini-storage, freight handling or similar operation, but excluding junk and used material storage or salvage operations, which are not pertinent to a manufacturing or fabrication use on the premises. Also permitted within this district are religious and nonprofit educational uses. Any land or buildings in an industry district may hereafter be used or constructed to be used for any industrial, religious, or educational use, provided the construction and operation of such use complies with all provisions of this section.

8.3 USES PERMITTED AFTER APPROVAL BY THE BOARD OF APPEALS

Banks, restaurants, and other business district uses consistent with the requirements of an industry district.

8.4 CONSTRUCTION AND OPERATION STANDARDS AND LIMITATIONS

8.4.1 Hazard to Adjacent Property: Any industrial operation shall be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no such hazard to a use on adjacent property.

8.4.2 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. It is the intent of this paragraph that odors from any industrial use hereafter begun shall not be observable at the property line to a greater degree than those from plants for the manufacture or fabrication of books, clothing, jewelry, light metals, and other plants in which operations do not result in greater nuisances from the creation of odors.

8.4.3 Gases: No noxious, toxic, or corrosive fumes or gases shall be emitted. Detailed plans for the elimination of fumes or gases may be required before the issuance of any building permit.

- 8.4.4 Dust and Smoke: No observable dust or smoke created by any industrial operation shall be exhausted into the air. Detailed plans for the elimination of dust or smoke may be required before the issuance of any building permit.
- 8.4.5 Glare: Any operation producing heat or glare shall be shielded so that the operation is not visible beyond the property line.
- 8.4.6 Exterior Lighting: Exterior lighting shall not shine directly on properties and streets beyond the property line.
- 8.4.7 Noise: At any point on the property line any noise produced by an industrial operation shall not be in excess of the average street and traffic noise at that point. Industrial noise shall be muffled so as not to become objectionable due to intermittance, beat frequency, or shrillness.
- 8.4.8 Waste Disposal: Approval of the Board of Health of all waste disposal plans shall be required before the issuance of any building permit.
- 8.4.9 Vibration: No industrial operation shall cause inherent and recurrently generated vibration perceptible at the property line.
- 8.4.10 Radiation: No industrial operation shall cause dangerous radiation at the property line.
- 8.5 YARD, SPACE AND HEIGHT REQUIREMENTS
- 8.5.1 Minimum lot area 20,000 square feet
- 8.5.2 Maximum building coverage 50% of area of lot
- 8.5.3 Minimum width of lot at street line . . . 50 feet
- 8.5.4 Minimum depth of front yard 50 feet
- 8.5.5 Minimum side and rear yards except along
boundaries abutting railroad tracks . . . 20 feet
- Minimum side and rear yards when adjacent
to a residence district 50 feet
- Where a lot in an industry district adjoins a residence district and wherever an industrial building, use or associated parking space is to be within 300 feet of the residence district there shall be erected and maintained within 10 feet of and parallel to the common district a wall of solid appearance or a tight evergreen hedge not less than six feet in height which shall extend for the full length of the common zone boundary except for that portion within 25 feet of a street.
- 8.5.6 Maximum building height shall be three stories or 40 feet, whichever is less.

Within any industry district, buildings, accessory buildings and uses of the land consistent with the principal land use are permitted. Accessory buildings shall not be located in any required front, side, or rear yard. Accessory buildings and uses include but are not limited to:

- 8.6.1 Garage for storage or repairs of appurtenant motor vehicles;
- 8.6.2 Offices pertaining to the industrial operation;
- 8.6.3 Employee restaurant and athletic facilities;
- 8.6.4 Laboratories;
- 8.6.5 Retail sales when such sales comprise a minor part (less than 10%) of the industrial operation and/or gross floor area, and sale of any of these items to be directly manufactured by that particular firm and/or corporation on that particular lot. No lot shall be further subdivided in order to meet the intent of this section. The gross floor area of the anticipated retail sales shall have parking, in addition to that required for the industrial use, in conformance with Section 10 of these by-laws, and as part of a parking plan approved by the Planning Board.

SECTION 9. SPECIAL DISTRICTS

9.1 PLANNED UNIT DEVELOPMENT DISTRICTS

9.1.1 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.

9.1.2 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 17 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.

9.1.3 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.

- 9.1.4 A site plan for a planned district commercial shall provide:
- 9.1.4.1 Front, side, and rear yards of depth at least as great as those required in highway business districts.
- 9.1.4.2 A wall of solid appearance or tight evergreen hedge at least 6 feet high to be erected and maintained in any side or rear yard adjacent to a residence district.
- 9.1.4.3 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.
- 9.1.5 A site plan for a planned district industrial shall provide:
- 9.1.5.1 Front, side, and rear yards of depths at least as great as those required in industry districts.
- 9.1.5.2 A wall of solid appearance or tight evergreen hedge at least 6 feet high to be erected and maintained, said wall or hedge to be required in accordance with the provisions of Section 8.5.5.
- 9.1.6 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.
- 9.1.7 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.

9.2 WETLANDS AND FLOODPLAIN PROTECTION DISTRICT

9.2.1 PURPOSE AND INTENT

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

- 9.2.1.1 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.
- 9.2.1.2 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.
- 9.2.1.3 To assure the continuation of the natural flow pattern of the water courses within the Town, in order to provide adequate and safe flood-water storage capacity to protect persons and property against the hazards of flood inundation.

9.2.2 DEFINITION OF THE DISTRICT

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

- 9.2.2.1 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

- 9.2.2.2 The floodplain portion of this District includes all lands in Seekonk which have been identified as areas of special flood hazard, including regulatory floodways, by the Federal Insurance Administration in the Flood Insurance Study for the Town of Seekonk, Bristol County, Massachusetts, with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Maps. Said study and maps are hereby adopted by reference and declared to be a part of this Zoning By-Law.

9.2.3 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.

- 9.2.3.1 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.

- 9.2.3.2 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.

- 9.2.3.3 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.

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

9.2.4 SPECIAL PERMITS AND PROCEDURE

Any person(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.

9.2.4.1 SUBMITTAL REQUIREMENTS

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

- 9.2.4.1.1 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.
- 9.2.4.1.2 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:

- 9.2.4.1.2.1 The location, boundaries and dimensions of each lot in question.
- 9.2.4.1.2.2 One foot contours of the existing and proposed land surface.
- 9.2.4.1.2.3 Delineation of the wetlands and/or base flood level on the lot(s).
- 9.2.4.1.2.4 The location of existing and proposed structures, water courses, drainage easements, and means of access and the location of drainage and sewage disposal facilities.
- 9.2.4.1.2.5 The elevation of the basement and first floor.
- 9.2.4.1.2.6 The area and location of leaching fields.

