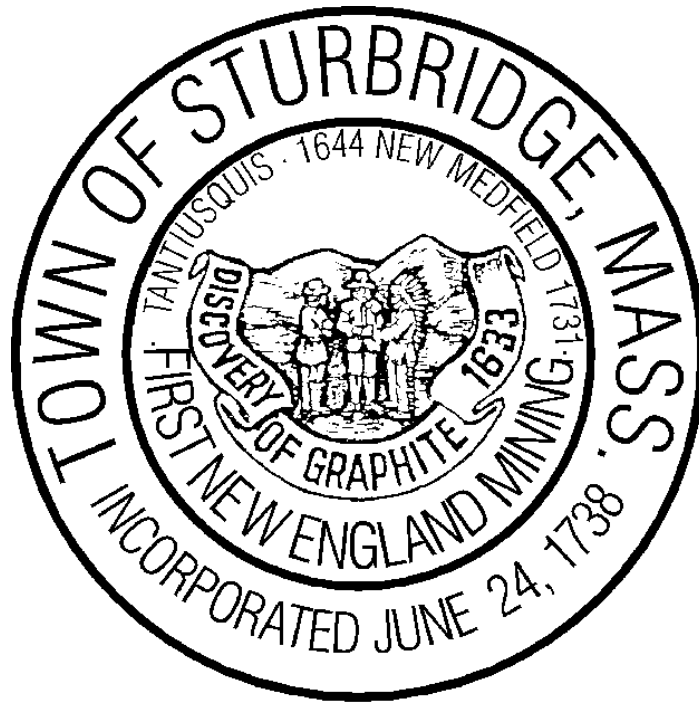


Sturbridge Zoning Bylaws
As amended 2010

ZONING BYLAWS



2010

AS AMENDED THROUGH THE ANNUAL TOWN MEETING APRIL 26, 2010

**Sturbridge Zoning Bylaws
As amended 2010**

**ZONING BYLAWS
TABLE OF CONTENTS**

Chapter One – Purpose.....2

Chapter Two – Definitions.....3

Chapter Three – Establishment of Districts.....11

Chapter Four – Use Regulations.....16

Chapter Five – Use Regulations – Rural Residential District (RR).....18

Chapter Six – Use Regulations – Suburban Residential District (SR).....21

Chapter Seven – Use Regulations – Commercial District (C).....23

Chapter Eight – Use Regulations – Commercial Tourist District (CT).....25

Chapter Nine – Use Regulations – General Industrial District (GI).....27

Chapter Ten – Use Regulations – Industrial Park District (GI).....28

Chapter Eleven – Use Regulations – Commercial II District (GI).....30

Chapter Twelve – Use Regulations – Wireless Communications Facilities District....32

Chapter Thirteen – Use Regulations – Historical Commercial District (HC).....39

Chapter Fourteen – Use Regulations – Special Use District (SU).....41

Chapter Fifteen – Planned Unit Business Development.....43

Chapter Sixteen – Groundwater Protection District.....48

Chapter Seventeen – Open Space Residential Development.....56

Chapter Eighteen – Accessory Dwelling Units.....72

Chapter Nineteen – Intensity Regulations.....75

Chapter Twenty – General Regulations.....76

Chapter Twenty-One – Multiple Dwelling Projects.....84

**Sturbridge Zoning Bylaws
As amended 2010**

Chapter Twenty-Two – Signs.....89

Chapter Twenty-Three – Removal of Sand & Gravel.....100

Chapter Twenty-Four – Administration.....104

Chapter Twenty-Five – Site Plan Review.....107

Chapter Twenty-Six – Expedited Permitting.....125

**Sturbridge Zoning Bylaws
As amended 2010**

**TOWN OF STURBRIDGE BYLAWS AND REGULATIONS
PART C
ZONING BYLAW
FOREWORD**

This edition of the Sturbridge Zoning Bylaw represents the original bylaw as accepted at the Annual Town Meeting of March 8, 1965, with all amendments noted as of the conclusion of the April 26, 2010 Annual Town Meeting.

Changes in district boundaries were last authorized at the April 26, 2010 Annual Town Meeting.

A copy of the Zoning Bylaw and Zoning Map reflecting the above changes is on file in the Town Clerk's Office.

Planning Board Members:

Sandra Gibson Quigley, Chair
Russell Chamberland
James Cunniff
Penny Dumas
Francesco Froio
Brian McSweeney
Jennifer Morrison, Clerk

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER ONE
PURPOSE
{Adopted 3-1-65; Article 46}**

- 1.01 For the purpose of promoting the health, safety, convenience, morals and welfare of its present and future inhabitants, the Town of Sturbridge, pursuant to the provisions of M.G.L., Ch. 40A, § 1 - 17, as amended, hereby adopts this Bylaw, which shall be known as and cited as the "Zoning Bylaw of the Town of Sturbridge". **{Amended 4-27-98; Article 92}**

- 1.02 Further purposes of this Bylaw are to lessen the congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate air and light, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, open space and other public requirements, as to increase the amenities of the municipality. **{Amended 4-26-99; Article 38}**

- 1.03 The use, construction, repair, alteration and height of buildings and structures and the use of land in the Town of Sturbridge are hereby restricted and regulated as hereinafter provided. **{Amended 4-26-99; Article 39}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWO
DEFINITIONS
{Adopted 3-1-65; Article 46}**

For the purpose of this Bylaw, certain terms or words used herein shall be interpreted or defined as follows: The present tense includes the future, the singular includes the plural, the word "person" includes corporation as well as individual, the words "used" or "occupied" shall be construed to include the words "intended", "arranged", or "designed to be used or occupied", the term "shall" is mandatory. **{Amended 4-29-74; Article 37}**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Bylaw, have the meaning herein given: **{Amended 4-29-74; Article 37}**

Accessory Use - The subordinate use of a building or premises for a purpose customarily incidental to a main or principal use permitted in the district in which it is located. **{Amended 4-29-74; Article 37}**

Adult Day Care - An establishment providing for the care, supervision, and protection of individuals over the age of 18 who are in need of such care. **{Amended 4-27-98; Article 134}**

Bed and Breakfast - A dwelling in which the primary resident provides overnight accommodations and meals for no more than four rooms for compensation. **{Amended 4-27-92; Article 36}**

Boarding House - Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire with or without meals. A rooming house or a furnished rooming house shall be deemed to be a boarding house. **{Amended 4-29-74; Article 37}**

Building - Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel. The word "building" shall be construed, where the context allows, as though followed by the words "or parts thereof". **{Amended 4-29-74; Article 37}**

Business - The transacting or carrying on of a trade or commercial enterprise, not manufacturing, with a view to profit or for a livelihood. **{Amended 4-29-74; Article 37}**

Campground - A parcel of land used or intended to be used, let, or rented for temporary short-term occupancy (not to exceed 90 days) by campers or transient tourists utilizing tents, trailer coaches or other types of movable or temporary shelter. **{Amended 3-11-68; Article 38}**

Car Wash - A structure containing facilities for washing automobiles with automatic or semi-automatic application of cleaners, brushes, rinse water and heat for drying. **{Amended 4-27-98; Article 140}**

Commercial Recreational Facilities - A recreational facility operated as a business and open to the general public for a fee. Uses limited to: miniature golf, museums, riding stables, bowling alleys, movie theater, live theater, indoor musical center, athletic fields, golf course and indoor skating rink, and indoor or outdoor athletic facility. **{Amended 4-27-98; Article 63, and 4-28-08; Article 20}**

Sturbridge Zoning Bylaws
As amended 2010

Corner Lot - A lot bounded on two or more sides by intersecting streets or ways. **{Amended 4-29-74; Article 37}**

Driveway - A means of access and egress to the principal area of development of a lot, terminating at the lot line providing legal frontage on an approved way, and contained totally within the perimeter of said lot. **{Amended 4-25-88; Article 124}**

Dwelling - A building designed or used as the living quarters for one or more families. The terms "dwelling", "one family dwelling", "two family dwelling", "multi-family dwelling", or "dwelling group" shall not be deemed to include trailer coach, mobile home, house trailer, or any similar term used in the business of selling trailers, trailer coach parks, tourist home, or boarding house. **{Amended 4-29-74; Article 37}**

Executive Offices - An office building occupied by the office or headquarters of businesses or corporations. Such facilities may contain conference areas, auditoriums for corporate use, a cafeteria and/or corporate dining area, banking facilities for employees, a health club/fitness area and child care facilities. **{Amended 4-27-98; Article 64}**

Family - One or more persons who live together in one dwelling unit and maintain a common household. It may consist of a single person or of two or more persons, whether or not related by blood, marriage or adoption. It may also include domestic servants and gratuitous guests. **{Amended 4-29-74; Article 37}**

Fast Food Establishment - An establishment where the principal method of operating includes: (1) sale of prepared, ready-to-consume food and beverages in paper, plastic or other disposable containers, or (2) service of food and beverages directly to a customer in a motor vehicle. Bakeries, delicatessens, confectioneries, and other similar, retail establishments, which incidentally sell retail food and beverages in disposable containers for off-site consumption are not fast food establishments. **{Amended 4-27-98; Article 76}**

Fence - A man-made construction used to define an area, boundary, or line of demarcation. **{Amended 4-27-87; Article 53}**

Flea Market - A commercial enterprise conducted on a temporary or occasional basis at which antiques, used goods, curios, works of art, rummage or similar items are displayed and sold during less than, or other than, usual business hours and at which such items and the furniture, fixtures or equipment used to display them are typically, but not necessarily, removed from the place of display and sale at the close of each business day; provided that the words "Flea Market" shall not include the sale of such items by a:

- (a) Natural person at his residence if he owns such items and did not acquire them for resale
- (b) civic or religious group

{Amended 11-5-79; Article 121}

Floor Area (habitable) - That finished area within a dwelling which has a minimum headroom of seven (7) feet. Above the first floor, such space shall be counted only if it is connected to the floor below by a permanent inside stairway. Porches, verandahs, unfinished basement rooms,

**Sturbridge Zoning Bylaws
As amended 2010**

garages or any form of attached accessory structure shall not be counted. **{Amended 3-11-68; Article 39} & {Amended 4-29-74; Article 37}**

Floor Area (gross) - The total floor area of all floors of a building including basement and mezzanines (measured to the interior walls thereof), stairwells, corridors and covered porches. **{Amended 4-27-98; Article 95}**

Frontage - The horizontal distance measured along the front street lot line between the points of intersection of the side lot lines with the front lot line, which provides, safe, convenient and meaningful vehicular access to the building portion of the lot. Frontage for the purpose of this bylaw shall be continuous frontage and in the case of corner lots shall be measured on the front lot line. This will be the street address for the property. Calculation of the frontage dimensional requirements shall be in conformance with Chapter Nineteen – Intensity Regulations. **{Amended 4-17-84; Article 32} & {Amended 6-29-81; Article 83}{Amended 4-30-07; Article 17}**

Garage (private) - An accessory building used only for storage of motor vehicles. **{Amended 4-29-74; Article 37}**

Garage (public) - A building, other than a private garage, available to the public and operated for gain, and which is used for the storage, repair, rental, lubrication, washing, servicing, adjusting or equipping of motor vehicles. **{Amended 4-29-74; Article 37}**

Golf Course - A minimum 120 acre tract of land with at least 60 upland acres laid out for at least nine holes for playing the game of golf. Accessory uses shall be limited to: a clubhouse, a restaurant with a maximum 200 seating capacity, pro shop, instruction areas, driving range and groundskeeper facilities. There shall be a minimum 100 foot buffer from all lot lines to the rough of the course and a minimum 300 foot buffer from all lot lines to any structure in excess of 100 s.f. **{Amended 4-29-96; Article 31}**

Health and Fitness Center - An establishment wherein health and fitness training activities: artificial tanning, weight training, aerobics, running, jogging, racquetball, handball, tennis, squash, martial arts, massage when performed by a licensed massage therapist, bathing whether in swimming pools, hot tubs, Jacuzzis, whirlpools, or vapor baths. **{Amended 9-28-87; Article 64} & {Amended 4-27-98; Article 65}**

Height of Building - The vertical distance of the highest point of the roof above the mean finished grade adjoining the building excluding penthouses, bulkheads and other permitted superstructures above the roof. **{Amended 4-29-74; Article 37}**

Home Occupation - Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling purposes and does not change the character thereof. The conducting of a clinic, hospital, barber shop, beauty shop, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation. **{Amended 4-29-74; Article 37}**

Hospital - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other physical or mental conditions and including, as an integral part of the institution, related facilities, such as

**Sturbridge Zoning Bylaws
As amended 2010**

laboratories, outpatient facilities, training facilities, medical offices, and staff residences. **{Amended 4-27-98; Article 73}**

Hotel/Motel - A building containing rooms intended or designed to be used or which are occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building. Hotel may also include a combination hotel/conference center where additional facilities or amenities such as auditoriums, amphitheaters, conference rooms, breakout rooms, coffee lounges, recreational facilities, specialty restaurants, private dining rooms, tennis courts, racquetball courts, squash courts, whirlpools, saunas, swimming pools, gift shops, club house and pro shop to service or related to an adjacent golf course, and parking, support, and accessory facilities, associated with these activities, and similar or related activities and accessory uses, whether provided within the main building or an accessory building, may be included. **{Amended 4-29-91; Article 37} & {Amended 4-27-98; Article 66}**

Impervious Surface – Shall include all areas covered by buildings, sidewalks, driveways and parking areas and any other areas that prevent absorption of storm water into the ground at a rate less than one hundred twenty minutes per inch, but not including retention or detention ponds.

Junk Yard - A lot, parcel of land or structure, or part thereof, used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in running condition and for the sale of parts thereof. **{Amended 4-29-74; Article 37} & {Amended 4-27-98; Article 96}**

Laboratories for Research and Development - Scientific laboratories for research and development which may pertain to medical/scientific research and/or product development. **{Amended 4-27-98; Article 67}**

Long-Term Care Facility - Any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing three or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries, sanitariums and assisted living facilities. **{Amended 4-29-91; Article 42} & {Amended 4-27-98; Article 97}**

Lot - A single tract of land held in identical ownership throughout, and which is bound by streets, ponds, waterways, or by land of other owners. A "corner lot" is a lot at the junction of, and fronting on, two or more intersecting streets. **{Amended 4-29-74; Article 37} & {Amended 4-27-87; Article 51}**

Lot Coverage - The amount of the lot covered by the principal buildings and structures and those accessory buildings and structures which are clearly and necessarily associated with the principal use, excluding decorative or ornamental features as well as drives and parking areas not contained within a parking structure. **Amended 4-29-74; Article 37} & {Amended 4-27-87; Article 51}**

Lot Line - The dividing line between lots. **{Amended 4-29-74; Article 37}**

**Sturbridge Zoning Bylaws
As amended 2010**

Maintenance Buildings - Structures not to exceed 2,000 s.f., one story in height, 5 parking spaces and 1 loading space, which are used primarily to service equipment used for grounds care and/or building maintenance on a site. **{Amended 4-27-98; Article 69}**

Medical Treatment Building - A building that contains establishments dispensing health services. **{Amended 4-27-98; Article 74}**

Micro-brewery - Establishment operating under a Farmer-Brewery License as provided for in M.G.L., Ch. 138 § 19C, not to exceed 5,000 barrels annually. Such use shall only be permitted on parcels containing a minimum of 20 acres. **{Amended 6-17-96; Article 87}**

Mobile Home - (see trailer coach) **{Amended 4-29-74; Article 37}**

Motel - Attached, semi-detached or detached dwelling units having separate outside entrances, parking space convenient to each unit and providing lodging for transient clientele. **{Amended 4-29-74; Article 37}**

Multi-Family Dwelling - A dwelling used or occupied by three (3) or more families, including apartment houses, condominiums. **{Amended 10-30-72; Article 21}, {Amended 4-29-74; Article 37} & {Amended 4-26-82; Article 22}**

Multiple Dwelling - A dwelling used or occupied by three (3) or more families, including apartment houses, and condominiums. **{Amended 12-14-81; Article 32}**

Multiple Dwelling Project - A project involving no less than nine (9) nor more than one hundred twenty (120) dwelling units on a continuous site of not less than fifteen (15) acres.