9.2.4.2 DEVELOPMENT CONDITIONS

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

- 9.2.4.2.1 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.
- 9.2.4.2.2 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.
- 9.2.4.2.3 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.
- 9.2.4.2.4 All new and replacement water supply systems and sanitary sewerage systems shall be constructed to minimize or eliminate infiltration of flood waters 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.
- 9.2.4.2.5 The following minimum requirements apply in all unnumbered "A" zones and all zones numbered "A1 through A7" designated on the Flood Insurance Rate Maps:
 - 9.2.4.2.5.1 All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.

- 9.2.4.2.5.2 All new construction and substantial improvements of non-residential 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.
- 9.2.4.2.5.3 Where floodproofing is utilized for a particular structure, including non-residential 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.
- 9.2.4.3 SPECIAL PERMIT PROCEDURE
- The applicant shall file for a Special Permit in accordance with Section 11, "Special Permits", of these By-Laws.
- 9.2.5 ADMINISTRATION
- This By-Law shall be administered by the Inspector of Buildings as follows:
- 9.2.5.1 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.
- 9.2.5.2 Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- 9.2.5.3 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.
- 9.2.5.4 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.

9.2.5.4.1 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:

- 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;
- the bottom of all openings shall be no higher than one foot above grade;
- openings may be equipped with screens, louvres, 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 engineer and in accordance with these by-laws shall be maintained on file as a matter of public record.

9.2.5.5 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.

9.2.5.6 Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

9.2.5.7 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.

9.2.6 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.

9.3 MIXED USE ZONE

9.3.1 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.

9.3.2 USES PERMITTED

Residence district uses permitted in Section 6.1.

9.3.3 USES PERMITTED BY SPECIAL PERMIT OF THE ZONING BOARD OF APPEALS

Residence district uses permitted in Section 6.2.

The following business activities:

9.3.3.1 Businesses such as antique shops, craft shops, specialty shops, etc.

9.3.3.2 Nursing homes and funeral homes.

9.3.3.3 Professional offices, such as doctors, attorneys, real estate and insurance offices.

9.3.3.4 Businesses which do not generate traffic flows in excess of those listed in 9.3.3.1, 9.3.3.2, and 9.3.3.3.

9.3.3.5 The type and number of commercial vehicles to be parked on the property shall be appropriate to the location.

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

9.3.4 SITE PLAN PREREQUISITE FOR APPROVAL

9.3.4.1 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.

9.3.4.2 Design Requirements: The site plan shall be designed in conformance with the provisions of Section 10: "Parking and Loading Regulations" of the Zoning By-Laws, as well as the following provisions. (If there is a conflict between Section 10 and the following provisions, the more restrictive shall be considered in effect.)

- 9.3.4.2.1 Setback: Buildings, parking areas and all associated improvements, with the exception of free-standing signs, shall be located no closer than 50 feet to the street lot line.
- 9.3.4.2.2 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.
- 9.3.4.2.3 Building Coverage: Buildings shall cover no more than 30% of the total lot area.
- 9.3.4.2.4 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.
- 9.3.4.2.5 Entrance/Exit: The entrance/exit shall be limited to one, but otherwise shall conform with Section 10 of these By-Laws.
- 9.3.4.2.6 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.
- 9.3.4.2.7 Building Height: The height of all buildings shall be limited to three stories, but shall not exceed 40 feet.
- 9.3.4.2.8 Signs:
- 9.3.4.2.8.1 Free-standing signs shall conform with the requirements of Section 12 of these By-Laws and, in addition, shall be of a colonial or rustic design of a size not to exceed 60 square feet.
- 9.3.4.2.8.2 Signs affixed to the building(s) shall conform with the requirements of Section 12 of these By-Laws.

9.3.5 PERIOD OF VALIDITY

A special permit granted under this section is subject to the provisions as specified in Section 11, "Special Permits", of the Zoning By-Laws of the Town of Seekonk.

9.4 GROUNDWATER AQUIFER PROTECTION DISTRICT

9.4.1 PURPOSE AND INTENT

- 9.4.1.1 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;
- 9.4.1.2 To preserve and protect present and potential water resources;
- 9.4.1.3 To conserve the natural resources of the town;
- 9.4.1.4 To prevent blight and pollution of the environment.

9.4.2 DEFINITION OF TERMS

Aquifer: a geologic formation composed of rock, sand, or gravel, capable of yielding over eighty gallons per minutes of potentially usable, or recoverable, amounts of water.

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 alkalis, and other products such as pesticides, herbicides, solvents, and thinners, as also defined by MGL, Chapter 21E and Chapter 111.

Impervious surface: material above or on the surface of, or immediately occurring within 12 inches of the surface of, the ground that does not allow water to penetrate into the soil below.

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 water-borne contaminants to the surrounding environment.

Mining of land: removal or relocation of geologic materials, including topsoil, for the purpose of extracting sand and gravel, metallic ores, or bedrock.

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.

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.

9.4.3 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.

9.4.3.1 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:

- 1) aquifers, together with the surface of the land lying directly above them;
- 2) a surrounding protective strip to the public well supply, 400' in radius;
- 3) recharge areas, and the surface of the land lying directly above them.

9.4.3.2 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.

9.4.3.3 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 2/3 vote of Town Meeting.

9.4.4 USES REGULATED

The following shall apply within the boundaries of the district.

9.4.4.1 Uses Authorized:

- 1) 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;
- 2) conservation of soil, water, plants, and wildlife;
- 3) outdoor recreation, nature study, fishing, hunting;
- 4) 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;

- 5) maintenance, repair, enlargement of any existing structure, provided there is no increase in impermeable surface beyond the twenty percent (20%) allowed in Section 9.4.4.1 (1);
- 6) 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;
- 7) safe storage of petroleum products or other legally permissible discharges above ground that assures containment of potential spills;
- 8) 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.
- 9) 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 9.4.2. 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 5.)
- 10) normal residential lawn and garden maintenance;
- 11) 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;
- 12) ordinary repair, construction, maintenance of stone or retaining walls provided that surface water runoff is not altered;
- 13) decorative landscaping, including the addition of trees and plants;
- 14) 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.