Museum - A building, buildings or areas, preserving and exhibiting artistic, historical and/or scientific objects and information. **{Amended 4-27-98; Article 75}**

Non-Conforming Uses - Uses legally existing at the adoption of this Bylaw, but which do not conform to the requirements for the zone in which they are located.

Non Profit Club - A club conducted for a common purpose to pursue common goals, interests, or activities, usually characterized by certain membership qualifications, payment of dues, regular meetings, a constitution and bylaw and not intending or intended to earn a profit. **{Amended 4-27-98; Article 98}**

Off Street Parking Space - A space not less than 200 square feet in a structure or on a lot for the parking of a motor vehicle including necessary access. **{Amended 4-29-74; Article 37}**

Par Three Golf - Golf course including customary accessory buildings, where tee to hole distances average less than eighty (80) yards and no one hole has a distance of greater than one hundred and twenty five (125) yards from its tee. **{Amended 4-25-94; Article 29}**

Parking Area - Any public or private area, under or outside a building or structure, designed and used for parking motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets. **{Amended 4-30-01; Article 14}**

**Sturbridge Zoning Bylaws
As amended 2010**

Professional Office – The office of a member of a recognized profession maintained for the conduct of that profession; limited to licensed medical practitioner, attorney, engineer, architect, public accountant, insurance and real estate professional and land surveyor. **{Amended 4-30-01; Article 17}**

Public Recreational Facilities - A recreational facility open to the general public, owned and operated by a governmental agency. **{Amended 4-27-98; Article 71}**

Restaurant - An establishment for the sale of prepared foods and beverages to be consumed on the premises, but not including a fast food establishment. where the principal method of operating includes: (1) sale of prepared, ready-to-consume food and beverages in paper, plastic or other disposable containers, or (2) service of food and beverages directly to a customer in a motor vehicle. Bakeries, delicatessens, confectioneries, and other similar, retail establishments, which incidentally sell retail food and beverages in disposable containers for off-site consumption are not fast food establishments. **{Amended 4-27-98; Article 72}**

Sanitarium - An establishment for the recuperation or treatment of invalid or convalescent persons. **{Amended 4-29-74; Article 37}**

Set Back – The minimum distance from the street line or property line that a structure and parking area must be set except as regulated under Chapter Twenty-Two, Section 22.16, Location of Signs, and Chapter 25.06 (k) Buffering. **{Amended 4-29-74; Article 37}, {Amended 4-26-99; Article 26} & {Amended 4-30-01; Article 13}**

Single Family Dwelling - A detached building designed for or occupied exclusively by one family. **{Amended 4-29-74; Article 37}**

Special Permit - A permit allowing an exception to this Bylaw provided by Section 24.09 Zoning Board of Appeals. **{Amended 4-29-74; Article 37}**

Story - That portion of a building between any floor and the floor or roof next above. For the purpose of this Bylaw where a building is not divided into stories, a story shall be considered to be fifteen (15) feet in height, provided that steeples, penthouses, cupolas, stage lofts, etc., shall not be considered as additional stories. A basement or cellar, the ceiling of which extends more than four and one-half feet above the average finished grade, shall be a story within the meaning of this Bylaw. **{Amended 4-29-74; Article 37}**

Street - A way, whether public or private, as shown on the most recent edition of the “Official Town Map” located at the Town Hall, Department of Public Works and Public Safety Complex. **{Amended 3-6-72; Article 50} & {Amended 4-29-74; Article 37}**

Street “Major” - A street carrying a high proportion of through traffic and usually part of a state or federal system (or highway, expressway, throughway, etc.). **{Amended 4-29-74; Article 37}**

Street “Secondary” - A street carrying traffic from local to the major highway or connecting between large urban centers. **{Amended 4-29-74; Article 37}**

Street “Local” - A street serving relatively limited areas of local development, whether residential or non-residential. **{Amended 4-29-74; Article 37} & {Amended 4-29-85; Article 106}**

**Sturbridge Zoning Bylaws
As amended 2010**

Street Line - The line separating a street from a lot as determined by deeds and plans recorded at the Registry of Deeds. **{Amended 4-29-74; Article 37}**

Structure - A combination of materials, assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, reviewing stand, platform, bin, swimming pool, sign, flagpole, mast for radio and television antenna or the like. The word "structure" shall be construed, where the context allows, as though followed by the words "or parts thereof". **{Amended 4-29-74; Article 37} & {Amended 4-17-84; Article 33}**

Tourist Home - A dwelling in which overnight accommodations are provided or offered for transient guests for compensation. **{Amended 4-29-74; Article 37}**

Trailer Coach - Any vehicle or object on wheels and having no motive power of its own, but which is drawn by or used in connection with a motor vehicle and which is so designed and constructed or reconstructed or added to by means of such accessories as to permit the use and occupancy thereof for human habitation, whether resting on wheels, jacks, or other foundation and shall include the type of vehicle commonly known as a mobile home, and specifically excludes the type of vehicle commonly known as a camping or tenting trailer. **{Amended 3-11-68; Article 41} & {Amended 4-29-74; Article 37}**

Trailer Coach Park - Any lot or tract of land upon which three or more trailer coaches, occupied for dwelling purposes, are located, including any buildings, structures, fixtures and equipment used in connection with trailer coaches. **{Amended 3-11-68; Article 42} & {Amended 4-29-74; Article 37}**

Truck Stop - For the purpose of this Bylaw a Truck Stop is:

- (a) A facility devoted, in whole or in part, to the sale of fuel and/or oil and/or services for transient trucks and/or where the trucks are allowed to park while the operator or any other person sleeps or rests in the cab.
- (b) A facility which in addition to providing fuel and/or oil and/or services to trucks and/or their operators, also provides on-premises facilities for any, all, or some of the following elements: overnight accommodations primarily for truck drivers; shower facilities; laundry facilities; or lounges or recreation rooms.
- (c) Any property where more than one truck is allowed to park, on a more or less regular basis, for periods of time longer than is necessary for obtaining fuel and/or services for truck or driver.
- (d) Any property, except a State provided parking area, where more than one truck is allowed to park on a more or less regular basis, and no work is being performed and no services for truck or driver are required.
- (e) Truck for the purpose of this Bylaw shall mean: A transient tractor-trailer as a combined unit or as either unit singly or a transient truck with three (3) or more axles.

{{(a) & (b) Amended 4-17-84; Article 35} & {(c)(d) & (e) Amended 9-24-84; Article 51}

**Sturbridge Zoning Bylaws
As amended 2010**

Two Family Dwelling - A building containing two dwelling units. **{Amended 4-29-74; Article 37}**

Variance - A modification to the terms of this Bylaw which may be granted by the Zoning Board of Appeals in an individual case in accordance with Section 24.10. **{Amended 4-29-74; Article 37} & {Amended 4-30-01; Article 16}**

Width - The minimum distance between side lot lines as measured parallel to frontage and at the point of minimum set back from the street line as specified in this Bylaw. **{Amended 6-29-81; Article 83} & {Amended 4-27-92; Article 24}**

Youth Center – A non-profit establishment intended for youths, characterized by indoor/outdoor recreational activities such as basketball, skating, billiards, card games, arcade games, etc. and/or by support services such as tutoring and counseling. **{Amended 4-27-99; Article 165}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER THREE
ESTABLISHMENT OF DISTRICTS
{Adopted 3-1-65; Article 46}**

3.01 TYPES OF DISTRICTS

For the purposes of this Bylaw, the Town of Sturbridge is hereby divided into the following types of districts:

RURAL RESIDENTIAL	(RR)
SUBURBAN RESIDENTIAL	(SR)
COMMERCIAL	(C)
COMMERCIAL II	(C2) {Amended 4-27-92; Article 53}
GENERAL INDUSTRIAL	(GI)
INDUSTRIAL PARK	(IP)
COMERCIAL/TOURIST	(CT)
HISTORIC COMMERCIAL	(HC) {Amended 4-27-98; Article 80}
SPECIAL USE	(SU) {Amended 4-27-98; Article 81}
WIRELESS COMMUNICATION OVERLAY	(WC) {Amended 4-27-98; Article 104}

3.02 LOCATION OF DISTRICTS

Said districts are hereby located and bounded as shown on a map entitled "Zoning Map of Sturbridge, Massachusetts", dated February 1, 1965 and the "Town of Sturbridge - Overlay District Map" originally dated January 9, 1998 and most recently revised as per the date in the Foreword of this bylaw. Said maps and explanatory matter are hereby declared to be a part of this Bylaw. **{Amended 4-28-86; Article 99} & {Amended 4-27-98; Article 130}**

3.03 DISTRICT BOUNDARIES

The location of the boundary lines of the districts shown on the Zoning Map shall be determined as follows:

3.04 DISTRICT BOUNDARY LINES ON WAYS

Where the said boundary lines are shown on said map within the street lines of public or private ways, the center lines of such ways shall be the boundary lines.

3.05 DISTRICT BOUNDARY LINES ON LOT LINES

Where the said boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of figures, then the property or lot lines shall be the boundary lines.

3.06 DISTRICT BOUNDARY LINES OUTSIDE OF STREET LINES

In the absence of specific dimensions, the distance of the boundary back from the street lines (and running parallel to the street) is assumed to be the distance which, when

**Sturbridge Zoning Bylaws
As amended 2010**

multiplied by the frontage requirement for the district, will produce the minimum lot size allowed for the district. **{Amended 4-29-74; Article 38}**

3.07 DISTRICT BOUNDARY LINES ON WATERWAYS

Where said boundary lines follow a waterway, the said boundary line shall be as shown on the Zoning Map and shall be deemed to be at the limit of the jurisdiction of the Town, in those cases where the Zoning District Boundary Line is also a Town Boundary Line.

3.08 LOCATION OF DISTRICT BOUNDARY LINES

In cases which are not governed by other provisions of this section, the location of said boundary lines shall be determined by the distances in feet, if given, from other lines upon said map, or, if the distances are not given, then by the scale of the map.

3.09 DETERMINATION OF DISTRICT BOUNDARY LINES

Whenever any uncertainty exists as to the exact location of a district boundary line, the location of such lines shall be determined by the Board of Selectmen, provided however, that any person aggrieved by their decision may appeal to the Zoning Board of Appeals.

3.10 FLOOD PLAIN DISTRICT

A Flood Plain District is hereby established as an overlay district to all other districts. **{Amended 4-26-82; Article 23}**

3.11 The purposes of the Flood Plain District are to protect the public health, safety and general welfare, to protect human life and property from the hazards of periodic flooding, to preserve the natural flood control characteristics and the flood storage capacity of the flood plain, and to preserve and maintain the ground water table and water recharge areas within the flood plain. **{Amended 4-26-82; Article 23}**

3.12 The general boundaries of the Flood Plain District are shown on the Sturbridge Flood Insurance Rate Map (FIRM), dated July 19, 1982, as Zones A, A1-A30 to indicate the one hundred (100) year flood plain. The exact boundaries of the District are defined by the one hundred (100) year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained in the Flood Insurance Study, dated July 19, 1982. The floodway boundaries are delineated on the Sturbridge Flood Boundary Floodway Map (FBFM), dated July 19, 1982, and further defined by the Floodway Data Tables contained in the Flood Insurance Study. These two maps as well as the accompanying study are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Director of Inspections, and the Conservation Commission. **{Amended 4-26-82; Article 23}**

3.13 Within Zone A, where the one hundred (100) year flood elevation is not provided on the FIRM, the applicant shall obtain any existing flood elevation data, and it shall be reviewed by the Planning Board. If the data is sufficiently detailed and accurate, it shall

**Sturbridge Zoning Bylaws
As amended 2010**

be relied upon to require compliance with this Bylaw and the State Building Code.
{Amended 4-26-82; Article 23}

- 3.14 The Flood Plain District is established as an overlay district to all other districts. All development, including structural and non-structural activities, whether permitted by right or by special permit, must be in compliance with M.G.L., Ch. 131 § 40 and with the requirements of the Massachusetts State Building Code pertaining to construction in the flood plain as well as the DEP Wetlands Protection Regulations, DEP Inland Restriction, DEP Coastal Wetlands Restriction and the DEP Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. **{Amended 4-26-82; Article 23} & {Amended 4-24-95; Article 41}**
- 3.15 The following uses of low flood damage potential and causing no obstructions to flood flows shall be allowed provided they are permitted in the underlying district and they do not require structures, fill, or storage of materials or equipment.
- (a) Agricultural uses.
 - (b) Forestry and nursery uses.
 - (c) Outdoor recreational uses.
 - (d) Conservation and wildlife management areas.
 - (e) Temporary, non-residential structures used in connection with growing, harvesting, storage or sale of crops raised on the premises.
 - (f) Buildings lawfully existing prior to the adoption of these provisions.

{Amended 4-26-82; Article 23}

- 3.16 No structure or building shall be erected, constructed, substantially improved, moved, or otherwise created; no earth or other materials dumped, filled, evacuated, or transferred unless a special permit is granted by the Planning Board. Said Board may issue a special permit hereunder (subject to the applicable provisions of this Bylaw) if the application is compliant with the following provisions:
- (a) The proposed use shall comply in all respects with the provisions of the underlying district.
 - (b) Within ten (10) days of receipt of the application, the Board shall transmit one copy of the development plan to each of the following:
 - (1) Board of Health
 - (2) Town Engineer/DPW Director **{Amended 4-27-98; Article 105}**
 - (3) Conservation Commission
 - (4) Director of Inspections; and if concerned

**Sturbridge Zoning Bylaws
As amended 2010**

- (5) Fire Chief
- (6) Police Chief
- (7) Board of Selectmen

Final action shall not be taken until reports have been received from the above Boards or thirty five (35) days have elapsed and a properly published and posted public hearing has been held. **{Amended 4-26-82; Article 23}**

- (c) All encroachments, including fill, new construction, substantial improvement to existing structures, and other developments are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that the encroachment shall not result in any increase in flood levels during the occurrence of the one hundred (100) year flood. **{Amended 4-26-82; Article 23}**
- (c) The Board may specify such additional requirements and conditions it finds necessary to protect the health, safety, and welfare of the public and the occupants of the proposed use. **{Amended 4-26-82; Article 23}**
- (e) All other necessary permits including State and Federal permits must be received prior to any construction, alteration or other development. In situations involving a river, the developer must show proof of notification to adjacent communities and the State Coordinating Office prior to any alterations or relocation of a watercourse and submit copies to the Federal Insurance Administration of said notifications. **{Amended 4-26-82; Article 23}**
- (f) No building, development or substantial improvement shall be allowed in a Floodway. **{Amended 4-26-82; Article 23}**
- (g) The flood-carrying capacity shall be maintained within any altered or relocated portion of any watercourse. **{Amended 4-26-82; Article 23}**
- (h) A minimum of ninety-eight (98) percent of the natural surface and underground flood storage volume of the site shall be maintained. **{Amended 4-26-82; Article 23}**
- (i) All new construction and substantial improvements shall be constructed with flood-resistant materials and methods, and anchored to prevent floatation and lateral movement. **{Amended 4-26-82; Article 23}**
- (j) Safe and permanent access shall be maintained by the owner from the nearest public way to any proposed building in the flood plain. **{Amended 4-26-82; Article 23}**
- (k) All new or reconstructed water, sewer, drainage and other utilities shall be designed and located to avoid their impairment, promote safety and minimize flood damage. Approval of the Board of Health shall be required for sewer and drainage systems. **{Amended 4-26-82; Article 23}**
- (l) The Director of Inspections shall be furnished with:

**Sturbridge Zoning Bylaws
As amended 2010**

- (1) The elevation in relation to mean sea level of the lowest habitable floor including basement.
- (2) If the structure has been flood-proofed, the elevation to which the structure has been flood-proofed.

{Amended 4-26-82; Article 23}

- (m) All buildings and structures as defined in 780 CMR 120.G201 (State Board of Building Regulations and Standards) including new or replacement manufactured homes erected or substantially improved in Flood Hazard Zones (A Zones) shall be designed and constructed in accordance with 780 CMR 120.G501 (as may from time to time be amended).

{Amended 4-27-09; Article 11}

- (n) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.

{Amended 4-27-09; Article 11}

- (o) When floodproofing is used, it shall be certified by a Registered Professional Engineer and Registered Architect to be adequate to withstand the forces associated with the Base Flood, and to be essentially water tight with walls substantially impermeable to the passage of water. **{Amended 4-26-82; Article 23}**

3.17 No Trailer Coach Parks or Mobile Home Parks will be permitted in the Flood Plain District.
{Amended 4-26-82; Article 23}

3.18 Notification of Watercourse Alteration

The following parties must be notified in the case of any alteration or relocation of a watercourse:

- Adjacent Communities
- Bordering States (optional)

- FIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 800
Boston, MA 02114-2104

- NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110

{Amended 4-27-09; Article 11}

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER FOUR
USE REGULATIONS
{Adopted 3-1-65; Article 46}**

4.00 No building or structure shall be constructed, and no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than for one of the uses hereinafter set forth as permitted in the district for which such building, structure or land is located, or set forth as permissible by Special Permit in said district and so authorized.

All uses, other than single family dwelling and two family dwelling, nursery, farm, in-home professional office, and accessory uses customarily incidental to these uses, shall be subject to Site Plan Review as detailed in Chapter Twenty-Five of this bylaw. **{Amended 4-27-98; Article 106}**

4.01 No building or structure shall be constructed unless a building permit is first secured. A special permit shall also be required in some cases as defined in the following sections. **{Amended 4-27-87; Article 50}**

4.02 Further:

a. No building permit or certificate of occupancy shall be issued for any new construction on a lot which has a regularity factor of less than .40. The regularity factor shall be determined by the formula:

$$R = \frac{16A}{P^2}$$

Where R = Regularity Factor
A = Land Area in Square Feet
P = Perimeter in Feet

{Amended 4-29-85; Article 89}

b. That part of the lot area in excess of the required lot area may be excluded from the Regularity Formula in determining the regularity factor. The perimeter containing the excess area shall not include the required frontage. **{Amended 4-29-85; Article 89}**

c. The regularity formula shall not apply to lots of record as of the date of adoption of this section, April 29, 1985. **{Amended 4-29-85; Article 89} & {Amended 4-27-98; Article 107}**

4.03 No lot shall be considered buildable unless the building(s), and/or town water and sewer, well and septic system are located in the contiguous upland acreage equal in size at least ninety percent (90%) of the minimum required lot size, or 40,000 square feet, whichever is less, for the zoning district where the lot is located. **{Amended 4-25-05; Article 10}**

4.04 No soil removal or grade alterations on slopes in excess of eight percent (8%) shall be permitted within 500 feet of any area subject to protection under the Massachusetts Wetland Protection Act without prior Conservation Commission reviewing and issuing of an Order of Conditions. **{Amended 4-24-89; Article 63}**

**Sturbridge Zoning Bylaws
As amended 2010**

- 4.05 Mixed Use: Any use permitted within a district may be combined with any other use provided all the requirements of the Bylaw are met. **{Amended 4-27-87; Article 47} & {Amended 4-27-98; Article 108}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER FIVE
USE REGULATIONS - RURAL RESIDENTIAL DISTRICT (RR)
{Adopted 3-1-65; Article 46}**

5.01 PERMITTED USES

- (a) Single family dwelling.
- (b) Nursery, including display and sale of natural products.
- (c) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located. **{Amended 4-11-83; Article 125} & {Amended 4-27-98; Article 129}**
- (d) Tree Farm **{Amended 4-11-83; Article 26}**
- (e) Veterinarian
- (f) In-home professional office, where office and residence of the professional are both located in the same building. This use shall be restricted to 25% of total floor area of residence or 500 sq. ft., whichever is smaller. There shall be no more than 2 employees other than the professional allowed. **{Amended 4-11-83; Article 28} & {Amended 4-28-86; Article 101}**
- (g) Religious, educational or governmental use. **{Amended 4-27-98; Article 113}**
- (h) Accessory uses customarily incidental to any of the above permitted uses, including customary home occupations when located in the same building as the main use.
- (i) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (j) Micro-brewery **{Amended 6-17-96; Article 86}**
- (k) Adult day care **{Amended 4-27-98; Article 135}**

5.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw: **{Amended 4-11-83; Article 37}**

- (a) Private club not conducted for profit, provided that adequate off street parking is provided and that club house facilities are at least 100 feet from any residence. **{Amended 3-11-68; Article 43}**
- (b) Campground as defined in Chapter Two of this Bylaw. **{Amended 3-11-68; Article 43}**

**Sturbridge Zoning Bylaws
As amended 2010**

- (c) Conversion of a one family dwelling existing at the time of adoption of this Bylaw into a two family dwelling.
- (d) Trailer Coach Park, provided that the proposed park conforms in all respects to the requirements of this Bylaw and of the Trailer Park Bylaw. **{Amended 4-11-83; Article 32}**
- (e) Multi-family dwelling provided that:
 - (1) It does not exceed four (4) dwelling units.
 - (2) There is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.
 - (3) Adequate provision is made for off-street parking.
 - (4) An environmental suitability study shows that the site is capable of sustaining this type of construction.

{Amended 4-13-81; Article 72}, {Amended 4-26-82; Article 24}, {Amended 4-29-85; Article 92} & {Amended 6-30-86; Article 125}
- (f) Multiple dwelling project, provided that the Zoning Board of Appeals prior to reviewing the request, obtains a report on the proposal from the Planning Board and the Special Permit is granted subject to the additional conditions set forth under regulations for Multiple Dwelling Projects - Chapter Twenty-One of this Bylaw. **{Amended 10-30-72; Article 21}**
- (g) Hospital or long term care facility, in accordance with a site plan indicating layout of buildings on property, parking areas, access and egress, drainage provisions, and other site improvements approved by the Planning Board. **{Amended 4-29-91; Article 43}**
- (h) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 3-11-68; Article 46} & {Amended 4-11-83; Article 35}**
- (i) Golf course, boat livery and riding stables, provided that such uses are to be carried out on property of adequate size. **{Amended 4-11-83; Article 36}**
- (j) Housing for the Elderly: A Special Permit may be granted by the Planning Board for housing designed and equipped for the elderly and physically handicapped provided that the project and the location have the approval of the Board of Selectmen. The project may be exempted from the requirements of Section(s) 5.02(e) and/or 6.02(b). An environmental suitability study shall be required. The Planning Board may impose conditions and safeguards. Elderly for the purposes of this Bylaw shall be persons fifty-five (55) years of age or older. **{Amended 4-11-83; Article 39} & {Amended 4-25-05; Article 11}**

Sturbridge Zoning Bylaws
As amended 2010

- (k) Two family residence, provided there is not less than 20,000 square feet of lot area per dwelling unit.
- (l) Bed and breakfast (Planning Board acting as SPGA). **{Amended 4-27-92, Article 37}**
- (m) Accessory Dwelling Unit **{Amended 4-27-09, Article 17}**

5.03 The following regulations shall be applicable in the Rural Residential District (RR):

Site Plan - See Chapter Twenty-Five **{Amended 4-28-86; Article 103}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER SIX
USE REGULATIONS - SUBURBAN RESIDENTIAL DISTRICT (SR)
{Adopted 3-1-65; Article 46}**

6.01 PERMITTED USES

- (a) Single family dwelling.
- (b) Religious, educational or governmental use. **{Amended 4-27-98; Article 113}**
- (c) In-home professional office, where office and residence of the professional are both located in the same building. This use shall be restricted to 25% of total floor area of the residence or 500 sq. ft., whichever is smaller. There shall be no more than 2 employees other than the professional allowed. **{Amended 10-20-69; Article 15} & {Amended 4-28-86; Article 101}**
- (d) Accessory uses customarily incidental to main use on the same premises.
- (e) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (f) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (g) Adult day care **{Amended 4-27-98; Article 135}**

6.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw. **{Amended 4-11-83; Article 37}**

- (a) Two family dwelling provided that there is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.
- (b) Multi family dwelling provided that:
 - (1) It does not exceed four (4) dwelling units.
 - (2) There is not less than twenty thousand (20,000) sq. ft. of lot area per dwelling unit.
 - (3) Adequate provision is made for off-street parking.
 - (4) An environmental suitability study shows that the site is capable of sustaining this type of construction.

{Amended 4-13-81; Article 70} & {Amended 6-30-86; Article 125}

**Sturbridge Zoning Bylaws
As amended 2010**

- (c) Multiple Dwelling Project, provided that the Zoning Board of Appeals prior to reviewing the request obtains a report on the proposal from the Planning Board and the Special Permit is granted subject to the additional conditions set forth under Regulations for Multiple Dwelling Projects - Chapter Twenty-One of this Bylaw. **{Amended 10-30-72; Article 21}**
- (d) The removal of sand and gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 4-11-83; Article 35}**
- (e) Housing for the Elderly - A Special Permit may be granted by the Planning Board for housing designed and equipped for the elderly and physically handicapped provided that the project and the location have the approval of the Board of Selectmen. The project may be exempted from the requirements of Section(s) 5.02(e) and/or 6.02(b). An environmental suitability study shall be required. The Planning Board may impose conditions and safeguards. Elderly for the purpose of this Bylaw shall be persons fifty-five (55) years of age or older. **{Amended 4-11-83; Article 39} & {Amended 4-25-05; Article 11}**
- (f) Bed and breakfast (Planning Board acting as SPGA). **{Amended 4-27-92; Article 38}**
- (g) Golf course and accessory uses customarily incidental thereto. **{Amended 4-29-96; Article 30}**
- (h) Accessory Dwelling Unit **{Amended 4-27-09, Article 17}**

6.03 The following regulation shall be applicable in the Suburban Residential District. (SR)

Site Plan - See Chapter Twenty-Five

{Amended 4-28-86; Article 103}

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER SEVEN
USE REGULATIONS - COMMERCIAL DISTRICT (C)
{Adopted 3-1-65; Article 46}**

7.01 PERMITTED USES

- (a) Single family dwelling. Also apartments accessory to a commercial building (not to exceed two (2) dwelling units per building). **{Amended 4-29-91; Article 44}**
- (b) Office, bank, newspaper or job-printing establishment.
- (c) Retail store or shop, barber shop, beauty salon, shop for the repair of personal or household items, laundromat, health and fitness center, artisan's or craftsman's shop, livery or taxi service licensed by the Board of Selectmen, wholesale and retail sales not involving manufacture on the premises except of products the major portion of which are sold on the premises by the producer. **{Amended 4-17-84; Article 38, and 4-28-08; Article 67}**
- (d) Automobile service station. **{Amended 4-17-84; Article 38}**
- (e). Religious, educational, or governmental use. **{Amended 4-27-98; Article 113}**
- (f) Non-profit club.
- (g) Restaurants, including bakery and confectionery. **{Amended 4-29-91; Article 45}**
- (h) A multi-specialty physician office building wherein physicians and non-physician providers and support staff provide diagnostic and treatment services to ambulatory and outpatients, with the assistance and support of laboratory, radiology, physical therapy, pharmacy, mental health, and other related personnel and equipment. **{Amended 6-18-90; Article 96}**
- (i) Accessory uses customarily incidental to a permitted main use on the premises. **{Amended 4-29-91; Article 46}**
- (j) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (k) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (l) Fast Food Establishment **{Amended 4-27-98; Article 137}**

7.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw. **{Amended 4-11-83; Article 37}**

**Sturbridge Zoning Bylaws
As amended 2010**

- (a) Place of commercial amusement or recreation such as a bowling alley, theater (motion picture, dramatic, or musical), museum or golf driving range. **{Amended 4-29-91; Article 47}**
- (b) Hotel, inn or motel **{Amended 4-27-98; Article 117}**
- (c) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 4-11-83; Article 35}**
- (d) Multi-family dwelling, provided that:
 - (1) It does not exceed four (4) dwelling units.
 - (2) There is not less than twenty thousand (20,000) sq. ft. of lot area per dwelling unit.
 - (3) Adequate provision is made for off-street parking.
 - (4) An environmental suitability study shows that the site is capable of sustaining this type of construction and use.
 - (5) The entire multi-family dwelling and its necessary area requirements are located entirely in the Commercial District; or in a less restrictive district.

{Amended 4-29-85, Article 94} & {Amended 6-30-86; Article 125}
- (e) Two-family residence, provided there is not less than twenty thousand (20,000) square feet of lot area per dwelling unit. **{Amended 4-27-87; Article 46}**
- (f) Car Wash (Planning Board acting as SPGA) **{Amended 4-27-98; Article 139}**
- (g) Youth Center **{Amended 4-26-99; Article 162}**

7.03 The following regulations shall be applicable in the Commercial District. (C)

Site Plan - See Chapter Twenty-Five

Sturbridge Zoning Bylaws
As amended 2010

CHAPTER EIGHT
USE REGULATIONS - COMMERCIAL TOURIST DISTRICT (CT)
{Adopted 4-24-89; Article 68}

The Commercial Tourist District is intended to provide goods and services primarily for transients and tourists.

8.01 PERMITTED USES

- (a) Single family dwelling. Also, apartments accessory to a commercial building (not to exceed two (2) dwelling units per building). **{Amended 4-24-89; Article 68} & {Amended 4-29-91; Article 48}**
- (b) Hotels, motels and inns. **{Amended 4-24-89; Article 68}**
- (c) Gift shops, apparel shops, antique shops, bookstores, galleries, banks, professional and business services, news stands, furniture, drapery, music and video, pharmacy, sporting goods, bicycle shops, jewelry, hobby, toy and game stores, camera and photo supplies, luggage and leather, sewing, needlework and piece goods, florists, photographic studios, art dealers and places for display or sale of handicrafts, provided all displays are within the building. Areas for the production of goods are to be limited to no more than 35% of total floor areas. Total area shall not exceed 7,500 square feet per shop. **{Amended 4-24-89; Article 68}**
- (d) Restaurants, bakeries, delicatessens, candy, nut and confectionery stores, dairy, and specialty foods and places serving food for consumption on the premises. Total floor area shall not exceed 7,500 square feet per place. **{Amended 4-24-89; Article 68}**
- (e) Offices serving the travel industry. Total floor area shall not exceed 7,500 square feet per office. **{Amended 4-24-89; Article 68}**
- (f) Dwelling units located above the first story of a structure which is primarily used for a permitted use in this district and secondarily used as a residence. **{Amended 4-24-89; Article 68}**
- (g) Accessory uses customarily incidental to a permitted main use on the same premises. **{Amended 4-24-89; Article 68} & {Amended 4-29-91; Article 49}**
- (h) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (i) Beauty salons and barber shops. **{Amended 4-27-98; Article 119}**
- (j) Dry cleaning and laundromat. Total floor area shall not exceed 4,000 square feet. **{Amended 4-27-98; Article 120} & {Amended 4-26-99; Article 27}**
- (k) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy

**Sturbridge Zoning Bylaws
As amended 2010**

products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.

- (l.) Religious, educational or governmental use. **{Amended 4-27-09; Article 12}**

- 8.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of the Bylaw. **{Amended 4-11-83; Article 37}**
 - (a) Lodging houses or tourist homes.
 - (b) Dramatic or motion picture theaters.
 - (c) Bed and breakfast (Planning Board acting as SPGA). **{Amended 4-27-92; Article 39}**
 - (d) Miniature and/or par three golf **{Amended 4-25-94; Article 28}**
 - (e) Youth Center **{Amended 4-26-99; Article 163}**

- 8.03 The following regulations shall be applicable in the Commercial/Tourist District (CT)
Site Plan Review - See Chapter Twenty-Five **{Amended 4-27-92; Article 33}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER NINE
USE REGULATIONS - GENERAL INDUSTRIAL DISTRICT (GI)
{Adopted 3-1-65; Article 46}**

9.01 PERMITTED USES

- (a) Wholesale warehouse and storage facilities. **{Amended 6-29-81; Article 88}**
- (b) Hotel, inn or motel **{Amended 4-27-98; Article 117}**
- (c) Any manufacturing or industrial use, including processing, fabrication and assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.
- (d) Automobile repair shop, automobile storage garage, automobile salesroom or lot not to exceed 40 vehicles for sale. **{Amended 4-30-07; Article 31}**
- (e) Accessory uses customarily incidental to a permitted main use on the same premises.
- (f) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (g) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (h) Office, bank, newspaper or job printing establishment. **{Amended 4-30-07; Article 33}**
- (i) Religious, educational or governmental use. **{Amended 4-27-09; Article 12}**

9.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw.