- 1) disposal of solid wastes, other than brush and stumps;
- 2) underground storage of petroleum or similar products, excepting storage within buildings it will heat;
- 3) disposal of liquid or leachable septage waste, except that of Board-of-Health approved residential subsurface waste disposal greater than that allowed under 9.4.4.3.1;
- 4) industrial uses which discharge process wastewater on-site. These include, but are not limited to:
 - a) chemical and bacteriological laboratory;
 - b) electronic circuit assembly;
 - c) metal plating, finishing, and polishing;
 - d) motor and machinery service and assembly;
 - e) printing;
- 5) commercial boat and motor vehicle repair, service, and/or assembly, including junk or salvage yards;
- 6) cabinet-making, painting, wood preserving, and furniture stripping commercial establishments;
- 7) cleaning of septic systems or cesspools utilizing chemicals;
- 8) photographic processing;
- 9) 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;
- 10) dumping of snow containing de-icing chemicals from off site;
- 11) storage of uncovered manure;
- 12) mining of land, except as incidental to the exercise of a permitted use allowed hereunder;
- 13) hazardous waste siting facility;
- 14) introduction of influents of high thermal content so as to cause detrimental ecological effect.

9.4.4.3 USES REQUIRING SPECIAL PERMIT

- 1) commercial or industrial uses, except those activities outlined in 9.4.4.2 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;
- 2) the rendering of imperviousness of more than twenty percent (20%) of any lot;

- 3) any use not mentioned above or in other sections of these by-laws shall be allowed by a Special Permit.
- 4) 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.

9.4.5 SPECIAL PERMITS AND PROCEDURE (required in addition to Section 11)

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:

- 1) is in harmony with the purpose and intent of this by-law and will promote the purposes of this district;
- 2) is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
- 3) will not have, during construction and after, an adverse environmental impact on an aquifer or its recharge area;
- 4) will not adversely affect an existing water supply.

9.4.5.1 The aquifer district, as defined in 9.4.3, 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.

9.4.6 ADMINISTRATION

This by-law shall be administered by the Inspector of Buildings, as follows:

- 9.4.6.1 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.
- 9.4.6.2 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.
- 9.4.6.3 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 9.2, Wetlands and Floodplains, the more restrictive regulation shall apply.
- 9.4.6.4 Submittal requirements of a site plan shall, at a minimum, be in accordance with Section 9.2.4.1 of these by-laws, and Subdivision Rules and Regulations, when necessary.

SECTION 10. OFF-STREET PARKING AND LOADING

10.1 PARKING REQUIREMENTS

10.1.1 Number of Spaces. Off-street parking shall be provided in all districts for uses where off-street parking is required, according to the standards set forth in the following schedule.

10.1.2 Mixed Uses. Where mixed uses occur, the parking and loading spaces required shall be the sum of the requirements for the several individual uses, computed separately unless it can be demonstrated to the Board of Appeals under a variance application that the need for parking occurs at different times and that adequate spaces will exist to handle the requirements for each use.

10.1.3 Parking Space Schedule

Land Use Activity

Minimum Number of Off-Street Parking Spaces

Employees

One per each employee in addition to other land uses and their required spaces as outlined below.

Handicapped Spaces

One per establishment and/or use, with a maximum of 10%, inclusive, of total parking required. These spaces shall be a maximum distance of 50 feet from any accessible entrance, suitably displayed, with a safe means of access/egress. This is in addition to the land uses and their required spaces within this section.

Residential

Two per dwelling unit.

Hotel or Motel

One per guest room.

Place of assembly, church, meeting hall or room, club, lodge and country club

One per each four seats of total seating capacity or one per 400 sq. ft. of gross floor area, whichever is greater.

Restaurant, stadium, gymnasium, auditorium, arena

One per each three seats of total seating capacity.

Theatre

One per each two seats of total seating capacity.

Bank

One per each 150 square feet of gross floor area or fraction thereof.

Land Use ActivityMinimum Number of Off-Street Parking Spaces

Commercial establishments serving the general public (except automotive service retail establishments)

One per each 200 square feet of gross floor area or fraction thereof.

Automotive retail and service establishments

One per each 1,000 square feet of gross floor area or fraction thereof.

Wholesale, warehouse, or storage establishment

One per each employee on the largest shift.

Medical or dental clinic or office

Three per each doctor plus one for each employee.

Hospital

Two per bed at design capacity.

Nursing home

One per two beds.

Business, trade or industrial school or college

One per each 200 square feet of gross floor area in classrooms and other teaching stations.

School or college dormitory facilities

One space per person of ultimate dormitory resident capacity.

Other schools

Two per classroom in an elementary and junior high school; four per classroom in a senior high school plus any other "mixed use" requirements.

Office

One per 300 square feet of gross floor area, or one per each employee, whichever is greater.

Golf course

Two per green.

Tennis court

One per four spectator capacity and two per court.

Swimming pool, skating rink

One per four spectator capacity plus one per each 1000 square feet of gross floor area.

Sports field

One per four spectator capacity.

Amusement park

One per each 30 square feet of amusement area.

Ranges (golf, batting, etc.)

One and one-half per station.

	<u>Land Use Activity</u>	<u>Minimum Number of Off-Street Parking Spaces</u>
10.1.3	Campgrounds	Two and one-half per campsite.
	Public utility	One for each 200 square feet of gross floor area.
	Manufacturing or industrial establishments	Two per each 3 employees in the largest working shift.
	Any use permitted by these by-laws not interpreted to be covered by this schedule.	Closest similar use as determined by the Planning Board.
10.1.4	<u>Dimensions.</u> Each off-street parking space shall be a minimum of nine (9) feet in width by twenty (20) feet in length. Each off-street handicapped parking space shall be a minimum of twelve (12) feet in width by twenty (20) feet in length. In the case of angle parking, the measurement of the width shall be perpendicular to the parking line.	
10.1.5	<u>Aisle and Entrance Dimensions.</u> The minimum width of aisles and entrance drives providing access to more than two spaces shall be at least 24 feet wide. On lots where one entrance and exit driveway or access is constructed, the access shall not exceed fifty-four (54) feet in width. Where two or more driveways or accesses are constructed, the accesses shall each not exceed thirty (30) feet in width. For automotive service stations, the maximum width shall be thirty-two (32) feet for each driveway or access.	
10.2	LOADING REQUIREMENTS	
10.2.1	<u>Off-Street Loading.</u> For every building hereafter erected and for every use hereafter established in an existing building or area, the off-street loading requirements presented in the Loading Space Schedule apply. Provided however, that for any building existing prior to October 2, 1973, but not expanded after such date, the Zoning Board of Appeals may grant a variance to allow for on or off loading on the street where conditions unique to the use reasonably justify such loading.	
10.2.2	<u>Loading Space Schedule</u>	
	<u>Use</u>	<u>Minimum Number of Loading Spaces Per Unit</u>
	All uses under 5,000 square feet of gross floor area.	No minimum; sufficient provision to eliminate all on or off loading on the street pursuant to normal economic activity.

Use

Minimum Number of Loading Spaces Per Unit

Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area.

One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet; space used for ambulance receiving at a hospital is not to be used to meet these loading requirements.

Business services, other services, community facilities (school, church, town building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area.

One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet.

- 10.2.3 Dimensions. Each space for off-street loading shall be a minimum of five (5) feet longer than and four (4) feet wider than the largest vehicle which shall use the loading space. Each loading space shall have a vertical clearance of at least fourteen (14) feet. Each loading space shall have an additional area adequate for parking, loading, and maneuvering off any public street, sidewalk, or any portion thereof.

10.3 GENERAL REQUIREMENTS

- 10.3.1 Change in Use. Whenever after the date of this by-law, there is a change in the use or ownership of the premises, except residential, or in the floor area, or number of employees, or other unit of measurement specified in the foregoing Parking Space and Loading Space Schedules, off-street parking and loading facilities shall be provided on the basis of the adjusted needs as determined by the aforesaid Schedules. If there has been a change in the lawful use of the premises after October 2, 1973, of any building existing prior to October 2, 1973, the petitioner, after clearly demonstrating to the Planning Board that it is impossible due to the physical structure of the property to provide additional off-street parking and loading, shall be exempt from the provisions of this section.

- 10.3.2 Existing Spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this by-law, or any spaces subsequently provided in accordance with this by-law, shall not be decreased in number so long as said use remains, unless a reduced number of parking or loading spaces conforms to the requirements of the parking and off-street loading schedules.

loading spaces results in the requirements of a fractional space, any fraction over 1/2 shall require one additional space.

- 10.3.4 Location of Parking Spaces. Required off-street parking spaces shall be provided on the same lot as the principal use they are required to serve, or when practical difficulties prevent their establishment upon the same lot, the Zoning Board of Appeals shall rule upon the acceptability of alternative plans.
- 10.3.5 Combined Facilities. Parking required for two or more buildings or uses may be provided in combined facilities on the same or contiguous lots, where it is evident that such facilities will continue to be available for the several buildings or uses, regardless of ownership, with Planning Board approval.
- 10.3.6 Rental Spaces. No lot in common ownership shall contain more than two spaces for rental or lease except as an understood accessory to rental of a room on the same lot.
- 10.3.7 Location of Loading Spaces. The loading spaces required for the uses listed in the Loading Space Schedule shall in all cases be on the same lot as the structure or use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this by-law.
- 10.3.8 Illumination. The following shall be the minimum illumination levels measured in footcandles for all parking spaces serving the designated uses:
Industrial - 1.0; Commercial - 2.0; Shopping Centers - 3.0.
- Any fixture used to illuminate any area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes, and the sources of the light shall not be visible therefrom. The maximum spillover illumination to adjacent property shall be 1.0 footcandle.
- 10.3.9 Permits Required. Prior to the issuance of a building permit, a plan for parking areas and loading areas 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 Planning Board or by indicated approval as follows. If the Planning Board does not act to reject such plan within twenty-four (24) consecutive days after receipt of the plan, it shall be deemed to be acceptable and the plan shall be signed "Approved by Default" by the Town Clerk.
- 10.3.9.1 The Planning Board and petitioner shall agree upon a reasonable time period within which the construction of parking and loading areas will be completed in accordance with the approved plan.
- 10.3.10 Filing Fee. The fee for submission of parking plans for approval by the Planning Board is \$2 per parking and loading space; \$25 minimum fee, to be delivered to the Planning Board with the Application for Approval of Parking and Loading Plan and site plan.
- 10.3.11 Parking and loading plans shall be designed by a Professional Engineer unless this requirement is waived by the Planning Board.

10.4 PARKING AND LOADING AREA STANDARDS

- 10.4.1 All parking and loading areas containing over five (5) spaces in total combination shall be either contained within structures or subject to the following.
- 10.4.1.1 The area shall be screened with landscaping, a grassed earth berm, a fence, masonry wall or some combination of these screening devices, on each side which adjoins or faces the side or rear lot line of a parcel in residential use or in a residence district.
- 10.4.1.2 The area and access driveways thereto shall be surfaced with bituminous or cement concrete material, unless the provisions of Section 9.4.4 apply, and shall be graded and drained so as to dispose of all surface runoff in a manner harmless to abutting properties.
- 10.4.1.3 The location of spaces shall be suitably marked by painted lines or other appropriate markings.
- 10.4.1.4 A substantial bumper of concrete, steel, or heavy timber, or a concrete curb or berm curb which is backed, or a natural berm, shall be so located at the edge of surfaced areas except driveways as to protect abutting structures, properties, sidewalks, and landscaping.
- 10.4.1.5 No parking or loading area shall be used for the sale, repair, display, storage, dismantling or servicing of any vehicle, equipment, merchandise, material or supplies except as specifically permitted by these by-laws in conjunction with uses directly involving sale, servicing, storage or repair of vehicles in districts where such uses are permitted.
- 10.4.1.6 A minimum ten (10) foot deep landscaped area shall be provided along the street lot line(s) when parking or driveways are planned in the required front yard area, exempting access and egress, and in conformance with Sections 10.5.3.3 and 10.5.3.4.
- 10.4.1.7 Parking and loading spaces other than those for single-family or two-family dwellings shall be so arranged as not to require backing of vehicles onto any public street.
- 10.4.1.8 No portion of any entrance or exit driveway shall be closer than fifty (50) feet to the nearest edge of the legal layout of an intersecting street.

10.5 PARKING LOT LAYOUT

- 10.5.1 All parking areas shall have clearly defined traffic flow into and out of the area and throughout the lot. Traffic moving in one direction may be required to be separated from traffic moving in an opposite direction at the entrance and exit to the parking lot by barrier, striping, rumble strip or the like, as determined to be necessary by the Planning Board. The flow pattern shall direct traffic into parking units. All driveways shall be clearly identified as to exit and/or entrance and direction of traffic flow.