- (a) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 4-11-83; Article 35}**

9.03 The following regulations shall be applicable in the General Industrial District. (GI)

Site Plan - See Chapter Twenty-Five **{Amended 4-28-86; Article 103}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TEN
USE REGULATIONS - INDUSTRIAL PARK DISTRICT(IP)
{Adopted 3-1-65; Article 46}**

10.01 PERMITTED USES

- (a) Telegraph offices, telephone and express offices, radio and television broadcasting studios and facilities.
- (b) Newspaper printing and job printing.
- (c) Any manufacturing or industrial use, including processing fabrication and assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.
- (d) Wholesale warehouse or storage facilities.
- (e) Automobile repair shop, automobile storage garage, automobile salesroom or lot not to exceed 40 vehicles for sale. **{Amended 4-17-84; Article 38}{Amended 4-30-07; Article 31}{Amended 4-30-07; Article 31}**
- (f) Accessory uses customarily incidental to a permitted main use on the same premises.
- (g) Office with a minimum floor area of 30,000 s.f. per building. **{Amended 4-24-89; Article 58} & {Amended 4-30-90; Article 37}**
- (h) Hotel, inn or motel **{Amended 4-27-98; Article 117}**
- (i) A multi-specialty physician office building wherein physicians and non-physician providers and support staff provide diagnostic and treatment services to ambulatory and out patients, with the assistance and support of laboratory, radiology, physical therapy, pharmacy, mental health, and other related personnel and equipment. **{Amended 6-18-90; Article 95}**
- (j) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-24-95; Article 40}**
- (k) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (l) Bank. **{Amended 4-26-99; Article 43}**
- (m) Retail and wholesale fuel oil distribution and off site heating service, oil storage and associated office and garage space for motor vehicles of the fuel oil operation. **{Amended 4-26-04; Article 34}**

Sturbridge Zoning Bylaws
As amended 2010

(n) Religious, educational or governmental use. **{Amended 4-27-09; Article 12}**

10.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulation appearing in Section 24.09 of this Bylaw.

(a) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 4-11-83; Article 35} & {Amended 4-30-90; Article 38}**

(b) Restaurant, including bakery and confectionery. **{Amended 4-27-92; Article 26}**

10.03 The following regulations shall be applicable in the Industrial Park District.(IP)

Site Plan - See Chapter Twenty-Five

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER ELEVEN
USE REGULATIONS - COMMERCIAL II DISTRICT (C2)
{Adopted 4-27-92; Article 47}**

11.01 PERMITTED USES

- (a) Single family dwelling. Also apartments accessory to a commercial building (not to exceed two (2) dwelling units per building).
- (b) Office, bank, newspaper or job printing establishment.
- (c) Retail store or shop, barber shop, beauty salon, shop for the repair of personal or household items, laundromat, health and fitness center, artisan's or craftsmen's shop, wholesale and retail sales not involving manufacture on the premises except of products the major portion of which are sold on the premises by the producer.
- (d) Automobile service station.
- (e) Religious, educational, or governmental use. **{Amended 4-27-98, Article 113}**
- (f) Non-profit club.
- (g) Restaurants, including bakery and confectionery.
- (h) A multi-specialty physician office building wherein physicians and non-physician providers and support staff provide diagnostic and treatment services to ambulatory and out patients, with the assistance and support of laboratory, radiology, physical therapy, pharmacy, mental health, and other related personnel and equipment.
- (i) Accessory uses customarily incidental to a permitted main use on the premises.
- (j) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails. **{Amended 4-25-95; Article 40}**
- (k) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (l) Fast Food Establishment **{Amended 4-27-98; Article 137}**

11.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw.

- (a) Place of commercial amusement or recreation such as a bowling alley, theater (motion picture, dramatic, or musical), museum or golf driving range.
- (b) Hotel, inn or motel **{Amended 4-27-98; Article 117}**

**Sturbridge Zoning Bylaws
As amended 2010**

- (c) The removal of sand, gravel, subsoil, topsoil or earth in accordance with Chapter Twenty-Three of this Bylaw. **{Amended 4-11-83; Article 35}**
- (d) Multi-family dwelling provided that:
 - (1) It does not exceed four (4) dwelling units.
 - (2) There is not less than twenty thousand (20,000) sq. ft. of lot area per dwelling unit.
 - (3) Adequate provision is made for off-street parking.
 - (4) An environmental suitability study shows that the site is capable of sustaining this type of construction and use.
 - (5) The entire multi-family dwelling and its necessary area requirements are located entirely in the Commercial District; or in a less restrictive district.

{Amended 4-29-85; Article 94}

- (e) Two-family residence, provided there is not less than twenty thousand (20,000) square feet of lot area per dwelling unit.
- (f) Truck stop (Planning Board acting as SPGA).
- (g) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.

11.03 The following regulations shall be applicable in the Commercial II District (C2).

Site Plan - See Chapter Twenty-Five

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWELVE
WIRELESS COMMUNICATIONS FACILITIES DISTRICT
{Adopted 12-10-97; Article 74}**

12.01 PURPOSE

The purpose of this section is to establish a bylaw which regulates wireless communication facilities such that these services may be provided with minimal harm to the public health, safety and general welfare. This bylaw has been created to:

- (a) Protect the general public from hazards associated with wireless communication facilities.
- (b) Minimize visual impacts from wireless communication facilities.
- (c) Prevent adverse impact on local property values.

This section does not apply to satellite dishes and antennas for residential use.

12.02 DEFINITIONS

Antenna - The surface from which wireless radio signals are sent and received by a personal wireless service facility.

Camouflaged - A personal wireless facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered "camouflaged".

Carrier - A company that provides wireless services.

Co-location - The use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.

Elevation- The measurement of height above sea level.

Equipment Shelter - An enclosed structure, cabinet shed or box at the base of the mount within which are housed batteries and electrical equipment.

Fall Zone - A 360° radius on the ground equal to 120% of the height of a facility from ground level at the base of the facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material. Therefore, no property lines, roads, habitable dwellings, business or institutional uses, or public recreation facilities shall be located within the Fall Zone.

Functionally Equivalent Services - Cellular, Personal Communication Services (PCS), Enhanced Specialized Mobile Radio, Specialized Mobile Radio and Paging.

Monopole - The type of mount that is self supporting with a single shaft of wood, steel or concrete and a platform (or racks) for panel antennas arrayed at the top.

**Sturbridge Zoning Bylaws
As amended 2010**

Mount - The structure or surface upon which antennas are mounted, including the following four types of mounts:

- | | | |
|----|--------------------|---|
| 1. | Roof Mounted: | Mounted on the roof of a building. |
| 2. | Side-Mounted: | Mounted on the side of a building. |
| 3. | Ground-Mounted: | Mounted on the ground. |
| 4. | Structure-mounted: | Mounted on a structure other than a building. |

Omni directional (whip) antenna - A thin rod that beams and receives a signal in all directions.

Panel Antenna - A flat surface antenna usually developed in multiples.

Wireless Communication Facility - Any and all materials, equipment, storage structures, monopoles, towers, satellite dishes and/or antennae intended for transmitting or receiving telecommunications services, equivalent to Personal Wireless Service Facility as defined by the Telecommunications Act.

Radio Frequency (RF) Engineer - A registered engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Radio Frequency Radiation (RFR) - The emissions from wireless communication facilities.

Security Barrier - A locked, impenetrable wall or fence that completely seals an area from unauthorized entry or trespass. This area shall include the base of the structure, all equipment shelters and the outreach of all antennas and panels so as to prevent falling ice, etc., from harming someone below.

Separation - The distance between one carrier's array of antennas and another carrier's array.

Wireless Communication Overlay District - All land as portrayed on the Sturbridge Wireless Communication Overlay District Map, dated 11/26/97, an overlay map to the official Sturbridge Zoning Map. As an overlay district, all requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded per the Telecommunication Facilities Bylaw.

12.03 USE REGULATIONS

No wireless Communication Facility shall be placed, constructed or modified except as set forth below:

- (a) A wireless communication component may be located on an existing facility or structure, provided that Site Plan Approval is obtained under Chapter Twenty-Five, provided the new component shall not increase the height of the existing structure and provided that the component complies with all of the conditions set forth under this Wireless Communication Facilities Bylaw.
- (b) A new wireless communication facility that is up to 15 feet in height above the average tree canopy may be located in the following Zoning Districts: Commercial, Commercial II, Commercial/Tourist, General Industrial and Industrial Park,

**Sturbridge Zoning Bylaws
As amended 2010**

provided that a Special Permit is issued by the Zoning Board of Appeals under Section 24.09, provided that Site Plan Approval is granted under Chapter Twenty-Five and provided that all of the conditions set forth under this Wireless Communication Facility Bylaw are satisfied, except that such a facility shall not be located in a local, State or National Historic District.

(c) A new wireless communication facility which ranges from 15 feet in height above the average tree canopy height up to 130 feet in height from grade may be located in the Wireless Communication Overlay District only upon the issuance of a Special Permit by the Zoning Board of Appeals pursuant to Section 24.09 and provided that Site Plan Approval is granted under Chapter Twenty-Five and provided that all of the conditions set forth under this Wireless Communication Facility Bylaw are satisfied.

(d)

(1) Any new wireless communication facility located under Section 12.03(b) shall be a "tree tower" (i.e. simulated tree). A free standing monopole shall be allowed in the Overlay District under Section 12.03(c). Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed in any district.

(2) Whenever feasible, wireless communication facilities shall be located on existing structures, including but not limited to buildings, water towers, existing telecommunication facilities, utility and light poles and towers, and related facilities, provided that such installation preserves the character and integrity of those structures. In particular, applicants are urged to consider use of existing telephone and electric utility structures as sites for one or more wireless communication facilities. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate.

(3) Co-Location - Licensed carriers shall share wireless communication facilities and sites where feasible and appropriate, thereby reducing the number of wireless communication facilities that are stand-alone facilities. All applicants for a Special Permit for a wireless communication facility shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

(A) A survey of all existing structures that may be feasible sites for co-locating wireless communication facilities;

(B) Contact with all other licensed carriers for commercial mobile radio services operating in the County; and

(C) Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

In the event that co-location is found not to be feasible, a written statement of the reasons for the unfeasibility shall be submitted to the Town.

Sturbridge Zoning Bylaws
As amended 2010

The Town may retain a technical expert in the field of RF engineering to verify if co-location at the site is not feasible or is feasible given the design configuration most accommodating to co-location. The cost for such a technical expert will be at the expense of the applicant. The Town may deny a Special Permit to an applicant that has not demonstrated a good faith effort to provide for co-location.

- (d) In no case shall any facility of Type 12.03(c) above be located closer than one (1) mile to any other such facility
- (e) All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. In no case shall a facility exceed fifteen feet (15') above the average tree canopy, as determined by the Tree Warden, unless approved and located within a Wireless Communications Overlay District, in which case the facility shall not exceed one hundred and thirty feet (130') in height as measured from ground level at the base of the facility.
- (f) In order to ensure public safety, the minimum distance from the base of any ground-mounted facility to any property line, road, habitable dwelling, business or institutional use, or public recreational areas shall be 120% of the height of the facility, inclusive of any appurtenant devices. A fall zone shall be maintained around the facility as per the definition.
- (g) Facilities shall be painted or otherwise screened or camouflaged to minimize their visibility to abutters, adjacent streets and residential neighborhoods. Wireless communication facilities equipment and fixtures visible against the sky or other background shall be colored to minimize visibility against such background. A different coloring scheme shall be used to blend the facility with the landscape below and above the tree or building line. Existing on-site vegetation shall be preserved to the maximum extent practicable.
- (h) Antennas or dishes located on any structure shall not exceed ten (10) feet above the level of its attachment to the structure. Such attachments shall be colored, molded and/or installed to blend into the structure and/or the landscape.
- (i) Equipment Shelters - Equipment shelters for wireless communication facilities shall be designed consistent with one of the following design standards:
 - (1) Equipment shelter shall be located in underground vaults; or
 - (2) Equipment shelter shall be designed consistent with traditional colonial Sturbridge architectural styles and materials, with a pitched roof and wood clapboard or shingle siding; or
 - (3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or wooden fence.
- (j) Lighting shall be limited to minimal security lighting and that required by the Federal Aviation Administration (FAA) only.

**Sturbridge Zoning Bylaws
As amended 2010**

- (k) There shall be at least one parking space at each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for storage of vehicles or other items.
- (l) All ground mounted wireless communication facilities and related equipment shall be surrounded by a security barrier.
- (m) No signage of any kind, including carrier identification signs, shall be mounted on telecommunications towers. **{Amended 4-26-99; Article 28}**

12.04 SAFETY STANDARDS

- (a) All equipment proposed for a wireless communication facility shall be authorized per the FCC *Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation*.
- (b) No hazardous wastes shall be discharged on the site of any wireless communication facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.
- (d) Ground mounted equipment for wireless communication facilities shall not generate noise in excess of 50 dB at the property line. If there is a question as to the noise levels being generated, the Town may hire an acoustical engineer to verify noise levels at the carrier's expense.

12.05 PROCEDURE

In addition to the usual procedures and information required to file for a Special Permit under Section 24.09 of this bylaw, the following shall also be required:

- (a) A report prepared by one or more registered professional engineer who specializes in radio frequency engineering certifying that the proposed wireless communication equipment shall be installed, erected, maintained and used in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the 1996 Federal Communications Act, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

A description of the facility and the technical and other reasons for the proposed location, height and design, including reasons for not co-locating on other existing facilities or structures.

A description of the capacity of the facility including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the type(s) of Functionally Equivalent Services that are being utilized at the facility.

**Sturbridge Zoning Bylaws
As amended 2010**

- (b) A locus plan at a scale of 1" = 200' which shall show all property lines, the exact location of the proposed facilities, streets, landscape features, and all buildings within five-hundred (500) feet of the facility shall be submitted.
- (c) A color photograph or rendition of the facility with its antennas and/or panels at the proposed site.
- (d) A view test to be conducted utilizing balloons or other means to document the extent of visual impact. The Zoning Board of Appeals and Planning Board are to be notified at least 72 hours prior to the testing date.

Photographs of the view test showing the impact of the proposed facility on abutting streets, adjacent property owners and residential neighborhoods shall be submitted.

- (e) The Town acting through its Planning Board or Zoning Board of Appeals may require the applicant to pay reasonable fees for review of the applicant's proposal by a professional or radio frequency engineer or other qualified professional.

12.06 MONITORING AND MAINTENANCE

After the wireless communication facility is operational, the applicant shall submit, within 90 days of beginning operations, and at annual intervals from the date of issuance of the Special Permit, existing measurements of RFR from the wireless communication facility. Such measurements shall be signed and certified by an RF engineer, stating that RFR measurements are accurate and meet FCC guidelines.

The applicant shall maintain the wireless communication facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and any security barrier, and maintenance of the buffer area and landscaping.

12.07 MODIFICATIONS

A modification of a wireless communication facility may be considered equivalent to an application for a new wireless communication facility and will require a Special Permit and/or Site Plan Approval when the following events apply:

- (A) The applicant and/or co-applicant wants to alter the terms of the Special Permit by altering any condition of approval or by changing the wireless communication facility in one or more of the following ways:
 - (1) Change in the number of facilities permitted on the site;
 - (2) Change in technology used for the wireless communication facility.
- (B) The applicant and/or co-applicant wants to add any equipment or additional height not specified in the original design filing.