- 10.5.2 Traffic intersections throughout parking areas shall be designed with use of devices such as islands containing landscape plantings of trees and shrubs, curbing and intersecting lanes at angles designed to guide turning vehicles into the normal flow of traffic.
- 10.5.3 Parking units shall not include more than twenty-five (25) adjacent spaces. Parking units shall be defined by landscaping in conformance with other requirements of this article. Any number of units is permissible.
- 10.5.3.1 An area equivalent to a minimum of twenty (20) percent of the paved area shall be provided in addition to said paved area for landscaped parking unit dividers, landscaped islands, pedestrian walkways and perimeter landscaping. Landscaping shall be arranged on the lot so that a landscaped area shall be within 100 feet from any point on the lot.
- 10.5.3.2 Landscaping shall be so designed as to prevent parking or driving on any portion of a landscaped area. Refer to 10.4.1.4.
- 10.5.3.3 Landscaping shall be all live vegetation combined with other landscaping materials excluding paved surfaces, except as in 10.5.3.5.
- 10.5.3.4 Landscaping 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.
- 10.5.3.5 Pedestrian walkways may be paved, but shall not exceed fifty (50) percent of areas required by 10.5.3.1. When pedestrian walkways need cross traffic lanes, crosswalks shall be clearly marked and identified.
- 10.5.4 Curbing and walkways wherever developed shall meet all standards for curbing and walkways specified in the effective Rules & Regulations Governing the Subdivision of Land in the Town of Seekonk.
- 10.5.5 All parking spaces shall be accessible from the driving aisles or lanes by a single turn.
- 10.5.6 Display lots for motor vehicle sales shall be considered parking lots but are allowed the following exemptions to layout regulations in Section 10.5 as long as there is provided, adjacent to and parallel with the street lot line, a landscaped setback area not less than twenty (20) feet in depth except in the area covered by access drives. No vehicle shall be parked in the landscaped area or nearer than twenty (20) feet from the street lot line.
- 10.5.6.1 Layout regulations 10.5.1 through 10.5.3.1, and 10.5.3.5 are waived.
- 10.5.6.2 Regulation 10.5.6 applies only if the display lot is separated in a manner to prevent public parking in the display lot.
- 10.5.6.3 The public parking area is subject to all the regulations of this section.
- 10.5.6.4 All regulations not specifically exempted apply.

SECTION 11. SPECIAL PERMITS

11.1 DEFINITION

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

11.2 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 21 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 limitations on time or use.

11.3 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 21 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 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.

11.4 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 24 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.

11.5

SPECIAL PERMITS FOR SCIENTIFIC RESEARCH DEVELOPMENT OR 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.

12.1

PURPOSE

This section is adopted for the regulation of signs and other advertising devices within the town in order to protect and enhance the visual environment of Seekonk by creating a balanced sign texture, diminish any visual confusion, enhance a particular building or total streetscape, and stimulate responsible business activity. This section shall also serve to protect and enhance the safety, convenience and welfare of all residents, business and consumer alike, and to prevent and minimize damage to the environment.

12.2

DEFINITIONS

12.2.1

Sign or Advertising Device: any permanent or temporary device, billboard, placard, painting, drawing, poster, letter, word, banner, striping, denoting a particular firm, pennant, insignia, trade flag, article, object, or other representation used as an advertisement, announcement, direction, calling attention to or indicating and identifying any premises, firm, person, or activity, whatever the nature of the material used, and manner of composition or construction.

12.2.2

Display surface: the area of the sign measured by exterior dimension of established bordering available for the advertising message.

12.2.3

Electric sign: any sign containing electric wiring which is illuminated by incandescent, fluorescent, high pressure sodium, or luminous tubes and/or provides a beacon or searchlight.

12.2.4

Erect: to attach, build, paint, construct, reconstruct, alter, enlarge, or relocate.

12.2.5

Free-standing sign: any sign that is not attached to, or is supported independently from, any building.

12.2.6

Individually lettered sign: a sign made of separate and distinct lettering promoting, or as part of, the same message, the dimensions of which shall be the height of the tallest letter and the width of all combined letters fully displayed.

12.2.7

Marquee: any sign attached to a roof, side of building and extending perpendicular to a wall, or awning, which then projects over the entrance or other portion of the building.

12.2.8

Moving sign: any sign that is animated by mechanical or natural means.

- 12.2.9 Roof sign: any sign attached to the roof surface of a building on which the display surface is above the general level of the roof, not including parapets or other roof ornaments.
- 12.2.10 Sign structure: the support, uprights and braces of any sign and display area.
- 12.2.11 Temporary sign: any sign, including its supporting structure, intended to be erected and maintained for a limited period of time.
- 12.2.12 Wall sign: any sign erected against the wall(s) of a building or structure, or a sign that is part of a building or structure with the exposed face of the sign being in a plane that is parallel to the same plane of said wall, building or structure. A wall sign will not extend beyond a building or structure or above the general roof level.
- 12.3 ADMINISTRATION AND ENFORCEMENT
- 12.3.1 A permit from the Inspector of Buildings is required prior to the erection of all signs except those specifically exempt under Section 12.3.2. Application for said sign permit shall specify the proposed sign location by street and number, the name(s) and address(es) of the owner(s), the sign contractor or erector and initial display date. Applicant shall also file a site plan, except for temporary signs, showing, at a scale of at least 1" = 40', the location(s) of all proposed signs, and lot and building dimensions. No permit shall be required to refinish an existing sign or to change the lettering on a changeable letter sign, so long as they meet the further requirements of these by-laws.
- 12.3.2 EXEMPTIONS FROM PERMIT
- 12.3.2.1 Signs erected or maintained by local, state, or federal law;
- 12.3.2.2 Highway directional or traffic control signs required or allowed by law;
- 12.3.2.3 Signs exempt under Mass. General Law, Chapter 93, Section 32;
- 12.3.2.4 Flags or insignia of the United Nations, United States or any political subdivision thereof, or any other nation or country, provided it shall not be used for commercial promotion, display, or as an inducement to promote, or attract attention to, a particular business or person;
- 12.3.2.5 One sign displaying the street number of the occupant of any premises, not to exceed one square foot in display area;

- 12.3.2.6 Two "For Sale" or "For Rent" signs not exceeding a combined total display area of six square feet placed only on the premises for which each sign advertises, and which shall be removed from the premises within seven calendar days from completion of sale or rent;
- 12.3.2.7 One developer's or contractor's sign not to exceed six square feet in area in a residential or Mixed Use zone, and not to exceed 32 square feet in other zones, maintained on the premises while construction is in process and containing information relevant to the project or premises. Such sign shall be removed promptly and within seven calendar days after completion of the construction.
- 12.3.2.8 Directional signs on the pavement and within parking and entrance areas.
- 12.3.2.9 Off premise commercial and non-commercial temporary signs which have been authorized to be erected and maintained on municipal or town owned property under the jurisdiction of either the Board of Selectmen, School Committee, or Recreation/Youth Committee.
- 12.3.3 PROHIBITED SIGNS
- 12.3.3.1 Off premise commercial signs are hereby prohibited. All non-commercial signs shall comply with the provisions of this by-law.
- 12.3.3.2 Those which obstruct or impede the immediate use of a fire escape, a fire or other emergency exit, or any emergency escape route;
- 12.3.3.3 Those which obstruct the free passage of air, sunlight, or other means of lighting to any door, window, skylight or other opening of similar nature, or to mechanical means for providing a source of solar energy to an adjacent building or any other building on the same or adjoining lot, either passive or active;
- 12.3.3.4 Those defined as roof signs;
- 12.3.3.5 Those abandoned for a period of at least two continuous years;
- 12.3.3.6 Those which advertise or call attention to any product, business, or activity which is no longer sold, leased, or carried on, whether generally in town or elsewhere, or at that particular premises;
- 12.3.3.7 Those which have not been repaired or properly maintained within thirty days after written notice to that effect has been given to the owner of said sign by the Inspector of Buildings;
- 12.3.3.8 All temporary signs except those described in Section 12.7;
- 12.3.3.9 Those placed within any public right-of-way or upon any sidewalk;

- 12.3.3.11 Those painted or composed of fluorescent, phosphorescent or similar material;
- 12.3.3.12 Those, either in whole or in part, that are moving, mobile, or revolving;
- 12.3.3.13 Those considered as strings, streamers, flags, pennants, revolving or flashing lights, spinners, or other similar devices which are attached, or strung across, upon, over, or along any premises or building, whether as part of a sign or not;
- 12.3.3.14 Those that are painted on the exterior surface of any wall or roof;
- 12.3.3.15 Those that are attached to any tree, utility pole, or natural feature on any street, highway, or right-of-way unless expressly permitted elsewhere in this section;

12.3.4 LEGAL NON-CONFORMING SIGNS

Those legal non-conforming signs existing prior to the adoption of this section at Town Meeting are granted exemption. Existing non-conforming signs shall not be enlarged, reworded, redesigned, or altered in any way, excluding repainting to a similar color or manner, except to conform to the revised requirements of this section. Further, any such non-conforming sign which has deteriorated or been destroyed to such extent that the cost of restoration would exceed 50% of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt, or altered except in compliance with this by-law.

12.3.5 ENFORCEMENT

- 12.3.5.1 The Inspector of Buildings is hereby designated as the enforcing officer for this by-law. The Inspector of Buildings is hereby authorized to order the repair or removal of any sign and/or its supporting structure which is obstructive, hazardous, or dangerous due to age, damage, or poor construction, in disrepair or neglected contrary to the intent of this by-law.

The Outdoor Advertising Board within the Department of Environmental Quality Engineering of Massachusetts shall be informed of the name and address within ten working days upon the designation of a new or acting Inspector of Buildings.

- 12.3.5.2 The permit required of the applicant through the Inspector of Buildings mentioned in Section 12.3.1 of this section shall be issued only if the Inspector of Buildings determines that the sign complies or will comply with this by-law and the State of Massachusetts Building Code, Article 14. Such application for the permit must be filed either by the owner of the land or building or by any person showing written proof from the owner of said land that he has the authority to erect a sign on the premises.

12.3.5.3 The Inspector of Buildings shall act within thirty (30) days of the receipt of said application for a permit and shall assign a reasonable administrative fee during that time frame. The Inspector of Buildings' action on this, or other elements of this section or by-law, or failure to act, may be appealed to the Zoning Board of Appeals under the provisions of the Massachusetts General Laws, Chapter 40A. A schedule of fees for such permits may be established from time to time by the Board of Selectmen.

12.3.5.4 **PENALTIES**

Whosoever violates any provision of this by-law, or any lawful order of the Inspector of Buildings, shall be subject to a fine of not more than one hundred dollars (\$100) per offense. Each day that such violation continues shall constitute a separate offense.

12.4 **SIGNS - LOCAL BUSINESS, HIGHWAY BUSINESS AND INDUSTRIAL DISTRICTS AND USES**

12.4.1 There shall be no temporary or permanent special promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors or on the building exterior of premises in Local Business, Highway Business, or Industrial districts, except as permitted elsewhere in this by-law.

12.4.2 On each premises in a Local Business, Highway Business, or Industrial district, there is permitted one sign affixed to the exterior of a building for each occupancy therein. The top edge of each such sign shall not be higher than either the roof ridge of the building or the highest point of the roof excluding ornamental portions thereof, if no ridge pole, or higher than the plate of a flat roof.

12.4.2.1 One sign affixed to the exterior of a building is permitted provided it shall not exceed an area of two hundred (200) square feet or five (5) percent of the face of the wall below the plate on the side of the building on which the sign is mounted, whichever limit is smaller.

12.4.2.2 If a building faces on more than one street, a second sign may be affixed to the building similar to the first sign but with the restriction that total area of both signs will not exceed one hundred fifty (150) percent of the maximum allowable area of the first sign, nor will the area of the second sign exceed five (5) percent of the area of the wall below the plate on the side of the building on which the sign is mounted.