12.08 ABANDONMENT AND DISCONTINUANCE

**Sturbridge Zoning Bylaws
As amended 2010**

At such time that the licensed carrier plans to abandon or discontinue operation of a wireless communication facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuance of operations.

Such notice shall be given no less than 30 days prior to abandonment or discontinuance of operations. In the event that a carrier fails to give notice, the wireless communication facility shall be considered abandoned upon such discontinuance of operations.

Upon abandonment or discontinuance of use, the carrier shall physically remove the wireless communication facility within 90 days from the date of abandonment or discontinuance of use. "Physically Remove" shall include, but shall not be limited to:

- (a) Removal of antennas, mount, equipment shelters and security barriers from the subject property.
- (b) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
- (c) Restoring the location of the wireless communication facility to its natural condition, except that any landscaping and grading shall remain in the "after" condition.

The applicant shall provide the Town with written authority from the owner or owners of record for the subject property where the facility is located to bind successors and assigns to allow the Town to enter onto the subject property to physically remove the facility in the event that the carrier fails to remove the facility in accordance with the requirements of this Zoning Bylaw. The Planning Board shall require the applicant to post a bond at the time of construction to cover the costs for the removal of the wireless communication facility in the event the Town must remove the facility.

12.09 EXCEPTIONS

Amateur radio towers used in accordance with the terms of any amateur radio license issued by the Federal Communications Commissions shall be exempt from the provisions of this bylaw, provided that (1) the tower is not used or licensed for any commercial purpose, and (2) the tower must be removed if use is discontinued for one year.

Facilities used for the purposes set forth in M.G.L., Chapter 40A, Section 3 shall also be exempt.

12.10 SEVERABILITY

In the event that one or more of the provisions of this Zoning Bylaw are deemed invalid by a court of competent jurisdiction, then all remaining provisions shall remain in full force and effect.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER THIRTEEN
USE REGULATIONS - HISTORIC COMMERCIAL DISTRICT (HC)
{Adopted 4-27-98; Article 58}**

The Historic Commercial District (“HC”) is intended to allow for limited retail and service uses in a manner consistent with the protection of the integrity of the historic nature of the area. Goals: 1) To protect and preserve the important historic features of the near-by Sturbridge Common. 2) To ensure that future development and redevelopment respect the traditions and character of the Common and 3) To protect the visual character of Sturbridge.

13.01 PERMITTED USES

- (a) Single family dwelling.
- (b) Gift shops, antique shops, bookstores, galleries, needlework and piece goods, florists, art dealers and places for display or sale of handicrafts, provided that such uses are conducted entirely within a building.

Areas for the production of goods are to be limited to no more than 35% of total floor areas. Total floor area shall not exceed 6,000 square feet per structure.
- (c) Restaurants, bakeries, delicatessens, candy, nut and confectionery stores, dairy, and specialty foods and places serving food for consumption on the premises. Total floor area shall not exceed 6,000 square feet per structure.
- (d) Banks
- (e) Motels not to exceed 65 rooms.
- (f) Accessory uses customarily incidental to a permitted main use on the same premises including one or more accessory dwelling units located above the first story of the structure containing a primary use permitted herein under Section 13.01(b), Section 13.01(c) or Section 13.01(e).
- (g) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing through the establishment of trails.
- (h) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.
- (i) Professional Offices – Total floor area shall not exceed 6,000 square feet per structure. **{Amended 4-30-01; Article 17}**
- (j) Religious, educational or governmental use. **{Amended 4-27-09; Article 12}**

Sturbridge Zoning Bylaws
As amended 2010

- 13.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this Bylaw.
- (a) Bed and Breakfast, not to exceed 4,000 square feet. (Planning Board acting as SPGA)
 - (b) Youth Center. **{Amended 4-26-99; Article 164}**
- 13.03 The following regulations shall be applicable in the Historic Commercial District (HC)
- Site Plan Review - See Chapter Twenty-Five
- Design Review - Specific review that building and property design must utilize pre-20th century architectural style.
- 13.04 The Design Review Committee shall review the architectural design to ensure the design replicates popular styles similar to the architecture of the Sturbridge Common should be utilized. Exterior paint colors which are appropriate to the time when the architectural style was popular should be used. Exterior finishes must conform with the structure's historic appearance. The sidings most appropriate are wooden clapboard, cedar shingles and authentic brick or stone.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER FOURTEEN
SPECIAL USE DISTRICT (SU)
{Adopted 4-27-98; Article 60}**

14.01 PERMITTED USES

- (a) Single family dwelling
- (b) Nursery, including display and sale of natural products
- (c) Religious, educational or governmental use
- (d) Walking, hiking, bicycling, roller skating, picnicking, cross-country skiing, snow shoeing, through establishment of trails.
- (e) Accessory uses customarily incidental to main use on the same premises.
- (f) Farm including agriculture, horticulture, and viticulture, provided that the lot is not less than five (5) acres, including facilities for the sale of produce, wine and dairy products, insofar as the majority of such products for sale have been produced by the owner of the land on which the facility is located.

14.02 Exceptions which may be allowed by Special Permit from the Special Permit Granting Authority (SPGA) in accordance with the regulations appearing in Section 24.09 of this bylaw:

- (a) Campgrounds
- (b) Planned unit business developments (PUBD) in accordance with Section 15.01 of this bylaw (Planning Board acting as SPGA)
- (c) Multiple dwelling project/ Mobile retirement community
- (d) Bed and breakfast (Planning Board acting as SPGA)
- (e) Hospital or medical treatment building
- (f) Commercial Recreational Facilities subject to a Special Permit being issued by the Planning Board.
- (g) Accessory Dwelling Unit **{Amended 4-27-09, Article 17}**

14.03 The following regulation shall be applicable in the Special Use District (SU).

Site Plan Review - See Chapter Twenty-Five

14.04 Signage – with the approval of the Board of Selectmen, one sign that conforms to all requirements of the zoning bylaw shall be allowed to be located within the Town Right-of-Way for an approved non-residential use in the Special Use District. Minimal clearing will

**Sturbridge Zoning Bylaws
As amended 2010**

be allowed to provide visual access to the sign. Sign design and details shall be approved by the Design Review Committee. **{Added 4-28-08; Article 21}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER FIFTEEN
PLANNED UNIT BUSINESS DEVELOPMENT (PUBD)
{Adopted 4-27-98; Article 62}**

15.01 PURPOSE AND INTENT

It is the purpose of the Planned Unit Business Development (PUBD) to encourage the efficient and creative use of the parcels of land in Sturbridge that are suited for primarily non-residential use. Although development under this provision must comply with the design and site planning standards given below, the strategy for the use of the land is intentionally undefined. The Town of Sturbridge desires to encourage projects that will meet the demands of the market, improve the economic base of the community and protect the town's character. Any development within this district must recognize that protection of Sturbridge's rural character will be a prime consideration for approval or denial.

PUBD applications shall be limited to any parcel of land or aggregation of parcels of 50 acres located in the Special Use District (See Chapter Fourteen). A PUBD may be comprised of a mixture of residential uses including affordable housing units, open space, industrial or other uses, and a variety of building types, if the proposed uses and buildings are determined by the Planning Board to be sufficiently advantageous to grant special permission to depart from the normal requirements of the underlying zoning. In all cases, seventy-five percent (75%) of the total square footage of the land exclusive of open space requirements must be devoted to non-residential uses.

15.02 APPLICATION PROCESS

The designation of a PUBD shall require a special permit. The special permit granting authority shall be the Planning Board. Procedures for the consideration of the special permit application shall be in compliance with those specified in MGL, Chapter 40A, §§ 9 & 11.

15.04 REQUIREMENTS

Applicants are encouraged to submit a preliminary development plan to the planning Board and/or its planning staff for a pre-application review prior to filing an application for a PUBD special permit.

An application for a PUBD special permit shall be accompanied by a definitive development plan and all supporting materials meeting the applicable requirements of Chapter Twenty-Five - Site Plan Review and of Chapter Six of the Sturbridge Subdivision Rules and Regulations. In cases where these requirements conflict, the more stringent requirements shall control. In addition, whenever requested by the Planning Board, and applicant shall submit additional information necessary to demonstrate compliance with purposes and requirements of this bylaw.

15.05 USE STANDARDS

15.06 General categories of allowed uses within the PUBD are as follows:

- (a) Executive offices

**Sturbridge Zoning Bylaws
As amended 2010**

- (b) Laboratories for research and development
- (c) Professional and medical offices
- (e) Light industrial operations
- (e) Public recreational facilities
- (f) Hotel/Motel
- (g) Commercial recreational facilities
- (h) Limited residential uses that are appropriate in relation to the proposed non-residential uses in terms of the public health, safety and welfare and Sturbridge's housing needs.

This listing of allowed uses does not imply that the Town of Sturbridge would approve any mixture of these uses, unless it is clearly proven that the said mixture is compatible and that there will be no negative impacts on the environment, workers, residents, abutters or the community.

15.07 ALLOWED ACCESSORY USES - Accessory uses and buildings are permitted when provided as an integral part of the overall development to serve the occupants, patrons and guests thereof but not necessarily limited to the following:

- (a) Restaurants
- (b) Maintenance Buildings
- (c) Health Clubs
- (d) Parking Areas and Parking Garages

15.08 DEVELOPMENT STANDARDS

15.09 MINIMUM LOT DIMENSIONS - The minimum tract size for a PUBD project shall be fifty (50) acres, this requirement may be reduced to twenty-five (25) acres by Special Permit granted by the Zoning Board of Appeals. Minimum frontage along a public way shall be a total of 400 feet.

15.10 DENSITY AND INTENSITY

Detached single family dwellings shall be allowed at a maximum density of one (1) acre of upland for each housing unit. Attached housing units (two, three, four, five and six family structures) shall be allowed at a maximum density of 4 housing units per acre of upland. Allowance of densities shall be conditioned on approval by the Board of Health pertaining to the adequacy of the waste disposal system.

Buildings shall be so arranged that the minimum distance between principal and/or accessory buildings shall be equal to or greater than one-half the sum of the maximum heights of the affected buildings, exclusive of accessory parking structures which are

Sturbridge Zoning Bylaws
As amended 2010

designed to function in conjunction with the principal building. There shall be a minimum distance of 100 feet separating any building and its accessory components (including parking) in one use category (i.e., Commercial, Industrial or Residential) and any other building and its accessory components in a different use category.

15.11 SETBACKS - No building shall be constructed within one hundred (100) feet of any public way and within seventy-five (75) feet of other property lines. A minimum of seventy-five feet (75) of setback for frontage on any public way shall remain undisturbed except to add plantings or to gain entrance to the parcel in accordance with plans approved by the Planning Board.

15.12 MAXIMUM COVERAGE - Building coverage, whether by a single building or multiple buildings shall not exceed 30% of the total lot size. This shall include all accessory buildings. Total impermeable surface coverage (buildings plus roads and parking areas) shall not exceed 60% of the total lot size.

No building or any other structure (not including antennas) shall exceed 60 feet in height. The exterior facades of all buildings shall be of a finished quality on every side (such as brick, stone, wood or glass) and architecturally harmonious in design as evidenced by plans prepared by a professional architect or designer. Loading ramps and utility features, if permitted, shall be placed at the side or at the rear, and shielded from view.

15.13 RESIDENTIAL COMPATIBILITY - No more than 25% of the total floor area shall be devoted to residential use. All proposed residential use must be compatible with the non-residential uses. Consideration by the Planning Board concerning this issue shall include the following: hazards of traffic, pollution and equipment, and impacts including noise, smoke, light and visual effects and social impacts such as available open space, future property values, access to town services and transportation and degree to which said housing will become an accepted and integral part of Sturbridge's overall housing stock.

15.16 OPEN SPACE - A minimum of 40% of the total tract shall be permanently left as open space. No more than 25% of the required open space may be wetlands. No more than 50% of the required open space shall be within the setback. The open space shall be located primarily in large open areas or in necessary setback, buffer and linkage areas. There shall be a functional relationship between the open space and the proposed developments. The test for such a relationship shall be that all open space must serve a specific purpose that is consistent with the overall plan of the project and the placement of buildings and other man-made features. The Planning Board encourages use of open space for parks, playgrounds, play fields or multi-use trails consistent with the overall PUBD design.

15.17 PARKING - The amount of parking space shall be in accordance with the requirements of Section 20.21 - Off-street Parking and Loading Spaces. However, the off-street parking requirements may be reduced where a common parking area(s) serves clusters of business development and where, in the opinion of the Planning Board and the Town Engineer, there will be ample parking. In the event that a reduction in off-street parking requirements is authorized, a reserve parking area of one (1) parking space for each one thousand (1,000) square feet of gross floor area shall be retained in suitably located open space areas so as to be utilized for required parking at such time as the Planning Board shall require.

Sturbridge Zoning Bylaws
As amended 2010

No outdoor parking areas shall be located within thirty (30) feet of any buildings with the exception of handicapped spaces and passenger drop-off areas.

All surface parking lots and any exposed sides of partially above-ground parking structures shall be screened for a depth of at least seventy-five (75) feet from any residential zone boundary. Screening shall consist of closely planted evergreen trees, hedges, shrubbery or fences. Within each surface parking lot there shall be evenly distributed landscaped areas with at least one (1) shade tree and other low plantings for every ten (10) parking spaces.

15.18 ROADWAYS - New roadways shall be private and privately maintained. No parking shall be permitted thereon. All roadways shall comply with the standards of the Sturbridge Subdivision Regulations. Width of roadways serving residential areas may be decreased with approval by the Planning Board. Sidewalks shall be required on both sides of PUBD roadways unless waived by the Planning Board. Curb cuts shall be permitted no closer than every 500 feet on public ways.

15.19 UTILITIES - All utilities shall be located underground.

15.20 COMMON AREAS - All interior streets, sidewalks, utilities, open space (retention ponds) shall be owned and maintained by the owner or owners of the land and buildings in the PUBD.

15.21 LIGHTING - Exterior illumination shall be only as necessary for safety, lighting of buildings, walks and roads, and shall be subject to approval and limitation by the Planning Board. All lights permitted shall be so located and of such a design that no light source is visible beyond any point on the boundaries of the same property.

15.22 SIGNAGE - With the approval of the Board of Selectmen, one exterior illuminated sign of no greater than 50 s.f. shall be allowed to be located within the Town Right of Way for each PUBD project. Minimal clearing will be allowed to provide visual access to the sign. Sign design and details shall be approved by Design Review Committee.

15.23 PERFORMANCE STANDARDS

The following standards apply to the construction and operation of the use and are intended to identify impact factors that would be grounds for either serious conditions or denial of the application.

15.24 WASTES - No objectionable or injurious waters or other materials shall be discharged from a PUBD project.

15.25 NOISE - Other than time and emergency signals and noise necessary for construction or demolition of buildings on the lot, no unreasonable or objectionable noise shall be transmitted beyond the lot from which it originates, nor shall any offensive odors, noxious, toxic or corrosive fumes or gases, dust, dirt or smoke be emitted into the air so as to endanger public health or safety.

15.26 DANGEROUS MATERIAL - No material which is dangerous due to the possibility of explosion, fire hazard, radioactivity or other hazard shall be used, stored or manufactured except in accordance with applicable law.