- 12.4.2.3 Exception to the area limitation is allowed for individually mounted letters mounted directly on the face of the building for the simple purpose of displaying the occupying company name. Such letters shall not exceed twenty (20) percent of the height of the building face below the plate on the side of the building on which the letters are mounted. The maximum height of individually-mounted letters shall be four (4) feet.
- 12.4.2.4 Either the affixed signs or the individually-lettered name may be used, but not both, for the same building occupant.
- 12.4.3 Free-standing signs are limited in number to one per contiguous land ownership, not per lot. Only one free-standing sign is permitted for the whole combination of any number of lots mutually adjoining in a single or common ownership on one side of a street.
- 12.4.3.1 An exception allowing two free-standing signs on property as previously described is permitted where the property fronts on two or more streets. One such sign is permitted on each of the two streets.
- 12.4.4 The top edge of any free-standing sign shall not be higher than twenty-five (25) feet vertical measure above the average level of the ground between the supports of each sign exclusive of base planters.
- 12.4.5 For public safety, the whole of the signboard or display elements of any free-standing sign shall be either below three (3) feet height, or above ten (10) feet height, above average ground level. No portion of such free-standing sign or its supports shall be located nearer than twelve (12) feet to a lot line.
- 12.4.6 No free-standing sign shall have a single face area for display or sign in excess of sixty (60) square feet in Local Business Zones or one hundred twenty (120) square feet in Highway Business or Industrial Zones measured from the tops of the topmost display elements to the bottoms of the lowest display elements, and from exterior side to exterior side of display elements, and including in such measurements any blank spaces between display elements. These measurements apply to the overall sign size and not just to display area. The signs may be double-faced. There shall be no printing or display on the thickness dimension.
- 12.4.6.1 The maximum allowed thickness from face to face of a double-faced sign is twelve (12) inches, plus ten (10) percent of either the height or width, whichever is smaller.
- 12.4.6.2 The support members shall not extend beyond the vertical planes of the faces and ends of free-standing signs, except single-pole cantilever-mounted signs wherein such pole shall not exceed twelve (12) inches in diameter.

- 12.4.6.3 All support members shall be rigidly secured in the ground at every point of contact with the ground.
- 12.4.6.4 Protective bumpers or bases shall not exceed eighteen (18) inches from the surface of support members or from the plane between the faces of adjacent supporting members unless such base is of a built-in-place planter type. Such planter is not limited.
- 12.4.7 No sign shall be animated or otherwise moving, except as permitted in Section 12.6.1.1.
- 12.5 **SIGNS - RESIDENTIAL DISTRICTS**
- 12.5.1 No sign shall be erected, posted, or otherwise displayed external of a residence except as permitted as follows.
- 12.5.2 Residence identification by name or address or both is permitted for each family in a dwelling. Such signs shall not exceed one (1) square foot per face and may be double-faced.
- 12.5.3 One double-faced sign not in excess of one (1) square foot per face is permitted to advertise taking of boarders, earth removal or home occupation. Such signs may be combined with the residence identification sign for a single double-face sign not in excess of two (2) square feet per face.
- 12.5.4 For permitted uses, other than residential, in Residential Districts or as limited otherwise, one double-faced sign of not over twelve (12) square feet per face is permitted.
- 12.5.5 Only one real estate, developer's or contractor's sign on the premises may be double-faced but shall not exceed six (6) square feet per face, nor shall it be allowed less than twelve (12) feet from the street or lot line.
- 12.5.5.1 An exception shall be the advertising of a subdivision as defined in Chapter 41, Section 81K, MGL. Such exception shall permit a double-faced sign not to exceed thirty-two (32) square feet per face, or ten (10) feet in any direction erected. Construction and mounting shall conform to the provisions of Section 15.2 of this by-law. One such sign is permitted near each entrance to the subdivision except that not more than one such sign shall face the same street. This sign will be removed from the premises within seven (7) days from completion of the purpose.
- 12.5.6 Non-conforming legal land uses in residential districts shall be allowed signs normally permitted in the most restrictive districts in which the particular land use would conform, but only with the permission of the Board of Appeals. The Board of Appeals shall stipulate any limits or additional restrictions they deem necessary or desirable to insure compatibility with the surrounding area.

- 12.6 ILLUMINATION OF SIGNS: LOCAL BUSINESS, HIGHWAY BUSINESS, INDUSTRIAL, AND RESIDENTIAL
- 12.6.1 Any signs permitted may be steadily illuminated either from within or by some outside source, subject to the following further provisions:
- 12.6.1.1 No sign shall be intermittently illuminated, nor have traveling, flashing or animated lighting, except that there may be displayed to the public by changing or intermitting letters, numbers or lights, information as to the time of day (or night), temperature, weather forecast, visibility, or pollution index or other similar information. The public information section intermittently illuminated in any sign shall not exceed forty (40) square feet in any zoning district. No sign shall rotate.
- 12.6.1.2 Signs shall neither emit nor reflect light with an intensity greater than fifty (50) foot candles at one hundred (100) feet from the sign.
- 12.6.1.3 The illumination of signs for commercial or business or industrial purposes shall be permitted in Residence or Local Business Zones only between seven o'clock in the morning and eleven o'clock in the evening, and in Highway Business and Industrial Zones during the hours such business is open and/or operating.
- 12.6.2 The source of illumination for any sign shall be placed or hooded so that the lighting source itself is not visible at any point beyond the lot lines or leasehold lines of the premises.
- 12.6.2.1 Source is herein designated to mean the light-emitting element and any elements designed or employed for the purpose of reflecting and directing emitted light.
- 12.7 TEMPORARY SIGNS
- 12.7.1 Temporary exterior signs are permitted to advertise the opening of a business at its new location; to advertise a special event at its intended location; or to advertise political candidates, campaigns, or programs.
- 12.7.2 Such signs shall not exceed thirty-two (32) square feet.
- 12.7.3 No two or more such signs shall be closer than five hundred (500) feet apart on land of contiguous ownership.
- 12.7.4 Any illumination of such permitted sign shall not exceed the allowed limits in the district in which it is located.
- 12.7.5 All temporary signs require a permit from the Inspector of Buildings.

12.7.6

All such temporary signs as herein described must meet the approval of the Inspector of Buildings regarding safety of construction, placement, mounting and lighting. By written notice specifying the corrections needed, the Inspector of Buildings shall order the immediate action of the displayer to either make the corrections or remove the sign. If the immediate action is not taken, the Inspector of Buildings may, at his own initiative or with the enlisted aid of any other Town department, remove such sign.

12.7.7

All such temporary signs as permitted in this section shall be permitted on the same premises for not more than thirty (30) days in the same calendar year. At the end of the period of permitted use, the sign shall be removed by the initiative of the company, organization, individual, or their agents, as indicated by the displayed information.

SECTION 13. YARD EXCEPTIONS

13.1 REQUIRED FRONT YARDS IN DEVELOPED AREAS

In 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 feet except that no residence shall have a front yard of less than ten feet in depth or need have a front yard of greater depth than 50 feet in an R-4 district or 50 feet in an R-3 district or 35 feet in an R-2 district or 35 feet in an R-1 district.

13.2 THROUGH LOTS

In 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.

SECTION 14. SEEKONK ZONING BOARD OF APPEALS

14.1 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.

14.2

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:

- 14.2.1 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 Inspector of Buildings, 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 15.3, 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.

- 14.2.2 Hear and decide petitions or appeals for variances as set forth in Section 20 of this by-law.

- 14.2.3 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.

Any appeal to the Zoning Board of Appeals under Section 14.2.1 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 21 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 24 and shall be filed within twenty days after the date of filing of such notice in the office of Town Clerk.

SECTION 15. ENFORCEMENT

15.1 INSPECTOR OF BUILDINGS

This by-law shall be enforced by the Board of Selectmen through the Inspector of Buildings. The Inspector of Buildings shall approve no application, plan, or permit, or the specifications thereof except in conformity with this by-law.

15.2 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 Inspector of Buildings. The Inspector of Buildings shall withhold a permit for the construction, alteration or moving of 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 Inspector of Buildings 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 therefor, 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 Inspector of Buildings.

The Inspector of Buildings 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 6.1 and 8.4. The Inspector of Buildings may also require an affidavit from the applicant acknowledging his/her understanding of the applicable performance standards of Sections 6.1 and 8.4, 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 6.1 and 8.4, the Inspector of Buildings shall refer the application to the Board of Appeals, which shall take action in accordance with the provisions of Section 14.2.1.

SECTION 16. SUBDIVISION OF LAND

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

SECTION 17. AMENDMENT

These zoning by-laws or any portion thereof may be amended, modified or repealed in the following manner:

17.1 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.

17.2 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 the Department of Community Affairs, the Southeastern Regional Planning and Economic Development District and the Planning Boards of all abutting cities and towns. 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.

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 the 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 two-thirds vote of a Town Meeting.

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.

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.

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.

SECTION 18. 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 14 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/

1/ 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.

SECTION 19. VALIDITY

19.1 INVALIDITY

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision.

19.2 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.

SECTION 20. VARIANCES

20.1 DEFINITION, 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 21 and by mailing to all parties in interest, to grant, upon appeal or 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 but limited in time, may be extended on the same terms and conditions that were in effect for such variance upon said effective date.

20.2 CONDITIONS OF VARIANCE

The Zoning Board of Appeals may impose conditions, safeguards and limitations both of time and of 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 reestablished only after notice and a new hearing pursuant this section.

SECTION 21. PUBLIC HEARINGS

21.1 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.

21.2 PARTIES IN 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.

21.3 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.

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 Inspector of Buildings, 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.

SECTION 22. 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 approval of the Zoning Board of Appeals.

SECTION 23. 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.

SECTION 24. 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 provided by the Laws of Massachusetts, and particularly by Section 17 of Chapter 40A of the Massachusetts General Laws.

CHRONOLOGICAL LIST OF REZONES SINCE OCTOBER, 1979

October 20, 1980	Annual Town Meeting Plat 29, Lots 36, 37, 38 Pine Street Robert T. Fuller	From R-1 (Residential) To Industrial
October 2, 1984	Annual Town Meeting Plat 12, Lots 420 & 501 Taunton Avenue George A. Butler	From Local Business To Highway Business
October 2, 1984	Annual Town Meeting Plat 12, Lot 421 Taunton Avenue J. Howe & T. Dyson, III	From Local Business To Highway Business
October 2, 1984	Annual Town Meeting Plat 12, portion of Lot 502 Taunton Avenue Louis Romano	From Local Business To Highway Business
January 14, 1987	Special Town Meeting Plat 8, Lots 53, 130, 137 Mink Street Armand & Shirley Ricci	From Industrial To Highway Business
January 14, 1987	Special Town Meeting Plat 36, portion of Lot 1 Florence Brigham Trust (Sally Baer)	From Industrial To R-4 (Residential)
January 14, 1987	Special Town Meeting Plat 36, Lots 2 & 11 Plat 35, Lot 20 Edmond St. Laurent	From Industrial To R-4 (Residential)
May 14, 1990	Annual Town Meeting Plat 12, Lot 496 Plat 11, part of 50 Plat 11, Lot 56 Plat 11, Lot 1 F.R.A. Development Corp.	From Industrial Planned From R-3 From Industrial & R-1 From R-1 To Planned District
November 13, 1990	Annual Town Meeting Plat 8, Lot 135 Armand Ricci	From Industrial To Highway Business

CHRONOLOGICAL LIST OF REVISIONS SINCE OCTOBER, 1979

1. October 1981 Town Meeting - 10.5.1 amendment
2. October 1982 Town Meeting - Accessory Building, definition revised
3. October 1982 Town Meeting - 12.1.4.1 revised
4. October 1982 Town Meeting - 12.1.4.6 revised
5. October 1982 Town Meeting - 12.2.3.3 revised
6. October 1982 Town Meeting - 12.4.1 revised
7. October 1984 Town Meeting - 12.1.1 revised
8. October 1984 Town Meeting - 12.1.4 revised
9. October 1984 Town Meeting - 12.2.1 deleted
10. October 1984 Town Meeting - 12.2.4 revised
11. October 1985 Town Meeting - Sections revised: Section 1
Section 2
3.2.1
4.3
5.3 and 5.4
6.2.2, 6.14.1, 6.14.2.3
7.3 and 7.6
8.5.3 and 8.6
9.2.2.2
10.1.1 and 10.1.3
12. January 1987 Town Meeting - 9.4, Aquifer Protection District, added.
13. October 1987 Town Meeting - Sections revised: Section 2, Definitions
3.1, 3.1.1, 3.2.1
4.8 adds Certified Plot Plan
9.2
10.3.10 added
Section 12 rewritten
14. June 1988 Town Meeting - Sections revised: Section 2, Definitions
4.8.2 amended
6.3.1 and 6.3.2 added
7.1 and 8.2 amended
8.4.1 deleted

15. April 1989 Town Meeting - Sections revised:

8.2, added religious and
educational uses

9.4.4.3 clarified

10.3.9.1 added

10.3.11 added

14.3 timing element updated

16. May 1991 Town Meeting - Sections revised:

6.3.1, changed to 60' square
for R-1

12.4.5, new section for waiver
for temporary signs on
municipal property