**Sturbridge Zoning Bylaws
As amended 2010**

- 15.27 LANDSCAPING - Landscaping shall be such that the site is buffered for both sight and sound from abutting land uses. A minimum of seventy-five (75) feet of landscaped buffer shall be provided between the project and all abutting uses.
- 15.28 TRAFFIC IMPACT - If required by the Planning Board, the applicant shall produce a traffic impact report. The report shall be produced by an outside consultant, mutually agreed upon by the Planning Board and the applicant. The cost for the study shall be borne by the applicant.
- 15.29 ACCESS TO MAJOR ROUTES - Any proposed PUBD shall have direct access to the former Route 15. In no case shall access be approved if it shall prove to be hazardous or deleterious to a Sturbridge residential area.
- 15.30 APPROVAL - In order to grant approval of a PUBD, the Planning Board must make the following findings:
- (a) That the site is adequate in size to support the proposed quantity of development.
 - (b) That the site is suitable in terms of topography, soils and other physical attributes and location for the proposed uses.
 - (c) That the project's impact on traffic flow on surrounding roads and intersections does not reduce levels of service below the current Standards Service Level.
 - (d) That the project's impact on neighborhood visual character is acceptable compared to benefits of the project.
 - (e) That the proposed method of sewage disposal, provision of water and provision of surface water drainage are adequate and in accordance with Board of Health and DPW standards.
 - (f) That utilities and public services are adequate to serve the needs of the proposed uses.
 - (g) That the impacts on the ground water supply level and other natural resources are within acceptable levels.
 - (h) That the proposed mix of uses within the PUBD are compatible with one another.
 - (k) That the proposed plan will not have adverse effects which overbalance its beneficial effects on either the neighborhood or the Town.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER SIXTEEN
GROUNDWATER PROTECTION DISTRICT
{Accepted 4-29-02; Article 11}**

16.01 Purpose

The purpose of this Groundwater Protection District is to:

- A. Promote the health, safety and general welfare of this community by ensuring an adequate quality and quantity of drinking water for the residents, institutions and businesses of the Town of Sturbridge.
- B. Preserve and protect existing and potential sources of drinking water supplies.
- C. Conserve the natural resources of the town.
- D. Prevent temporary and permanent contamination of the environment.

16.02 Scope of authority

The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Groundwater Protection District must comply with the requirements of this district as well as with the underlying zoning. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

16.03 Definitions

For the purposes of this Article, the following words and phrases shall have the following meanings:

AQUIFER – A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.

GROUNDWATER PROTECTION DISTRICT – The zoning district defined to overlay other zoning districts in the Town of Sturbridge. The “Groundwater Protection District” may include specifically designated recharge areas.

IMPERVIOUS SURFACE – Material or structure on, above or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

MINING – The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores or bedrock.

RECHARGE AREAS – Areas that collect precipitation of surface water and carry it to aquifers. Recharged areas may include areas designated as Zone I, Zone II or Zone III.

TOXIC OR HAZARDOUS MATERIAL – Any substance or mixture of physical, chemical or infectious characteristic, posing a significant, actual or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Sturbridge. “Toxic or hazardous materials” include, without limitation, synthetic organic chemicals, petroleum products, heavy metals,

**Sturbridge Zoning Bylaws
As amended 2010**

radioactive or infectious wastes, acids and alkalis and all substances defined as toxic or hazardous under MGL Ch. 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

16.04 Establishment and delineation of aquifers and recharge areas

For the purposes of this district, there are hereby established within the town a groundwater protection district, consisting of aquifers or recharge areas which are delineated on a map entitled "Town of Sturbridge, Massachusetts, Groundwater Protection District, November 2008." This map is hereby made a part of this chapter and is on file in the office of the Town Clerk, Board of Selectmen, Town Planner and Public Works Department **{Amended ATM 4/27/2009 Article 9}**.

16.05 District boundary disputes

- A. If the location of the district boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a special permit application to the special permit granting authority (SPGA). Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- B. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. At the request of the owner(s), the town may engage a professional engineer (civil or sanitary), hydrologist, geologist or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation.

16.06 Use regulations

In the Groundwater Protection District the following use regulations shall apply:

- A. Permitted uses. The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders or approvals required by local, state or federal law are also obtained:
 - (1) Conservation of soil, water, plants and wildlife.
 - (2) Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted.
 - (3) Foot, bicycle and/or horse paths and bridges.
 - (4) Normal operation and maintenance of existing water bodies and dams, splash boards and other water control supply and conservation devices.
 - (5) Maintenance, repair and enlargement of any existing structure subject to Subsection B (prohibited uses) and Subsection C (special permitted uses).
 - (6) Residential development subject to Subsection B (prohibited uses) and Subsection C (special permitted uses).

**Sturbridge Zoning Bylaws
As amended 2010**

- (7) Farming, gardening, nursery, conservation, forestry, harvesting and grazing subject to Subsection B (prohibited uses) and Subsection C (special permitted uses).
- (8) Construction, maintenance, repair and enlargement of drinking water supply related facilities, such as but not limited to wells, pipelines, aqueducts and tunnels. Underground storage tanks related to these activities are not categorically permitted.
- (9) All other allowed uses within the zoning district boundary provided under the Town of Sturbridge Zoning Bylaws.

B. Prohibited uses. The following uses are prohibited:

- (1) Landfills and open dumps as defined in 310 CMR 19.006.
- (2) Storage of liquid petroleum products, except the following:
 - (a) Normal household use, outdoor maintenance and heating of a structure;
 - (b) Waste oil retention facilities required by statute, rule or regulation;
 - (c) Emergency generators required by statute, rule or regulation;
 - (d) Treatment works approved under 314 CMR 5.00 for treatment of groundwater or surface waters; provided that storage, listed in Subsection B(2)(a) through (d) above, is in freestanding containers within buildings or aboveground with secondary containment adequate to contain a spill the size of the container's total storage capacity.
- (3) Landfilling of sludge or septage as defined in 310 CMR 32.05.
- (4) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
- (5) Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than one hundred ten (110) gallons of sewage per quarter acre under one (1) ownership per day or four hundred forty (440) gallons of sewage on any one (1) acre under one (1) ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design. The required area shall consist of continuous buildable area (CBA) as defined in Section 165-7 of this chapter.
- (6) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.
- (7) Storage of animal manure unless covered or contained.

Sturbridge Zoning Bylaws
As amended 2010

- (8) Earth removal consisting of the removal of soil, loam, sand, gravel or any other earth material (including mining activities) to within six (6) feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads or utility works.
- (9) Facilities that generate, treat, store or dispose of hazardous waste subject to MGL Ch. 21C and 310 CMR 30.00, except the following:
 - (a) Very small quantity generators as defined under 310 CMR 30.00.
 - (b) Household hazardous waste collection centers and events under 310 CMR 30.
 - (c) Waste oil retention facilities required by MGL Ch. 21, § 52A.
 - (d) Water remediation treatment works approved under 314 CMR 5.00.
- (10) Automobile graveyards and junkyards as defined in MGL Ch. 140B, § 1.
- (11) Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following:
 - (a) The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing works.
 - (b) The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s).
 - (c) Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.
- (12) Storage of liquid hazardous materials, as defined in MGL Ch. 21E, unless in a freestanding container within a building or aboveground with secondary containment adequate to contain a spill the size of the container's total storage capacity.
- (13) Industrial and commercial uses which discharge process wastewater on site.
- (14) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district.
- (15) Storage of commercial fertilizers and soil conditioners, as defined in MGL Ch. 128, § 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.

**Sturbridge Zoning Bylaws
As amended 2010**

(16) The use of septic system cleaners which contain toxic or hazardous chemicals.

C. Uses and activities requiring a special permit. The following uses and activities are permitted only upon the issuance of a special permit by the special permit granting authority (SPGA) under such conditions as they may require:

- (1) Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District.
- (2) The application of pesticides, including herbicide, insecticides, fungicides and rodenticides, for nondomestic or nonagricultural uses in accordance with state and federal standards. The special permit shall be granted if such standards are met. If applicable, the applicant should provide documentation of compliance with a Yearly Operating Plan (YOP) for vegetation management operations under 333 CMR 11.00 or a Department of Food and Agriculture approved Pesticide Management Plan or Integrated Pest Management (IPM) program under 333 CMR 12.00.
- (3) Application of fertilizers for nondomestic or nonagricultural uses. Such applications shall be made in a manner so as to minimize adverse impacts on groundwater due to nutrient transport, deposition and sedimentation.
- (4) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under Subsection B). Such activities shall require a special permit to prevent contamination of groundwater.
- (5) The construction of dams or other water control devices, ponds, pools or other changes in water bodies or watercourses, created for swimming, fishing or other recreational uses, agricultural uses or drainage improvements. Such activities shall not adversely affect water quality or quantity.
- (6) Any use that will render impervious more than fifteen percent (15%) or two thousand five hundred (2,500) square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are not feasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

16.07 Procedures for issuance of special permit

**Sturbridge Zoning Bylaws
As amended 2010**

- A. The special permit granting authority (SPGA) under this Article shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction with the Public Works Director, Board of Health, the Conservation Commission and Board of Selectmen, acting as Water Commissioners, that the intent of this Article, as well as its specific criteria, are met. The SPGA shall not grant a special permit under this Article unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite and credible information to support positive findings in relation to the standards given in this Article. The SPGA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.

- B. Upon receipt of the special permit application, the SPGA shall transmit one (1) copy to the Public Works Director, Board of Health, the Conservation Commission and Board of Selectmen, acting as Water Commissioners for their written recommendations. Failure to respond in writing within forty-five (45) days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.

- C. The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section 16.06 of this bylaw and any regulations or guidelines adopted by the SPGA. The proposed use must:
 - (1) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District.
 - (2) Be designed to avoid substantial disturbance of the soils, topographic drainage, vegetation and other water-related natural characteristics of the site to be developed.

- D. The SPGA may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the Planning Board.

- E. The applicant shall file six (6) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
 - (1) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use.
 - (2) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief and Board of Health. The plan shall include:

**Sturbridge Zoning Bylaws
As amended 2010**

- (a) Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage or vandalism, including spill containment and cleanup procedures.
 - (b) Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.
 - (c) Evidence of compliance with the regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
 - (3) Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.
- F. The SPGA shall hold a hearing, in conformity with the provision of MGL Ch. 40A, § 9, within sixty-five (65) days after the filing of the application and after the review by the town boards, departments and commissions. Notice of the public hearing shall be given by publication and posting and by first class mailings to “parties of interest” as defined in MGL Ch. 40A, § 11. The decision of the SPGA and any extension, modification or renewal thereof shall be filed with the SPGA and Town Clerk within ninety (90) days following the closing of the public hearing. Failure of the SPGA to act within ninety (90) days shall be deemed as granting of the permit. However, no work shall commence until a certification is recorded as required by MGL Ch. 40A, § 11.
- G. Written notice of any violations of this Article shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted by the Building Inspector to the Board of Health, Conservation Commission and Director of Public Works and Board of Selectmen, acting as Water Commissioners. The cost of containment, cleanup or other action of compliance shall be borne by the owner and operator of the premises. For situations that require remedial action to prevent adverse impact to the water resources within the Groundwater Protection District, the Town of Sturbridge, the Building Inspector, the Board of Health or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Sturbridge, the Building Inspector, the Board of Health or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

16.07 Severability

**Sturbridge Zoning Bylaws
As amended 2010**

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

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER SEVENTEEN
OPEN SPACE RESIDENTIAL DEVELOPMENT
{Adopted ATM 4/27/2009 Article 14}**

17.01 PURPOSE AND INTENT:

- A. Open Space Residential Development (OSRD) is a creative land use technique that accommodates residential growth while preserving at least 50% of the parcel as meaningful open space in perpetuity. OSRD is the preferred form of residential development in the Town of Sturbridge and is permitted within the Rural Residential, Suburban Residential and Special Use Zoning Districts.

- B. The primary purposes for this bylaw are to encourage flexibility and creativity in the design of residential developments and to encourage a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than traditional subdivisions. Appropriate OSRD will facilitate the permanent preservation of meaningful open space and help to maintain the Town's traditional New England character and land use development pattern.

17.02 DEFINITIONS:

Active Recreation - Activities of a formal nature and often performed with others, requiring equipment and/or the use of motorized vehicles and taking place at prescribed places and sites.

Amenities - Natural or created features that enhance the aesthetic quality or visual appeal or makes more attractive or satisfying a particular property, place or area. Amenities may include gardens, parks, playgrounds, tennis courts, ball fields, club houses, trails, swimming pools and other similar items.

Basic Maximum Number – The number of dwelling units that would be allowed on a site using the standard Zoning Bylaw Provisions and/or Subdivision Rules and Regulations as determined by a Conventional Yield Plan.

Common Area – Any land area, other than Open Space, set aside for common ownership as a result of an OSRD, including areas for Common Facilities.

Hard Stormwater Management Techniques – Structural stormwater management techniques including, but not limited to, catch basins, subsurface piping, stormwater inlets, and subsurface leaching facilities. These techniques generally require heavy infrastructure and often result in significant alteration of the site hydrology.

Homeowner's Association – A private non-profit organization (corporation, association, or other legal entity) established by the developer to manage, maintain, support, and finance the common facilities and common open space of an OSRD, and to enforce certain covenants and restrictions.

Low Income Household – These households shall be defined as those in the "Very Low Income" affordability range as published annually by the Department of Housing and Urban Development. Although this figure is generally considered to be 50% of the Area Median Income (AMI), the Planning

**Sturbridge Zoning Bylaws
As amended 2010**

Board recognizes that this calculation may vary depending upon the subsidy program applied to the unit.

Moderate Income Household – These households shall be defined as those in the “Low Income” affordability range as published annually by the Department of Housing and Urban Development. Although this figure is generally considered to be 80% of the Area Median Income (AMI), the Planning Board recognizes that this calculation may vary depending upon the subsidy program applied to the unit.

Passive Recreation - Activities that involve inactive or less energetic activities, such as walking, sitting and picnicking, etc. These activities have less potential impact on surrounding land uses.

Soft Stormwater Management Techniques – Non-structural stormwater management techniques that use passive surface pre-treatment of stormwater in conjunction with decentralized recharge to achieve a low impact design that attempts to mimic predevelopment hydrologic conditions to the greatest practicable extent.

17.03 APPLICABILITY:

- A. The Planning Board may grant a Special Permit for an Open Space Residential Development for any parcel or contiguous parcels in the same ownership within the Rural Residential, Suburban Residential or Special Use Districts provided that the total land area is at least ten (10) acres. The Planning Board may determine that two or more parcels separated by a road or other man-made feature are “contiguous” for the purpose of this section, if they will serve as a singular resource and effectively satisfy the Purpose and Intent of this bylaw. An applicant for an OSRD Special Permit will be required to file plans showing both a conventional residential subdivision and an open space residential development in accordance with the provisions of this Bylaw.

17.04 PRE-APPLICATION PROCEDURES:

- A. Pre- Application Conference:
 - (1) A pre-application meeting between Planning and other staff and the applicant is strongly encouraged. At the pre-application meeting, the applicant may outline the proposed development including both conventional and OSRD models to receive preliminary feedback prior to a complete design of the project. This pre-application meeting will help to promote better communications and will help to avoid misunderstandings about the bylaw, the procedures used, or any other applicable bylaw or regulation.
 - (2) The applicant is also encouraged to request a pre-application review at a regular business meeting of the Planning Board. If the applicant chooses to request a pre-application meeting, the Planning Board may, at its discretion, invite other Town boards to attend the pre-application review. The purpose of a pre-application review is to minimize the applicant’s costs of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage in the development. At the pre-application review, the applicant may outline the proposed development including both conventional and OSRD models, seek preliminary feedback from the Planning Board and/or its technical experts, and set a timetable for submittal of a formal application.
 - (3) The applicant is encouraged to request a site visit by the Planning Board and/or its agents in order to facilitate pre-application review of the Special Permit. If a site visit is

**Sturbridge Zoning Bylaws
As amended 2010**

requested, the Planning Board may, at its discretion invite other Town Boards to attend the site visit.

B. PRE-APPLICATION SUBMITTALS. In order to facilitate review of the Special Permit at the pre-application stage, applicants should submit the following information:

(1) Site Context Map. This map shall illustrate the parcel in connection to its surrounding neighborhood. Based upon existing data sources and field inspections, it shall show various kinds of major natural resource areas or features that cross parcel lines or that are located on adjoining lands. This map enables the Planning Board to understand the site in relation to what is occurring on adjacent properties.

(2) Existing Conditions/Site Analysis Map. This map familiarizes officials with existing conditions on the property. Based upon existing data sources and field inspections, this base map shall show current zoning district boundaries including Flood Plain and Water Protection Districts and shall locate and describe noteworthy resources that should be protected through sensitive subdivision layouts. These resources shall include wetlands, riverfront areas, floodplains and steep slopes, but may also include mature, non-degraded woodlands, hedgerows, farmland, unique or special wildlife habitats, historic or cultural features (such as old structures or stone walls), unusual geologic formations and scenic views into and out from the property. Where appropriate, photographs of these resources should accompany the map. By overlaying this plan onto a development plan, the parties involved can clearly see where conservation priorities and desired development overlap/conflict.

(3) Other Information. In addition, applicants may submit any additional information or documentation that may be helpful to the Planning Board.

C. DESIGN CRITERIA- The design process and criteria outlined in Sections 17.06 and 17.07 shall be discussed by the parties at the pre-application conference and site visit.

17.05 APPLICATION FOR SPECIAL PERMIT:

The Planning Board, acting as the Special Permit Granting Authority (SPGA), may authorize an OSRD Special Permit pursuant to the procedures developed below.

- A. Application. An application for a Special Permit shall be submitted on the appropriate forms to the Planning Department. Applicants for OSRD shall also file with the Department fifteen copies of the Concept Plan. The Concept Plan shall include a Conventional Yield Plan and an OSRD Plan (See Subsections A (1) and (2) of this Section prepared by an interdisciplinary team including a Registered Civil Engineer, Registered Land Surveyor, and a Registered Landscape Architect. The applicant shall also submit both the Site Context Map and Existing Conditions/Site Analysis Map prepared according to Section 17.04. B. above. Additional information reasonably necessary to make the determinations and assessments cited herein shall be provided, including existing site contour maps and existing current soils maps.
- B. Conventional Yield Plan. The Basic Maximum Number of allowable dwelling units shall be derived from a Conventional Yield Plan. The Conventional Yield Plan shall show a conventional development conforming to the applicable Zoning Bylaw provisions and Subdivision Rules and Regulations to show the maximum number of lots (or dwelling units) that could be placed upon the site under a conventional approach. The proponent shall have the burden of proof with regard to the Basic Maximum Number of units resulting from the

**Sturbridge Zoning Bylaws
As amended 2010**

design and engineering specifications shown on the Conventional Yield Plan. The Conventional Yield Plan shall contain, at a minimum, the following information:

- (1) Parcel boundaries, north point, date, legend, title "Conventional Yield Plan," and scale.
- (2) The name and address of the record owner or owners, the applicant, and the design engineer and/or land surveyor that prepared the plan.
- (3) The names of all abutters as determined from the most recent Assessors' records.
- (4) The names, approximate location, and widths of adjacent streets.
- (5) The locus of the land shown on the plan at a scale of one thousand feet to the inch (1" = 1,000').
- (6) Existing topography at 2-foot contour intervals.
- (7) Map of soils using NRCS soils mapping.
- (8) All on-site local, state, and federal regulatory resource boundaries and buffer zones shall be clearly identified, and all wetland flag locations shall be numbered and placed upon the Yield Plan.
- (9) Lot lines with approximate areas and frontage dimensions, or unit placements and proposed common areas.
- (10) Location and extent of parking, landscaping, stormwater management, water supply and wastewater management service areas that would be required to accommodate the use.
- (11) If available, the location and results of any test pit investigations for soil profiles, percolation rates and determination of seasonal high ground water levels.

C. OSRD PLAN. The OSRD Plan shall address the general features of the land, and give approximate configurations of the proposed lots, of open space, and roadways. The OSRD Plan shall incorporate the Four-Step Design Process, according to Section 6 below, and the Design Standards, according to Section 7 below, when determining a proposed design for the development. In addition to those requirements for a Conventional Yield Plan listed in Section 4.A (1), an OSRD Plan shall contain the following information:

- (1) Topography at two-foot intervals and approximate location of any wetlands (as defined by MGL Chapter 131, Section 40 and by Sturbridge Conservation Commission Regulations) to include any abutting parcels within two hundred (200') feet.
- (2) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archaeological and historic structures or points of interest, rock outcrops, boulder fields, stone walls, cliffs, high points, major land views, forest glades, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife, as identified as

**Sturbridge Zoning Bylaws
As amended 2010**

primary and secondary resources according to Section 6.A. Proposals for all site features to be preserved, demolished, or altered shall be noted on the OSRD Plan.

- (3) The location, names, widths and condition of adjacent streets, approaching or near the proposed development and the proposed lines of streets, ways, driveways, easements and any parcel of land intended to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the development, or parcels of land or lots to be used for any purpose other than private residential shall be so designated within the development in a general manner.
- (4) Proposed roadway grades.
- (5) Official soil percolation tests for the purpose of siting wastewater treatment options shall be required as determined by the Planning Board. However, a narrative explanation shall be prepared by a Massachusetts Certified Professional Engineer detailing the proposed wastewater systems that will be utilized by the development and its likely impacts on-site and to any abutting parcels of land. For example, the narrative will specify whether individual on-site or off-site systems, shared systems, alternative to Title V systems, or any combination of these or other methods will be utilized. Additionally, the narrative shall describe potential flows and shall explain how the proposal will meet Massachusetts Department of Environmental Protection (MADEP) and local standards for wastewater systems whether individual or shared.
- (6) A narrative explanation prepared by a Massachusetts Certified Professional Engineer proposing systems for stormwater drainage and likely impacts onsite and to any abutting parcels of land. For example, the narrative will specify whether Soft or Hard Stormwater Management Techniques will be used and the number of any detention/retention basins or infiltrating catch basins. It is not intended to include specific pipe sizes. Any information needed to justify this proposal should be included in the narrative. The proposed system of drainage, including existing natural waterways in a general manner shall be shown on the plan and accompanied by a conceptual landscaping plan.
- (7) A narrative explanation prepared by a Massachusetts Certified Professional Engineer, detailing the proposed drinking water supply system.
- (8) A narrative explanation of the proposed quality, quantity, use and ownership of the open space. Proposed Open Space Parcels shall be clearly shown on the plan. Additionally, the proposed Open Space Parcels shall be shown on a plan in relation to other existing protected lands within the Town. Applicants shall contact the Planning Department for electronic and/or paper copies of the most recent Protected Lands mapping for this purpose.
- (9) All proposed landscaped and buffer areas shall be noted on the plan and generally explained in a narrative.
- (10) A list of all legal documents necessary for implementation of the proposed development, including any Conservation Restrictions land transfers and Master Deeds with an accompanying narrative explaining their general purpose.

**Sturbridge Zoning Bylaws
As amended 2010**

(11) A narrative indicating all requested waivers, reductions, and/or modifications as permitted within the requirements of this bylaw.

(12) A narrative providing preliminary findings, in a general way, of the environmental impact analysis if expected to be required*.¹

- F. **PROCEDURES:** Whenever an application for an OSRD Special Permit is filed with the Planning Department, the Department shall forward, within five (5) working days of the filing of the completed application, copies of the application, accompanying development plan, and other documentation, to the Board of Health, Conservation Commission, Building Inspector, DPW Director, Police Chief, and Fire Chief, for their consideration, review, and report. The applicant shall furnish the copies necessary to fulfill this requirement. Reports from other boards and officials shall be submitted to the Planning Board within thirty-five (35) days of receipt of the reviewing party of all of the required materials; failure of these reviewing parties to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto. In the event that the Planning Board opens the public hearing on the application prior to the expiration of the thirty-five-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that thirty-five-day period.
- E. **SITE VISIT.** Whether or not conducted during the pre-application stage, the Planning Board may conduct a site visit during the public hearing. At the site visit, the Planning Board and/or its agents shall be accompanied by the applicant and/or its agents.
- F. **OTHER INFORMATION.** The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning Bylaw. To the extent permitted by law, the Planning Board shall coordinate the public hearing required for any application for an OSRD Special Permit with the public hearing required for approval of a Definitive subdivision plan.

17.06 DESIGN PROCESS:

A. Design process. As part of submitting an application for approval of an OSRD Special Permit, applicants are required to demonstrate to the Planning Board that the following Design Process was performed by a multi-disciplinary team of which one member must be a certified Landscape Architect and considered in determining the layout of proposed streets, house lots, and open space as shown on the OSRD plan.

- (1) Step One: Identifying Conservation Areas. Identify preservation land by two steps. First, Primary Conservation Areas (such as wetlands, riverfront areas, and floodplains regulated by state or federal law) and Secondary Conservation Areas (including unprotected elements of the natural landscape such as steep slopes, mature woodlands, prime farmland, lands adjacent to other protected lands as depicted on the current Protected Lands Map for the Town of Sturbridge, meadows, wildlife habitats and cultural features such as historic and archeological sites and scenic views) shall be identified and delineated. Second, the Potentially Developable Area will be identified and delineated. To the maximum extent feasible, the Potentially

¹ An Environmental Impact Analysis is required for any subdivision proposing five or more dwelling units. See the Town of Sturbridge Subdivision Regulations for detailed information.

**Sturbridge Zoning Bylaws
As amended 2010**

Developable Area shall consist of land outside identified Primary and Secondary Conservation Areas.

- (2) Step Two: Locating House Sites. Locate the approximate sites of individual houses within the Potentially Developable Area and include the delineation of private yards and shared amenities, so as to reflect an integrated community, with emphasis on consistency with the Town's historical development patterns. The number of homes enjoying the amenities of the development should be maximized.
- (3) Step Three: Aligning the Streets and Trails. Align streets in order to access the house lots. Additionally, new trails should be laid out to create internal and external connections to existing and/or potential future streets, sidewalks, and trails.
- (4) Step Four: Lot Lines. Draw in the lot lines.

17.07 DESIGN STANDARDS:

The following General and Site Specific Design Standards shall apply to all OSRD Plans, and shall govern the development and design process:

A. General Design Standards.

- (1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, surface water buffers, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a preferred development scheme.
- (2) Streets shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on and off the subject parcel.
- (3) All open space (landscaped and usable) shall be designed to add to the visual amenities of the area by maximizing its visibility for persons passing the site or overlooking it from nearby properties.
- (4) The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

**Sturbridge Zoning Bylaws
As amended 2010**

B. Site Specific Design Standards

- (1) Housing Types. An OSRD Project shall consist of single or two-family residential housing only as may be allowed in the underlying zoning district.
- (2) Parking. Each dwelling unit for single and two family homes shall be served by two (2) off street parking spaces per unit. Parking spaces in front of garages may count in this computation. For dwelling units with fewer than two bedrooms, the applicant shall provide one and one half (1.5) parking spaces per unit. Calculations for parking spaces in these developments shall be rounded up to the nearest integer where necessary. The Planning Board may choose to modify these requirements during the review process in response to conditions specific to an individual proposal.
- (3) Drainage. The Planning Board shall encourage the use of Soft Stormwater Management Techniques and other Low Impact Development techniques that reduce impervious surface and enable ground infiltration where possible.
- (4) Screening and Landscaping. All structural surface stormwater management facilities shall be accompanied by a conceptual landscape plan.
- (5) Buffers. A buffer of 100' shall be provided along public ways and along the perimeter of the property where it abuts residentially zoned and occupied properties. The Planning Board may waive, reduce or increase this requirement where it determines that a different requirement is required to accomplish the objectives of this section. Applicants are encouraged to review potential buffer areas during the pre-application conference referenced in Section 4 (A.) 1 of this bylaw.
- (6) On-site Pedestrian and Bicycle Circulation. Walkways, trails, and bicycle paths shall be provided to link residences with recreation facilities (including parkland and open space) and adjacent land uses where appropriate.
- (7) Disturbed Areas. Every effort shall be made to minimize the area of disturbed areas of the tract. A disturbed area is land not left in its natural vegetated state.
- (8) Common Driveways. The Planning Board may authorize the use of common driveways to provide access to no more than 3 individual lots of land within an OSRD provided that the following conditions are met:
 - (a) A common driveway shall have a minimum roadway width of sixteen (16) feet to a maximum of twenty (20) feet, in addition to an easement of sufficient width to assure proper drainage and maintenance.
 - (b) A common driveway shall not exceed 75 feet in length.
 - (c) The slope or grade of a common drive shall in no place exceed 8% grade or be less than 0.5% grade, except with the written approval of the DPW Director.
 - (d) The common drive shall intersect a public way at an angle of not less than 80 degrees.
 - (e) Alignment and sight distances should be sufficient to support a design speed of 15 mph.
 - (f) The common driveway shall lie entirely within the lots being served.

**Sturbridge Zoning Bylaws
As amended 2010**

- (g) The common driveway, at its intersection with the street, must provide a leveling-off area with a slope no greater than 1% for the first 20 feet and a slope no greater than 5% for the next 30 feet.
- (h) There shall be a minimum of 50 feet between the entrances of any two common driveways onto any road.
- (i) The common driveway shall be constructed of a minimum 15" gravel base, with an oil and stone top layer of 1½" consisting of three successive layers of ¾" crushed traprock stone, ½" crushed traprock stone and ¼" crushed traprock stone, with a crown sufficient for drainage; *or* of a top layer of bituminous concrete with a 3" minimum thickness; *or* of any other paving materials (stone pavers, porous pavers, etc.) with the approval of the DPW Director. Drainage shall be by sheet runoff to drainage swales adequate to dispose of surface runoff. Culverts will be installed if deemed necessary by the Planning Board.
- (j) A common driveway shall have adequate sight distance at its intersection with a public or private road, and shall not create traffic safety hazards to its users or the public.
- (k) The common driveway shall access the property over the frontage of at least one of the lots being served by the driveway.
- (l) The common driveway shall provide the only vehicular egress/access to the lots being serviced.
- (m) Permanent signs, sufficiently readable from the road to serve the purpose of emergency identification, indicating the street number address assigned to each lot served by the common driveway shall be installed within ten (10) feet of the intersection of the common driveway with the street, as well as within ten (10) feet of the intersection of an individual lot driveway with the common driveway. This requirement is in addition to those for individual homes.
- (n) Common driveway design shall to the greatest extent possible minimize adverse impact to wetlands, farmland, or other natural resources; allow reasonable, safe, and less environmentally damaging access to lots characterized by slopes or ledges; and result in the preservation of rural character through reduction of number of access ways; and retention of existing vegetation and topography.
- (o) Frontage along the length of a common driveway shall in no way be used to satisfy frontage requirements as specified in the Zoning Bylaw.

These standards may be waived when, in the opinion of the Planning Board, such action is in the public interest and not inconsistent with the purpose and intent of the Zoning Bylaw.

17.08 OPEN SPACE REQUIREMENTS:

A. Required Open Space

- (1) A. A minimum of fifty percent (50%) of the area of the parcel shall be provided as open space. Roadway rights-of-way and drainage areas shall not count toward the area to be provided as open space. The percentage of the minimum required open space that can be wetland shall not exceed the percentage of wetland for the entire site under existing conditions as shown on the OSRD Plan. A sample calculation follows:

**Sturbridge Zoning Bylaws
As amended 2010**

Sample Calculation:

Existing Conditions –
12 acre site (3 acres of wetland) = 25% wetland coverage

Open Space Requirements –
50% Open Space = 6 acres (25% wetland coverage = 1.5 acres)

The Open Space would include 4.5 acres of upland and 1.5 acres of wetland.

B. Open Space Design Requirements

- (1) The location of open space provided through this bylaw shall be consistent with the policies contained in the Master Plan and the Open Space and Recreation Plan of the Town. The open space should be of a quality that both protects the environment and promotes community. The following design requirements shall apply to open space and lots provided through this bylaw:

- (a.) Open space shall be planned as large, contiguous areas whenever possible. Long thin strips or narrow areas of open space (less than one hundred (100) feet wide) shall occur only when necessary for access, as vegetated buffers along wetlands or the perimeter of the site, or as connections between open space areas. The Planning Board may allow non-contiguous open space within the boundaries of the site when it is determined that the proposed open space areas promote the goals of this bylaw and/or will protect identified primary and/or secondary conservation areas and/or when the Planning Board determines that the size, shape and location of such parcels (within the proposed development) are suitable for the designated uses. Where feasible, these parcels shall be linked by trails.

- (b.) Open space shall be arranged to protect valuable natural and cultural environments such as stream valleys, wetland buffers, un-fragmented forestland and significant trees, wildlife habitat, open fields, scenic views, trails, and archeological sites, and to avoid development in hazardous areas such as flood plains and steep slopes. The development plan shall take advantage of the natural topography of the parcel, and cuts and fills shall be minimized.

- (c.) Where the proposed development abuts or includes a body of water, reasonable access shall be provided to shorelines where appropriate.

- (d.) The maximum number of dwelling units compatible with standard practices in design shall abut the open space and all homeowners within the Open Space Residential development shall have reasonable physical and visual access to the open space through internal roads, sidewalks or paths. Such access may be limited where the Planning Board finds that resource areas are vulnerable to trampling or other disturbance.

- (e.) Open space shall be provided with adequate access, by a strip of land at least twenty (20) feet wide, suitable for a footpath, from one or more streets in the development.

**Sturbridge Zoning Bylaws
As amended 2010**

(f.) Where a proposed development abuts land held for conservation purposes, the development shall be configured to minimize adverse impacts to abutting conservation land. Trail connections shall be provided where appropriate.

C. ALLOWABLE USE OF OPEN SPACE:

1. Purpose - Open space shall be used solely for recreation, conservation, agriculture or forestry purposes by residents and/or the public. Where appropriate, multiple use of open space is encouraged. At least one-half (1/2) of the required open space may be required by the Planning Board to be left in a natural state. The proposed use of the open space shall be specified in the application. If several uses are proposed, the plans shall specify what uses will occur in what areas. The Planning Board shall have the authority to approve or disapprove particular uses proposed for the open space.

(a.) Protected Lands – The Planning Board may require that up to one half of the minimum required open space remain in its natural state.

(b.) Recreation Lands - Where appropriate to the topography and natural features of the site, the Planning Board shall require that at least ten percent (10%) of the open space or two (2) acres (whichever is less) shall be of a shape, slope, location and condition to provide an informal field for group recreation or community gardens for the residents of the subdivision.

(c.) Leaching Facilities and or wells and well fields - If not connected to public sewerage and/or public water, and subject to the approval of the Board of Health, the Massachusetts Department of Environmental Protection, or as otherwise required by law, the Planning Board may permit a portion of the open space to be used for components of sewage disposal system and/or wells or well fields serving the subdivision, where the Planning Board finds that such use will not be detrimental to the character, quality, or use of the open space, wetlands or water bodies, and enhances the site plan. The Planning Board shall require adequate legal safeguards and covenants, to be included in the deeds to the lots in the Open Space Residential Development, that such facilities shall be adequately maintained by the lot owners within the development.

(d.) Accessory Structures - Up to five percent (5%) of the open space may be set aside and designated to allow for the construction of structures and facilities accessory to the proposed use of the open space including parking.

(e.) Agriculture and Forestry - Agriculture, horticulture, floriculture, viticulture, or forestry are allowed as accessory uses to the OSRD, provided, if the land is not conveyed to the Town, the owner shall submit a long-term management plan for the use of the land, including, as appropriate, sustainable forestry or agricultural processes, pesticide, insecticide, fertilizer, and animal waste management plans, and other issues pertaining to the stewardship of the land. The Planning Board shall review and approve the plan in making its decision.

**Sturbridge Zoning Bylaws
As amended 2010**

D. OWNERSHIP OF OPEN SPACE:

1. Ownership Options

At the developer's option and subject to approval by the Planning Board, all areas to be protected as open space shall be either:

- (a) Conveyed to the Town to be placed under the care, custody and control of the Town of Sturbridge or the Town of Sturbridge Conservation Commission, and be accepted by it for open space use. Land conveyed to the Town may be opened to public use.
- (b) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space, with a conservation restriction as specified in Section V.K.7.b below. Such organization shall be approved by the Planning Board as a non-profit conservation organization.
- (c) Conveyed to a corporation or trust owned or to be owned by the owners of lots or residential units within the development (i.e. "homeowners association") and placed under a conservation restriction. If such a corporation or trust is utilized, ownership thereof shall pass with conveyance of the lots or residential units. The developer is responsible for the maintenance of the open space and other facilities to be held in common until such time as the homeowners association is legally and practically capable of assuming such responsibility. Thereafter, the members of the association shall share the cost of maintaining the open space. The Planning Board shall require the applicant to provide documentation that the Homeowners Association is an automatic (mandatory) association that has been established prior to the conveyance of any lots within the subdivision.

2. Permanent Restriction

- (a) In any case where open space is not conveyed to the Town, a permanent conservation or agricultural preservation restriction in accordance with M.G.L. Chapter 184, §§31-33, approved by the Planning Board and Board of Selectmen and enforceable by the Town, conforming to the standards of the Massachusetts Executive Office of Environmental Affairs, Division of Conservation Services, shall be recorded to ensure that such land shall be kept in an open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways except as permitted by this bylaw and approved by the Planning Board. It is the applicant's duty to timely secure approvals of such restriction as required by G.L. c.184, §32. Restrictions shall provide for periodic inspection of the open space by the Town. Such restriction shall be submitted to the Planning Board for review prior to approval of the project, and shall be recorded at the Registry of Deeds/Land Court simultaneously with the recording of the OSRD special permit. A management plan may be required by the Planning Board which describes how existing woods, fields, meadows or other natural areas shall be maintained in accordance with good conservation practices.

**Sturbridge Zoning Bylaws
As amended 2010**

3. Encumbrances

- (a) All areas to be set aside as open space shall be conveyed free of any mortgage interest, security interest, liens or other encumbrances inconsistent with using and maintaining the open space as such in perpetuity.

4. Maintenance of Open Space

- (a) In any case where open space is not conveyed to the Town, the Town shall be granted an easement over such land sufficient to ensure its perpetual maintenance as conservation or recreation land and to allow the Town to enter the property for the purposes of inspecting the maintenance of the property. Such easement shall provide that in the event the trust or other owner fails to maintain the open space in reasonable condition, the Town may, after notice to the lot owners and public hearing, enter upon such land to maintain it in order to prevent or abate a nuisance. The cost of such maintenance by the Town shall be assessed against the properties within the development and/or to the owner of the open space. The Town may file a lien against the lot or lots to ensure payment of such maintenance expenses.

5. Monumentation

- (a) Where the boundaries of the open space are not readily observable in the field, the Planning Board may require placement of surveyed bounds sufficient to identify the location of the open space.

17.09 DIMENSIONAL STANDARDS:

- A. Number of Dwelling Units - The maximum number of dwelling units for an OSRD shall be determined by a Conventional Yield Plan. For the purposes of determining the number of OSRD dwelling units, each conceptual conventional lot must meet the requirements of a buildable lot for a dwelling unit as defined in the zoning district in which the OSRD is located and meet all other applicable requirements of the Zoning Bylaw and the Subdivision Regulations. Except as set forth below, in no case shall the number of dwelling units permitted exceed that which would be permitted under a conventional ("grid") subdivision that complies with the Town Zoning Bylaw and the Subdivision Rules and Regulations of the Planning Board and any other applicable laws and regulations of the Town or the state.

17.10 REDUCTION OF DIMENSIONAL REQUIREMENTS:

- A. Applicants may propose to modify lot size, unit placement, shape, and other dimensional requirements otherwise applicable to the OSRD, subject to the following:
 - (1) Frontage –No lot within an OSRD shall have less than fifty (50) feet of frontage. This frontage requirement shall apply only to lots fronting on proposed internal roadways. However, the Planning Board may waive this minimum frontage requirement where it is determined that such reduced lot (s) will further the goals of this bylaw.
 - (2) Setbacks – Every dwelling unit fronting on the proposed roadways shall be set back a minimum of twenty (20) feet from the front property line, and ten

**Sturbridge Zoning Bylaws
As amended 2010**

- (10) feet from any rear or side lot line. In no event shall individual dwelling units be closer than thirty (30) feet to each other.
- (3) Lot Size – The minimum lot size shall be no less than 1/3 the square footage otherwise required in the Zoning District in which the subdivision is located or 10,000 square feet whichever is greater.

17.11 INCREASES IN PERMISSABLE DENSITY:

The Planning Board may award a density bonus to increase the number of dwelling units beyond the Basic Maximum Number for an OSRD Plan. The density bonus for the OSRD shall not, in the aggregate, exceed twenty percent (20%) of the Basic Maximum Number. Computations shall be rounded down to the nearest integer when determining this bonus. The applicant must demonstrate that the land is suitable to support the additional bonus units (i.e. the parcel has suitable soils to support on-site systems, ample public sewer service is available, soil types and topography can support additional units, adequate water supply is available, etc.).

A. Open Space, Recreation, Prime Lands Density Bonus

- (1) For each additional ten percent (10%) of the site (over and above the required 50%) set aside as open space, a bonus of five percent (5%) of the Basic Maximum Number may be awarded. A bonus may only be awarded when the additional open space has no higher a percentage of wetlands than what is allowed for the mandatory 50% open space under 17.08 (A.).
- (2) For the construction of passive and/or active recreation facilities that are available for public use, one (1) dwelling unit may be added per two (2) acres of recreation land or per two thousand five hundred (2,500) feet of trail: however, this density bonus shall not exceed five percent (5%) of the Basic Maximum Number. For the purpose of this Section the term "trail" shall be defined as a linear corridor suitable for use for recreation and/or transportation designed to accommodate the expected users of the trail system. The Planning Board shall have final approval of the location, alignment, width and surface type of the proposed trail. An applicant wishing to receive a density bonus for trail construction is strongly encouraged to submit preliminary trail design plans as early in the process as possible.
- (3) For every five (5) acres of prime agricultural soils or active farmland preserved at the site, one dwelling unit may be added as a density bonus; provided that this density bonus shall not exceed five percent (5%) of the Basic Maximum Number.

B. Historic Preservation

- (1) For every historic structure preserved and subject to a historic preservation restriction, one (1) dwelling unit may be added to the Basic Maximum Number.

C. Alternative Energy

- (1) For every four dwelling units in which alternative renewable energy (i.e. solar power, wind power, hydroelectric power, and other sources deemed acceptable by the Planning Board) supplies at least fifty percent (50%) of the total annual energy requirements for heating and hot water for that dwelling unit, one dwelling unit may be added as a density bonus; provided that this density bonus shall not exceed five percent (5%) of the Basic Maximum Number.

**Sturbridge Zoning Bylaws
As amended 2010**

D. Affordable Housing

- (1) A density bonus may be permitted when the proposed subdivision provides permanently affordable housing opportunities, whether within the Open Space Residential Subdivision or elsewhere in Sturbridge. When located within the Open Space Residential Subdivision, affordable units shall be developed concurrently with the market rate units.
- (2) For every two dwelling units restricted in perpetuity to occupancy by Moderate Income Households, or for every one dwelling unit restricted in perpetuity to occupancy by Low Income Households provided under this section, one additional market rate dwelling unit may be permitted, up to a maximum five percent (5%) of the Basic Maximum Number. Affordable housing units may be used toward density bonuses only if they can be counted towards the Town's affordable housing inventory as determined by the Massachusetts Department of Housing and Community Development. The applicant shall provide documentation demonstrating that the unit(s) shall count towards the community's affordable housing inventory to the satisfaction of the Planning Board.

17.12 DECISION OF THE PLANNING BOARD:

A. Review and Decision

With respect to materials submitted, time limits for action and other such procedural matters, the Planning Board shall act in accordance with the procedures specified in the Town of Sturbridge Rules and Regulations governing Special Permits – Planning Board adopted December 2, 2002 and as may from time to time be amended, and in accordance with MGL Chapter 40A, Sections 9 and 11 regarding submittal, review and decision. Where this bylaw requires additional submittals, those items shall also be submitted.

B. Approval Criteria

1. Findings: The Planning Board may approve the development upon finding that it complies with the purposes and standards of the Open Space Residential Development bylaw and those standards for the issuance of special permits set forth in Section 24.09 of the Zoning Bylaws and G.L. c.40A, §9, and is superior in design to a conventional subdivision with regard to protection of natural features and scenic resources of the site. The Planning Board shall consider the following criteria in making its decision:

- (a) Upland open space as required by this Bylaw has been provided and generally conforms to the Design Requirements in Section IV.K.5 of this Bylaw.
- (b) Approximate building sites have been identified and are not located closer than fifty (50) feet to wetlands and water bodies.
- (c) Proposed streets have been aligned to provide vehicular access to each house in a reasonable and economical manner. Lots and streets have been located to avoid or minimize adverse impacts on open space areas and to provide views of and access to the open space for the lots.
- (d) All lots and structures meet the applicable dimensional requirements of Section IV.K.4 of this Bylaw.

2. The Planning Board's findings, including the basis of such findings, shall be stated in the written decision of approval, conditional approval or denial of the application for special permit.

C. Conditions

**Sturbridge Zoning Bylaws
As amended 2010**

The Planning Board shall impose conditions in its decision as necessary to ensure compliance with the purposes of this Bylaw. Approval of an Open Space Residential Development shall be conditioned upon Definitive Subdivision approval as applicable. Lands made subject to an OSRD special permit may not be further divided so as to increase the number of lots, or alter the ways, common areas, or open space provided for by such special permit, without a modification of the special permit.

D. Time Limit

1. A Special Permit under this Section shall lapse if substantial use or construction has not commenced within two (2) years from the date the special permit decision is filed with the Town Clerk, not including appeals periods, except for good cause shown. An extension of time may be granted by the Planning Board upon application by the owner/applicant prior to the expiration and upon review of the circumstances and a finding of good cause.

E. Relationship to Subdivision Control Law

Nothing contained herein shall exempt a proposed subdivision from compliance with other applicable provisions of this Bylaw or the Subdivision Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health and of the Planning Board to approve, condition or disapprove a subdivision plan in accordance with the provision of such Rules and Regulations and of the Subdivision Control Law. To the extent possible, the application for approval of an Open Space Residential Development and a definitive subdivision application shall be processed and administered contemporaneously. An application for an OSRD shall be followed by an application for a Definitive Subdivision Plan, as necessary.

17.13 Severability:

If any provision of this Bylaw is held invalid by a court of competent jurisdiction, the remainder of the Bylaw shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this Bylaw shall not affect the validity of the remainder of the Sturbridge Zoning Bylaw.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER EIGHTEEN
ACCESSORY DWELLING UNITS
{Adopted 4-27-09; Article 15}**

18.01 ACCESSORY DWELLING UNITS

Accessory Dwelling Units shall be permitted only upon issuance of a Special Permit from the Zoning Board of Appeals and in accordance with the additional requirements specified herein.

18.02 GENERAL DESCRIPTION:

An accessory dwelling unit shall mean a separate housekeeping unit, complete with its own sleeping, cooking and sanitary facilities, that is contained within the structure of a single-family dwelling or attached accessory structure as specified in this section, but functions as a separate unit. This bylaw is not intended for revolving short term rentals.

18.03 PURPOSE:

The purpose of the Accessory Dwelling Unit Bylaw is to:

- (a) Provide homeowners with a means of obtaining, through tenants in accessory apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave;
- (b) Provide a mix of housing that responds to changing family needs and smaller households;
- (c) Provide a broader range of accessible and more affordable housing;
- (d) Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional conditions as may be appropriate to further the purposes of this bylaw; and
- (e) Legalize conversions to encourage compliance with the State Building Code.

18.04 ACCESSORY DWELLING UNIT STANDARDS:

The SPGA may authorize a Special Permit for a use known as an Accessory Dwelling Unit in Owner-Occupied, Single-Family Dwellings, provided that the following standards and criteria are met:

- (a) The accessory unit shall clearly be a subordinate part of the single family dwelling. It shall be no greater than 600 square feet or twenty percent of the total square footage of the existing home, whichever is less.
- (b) The accessory unit will be a complete, separate housekeeping unit that functions as a separate unit from the original unit.
- (c) Only one accessory unit shall be created. This accessory unit shall be either within the single-family dwelling or the attached accessory structure.

**Sturbridge Zoning Bylaws
As amended 2010**

- (d) The lot on which the single-family house is located must meet the minimum lot size requirement and must comply with other applicable zoning requirements for its district.
- (e) The owner(s) of the residence in which the accessory unit is located shall occupy at least one of the dwelling units on the premises except for bonafide temporary absences.
- (f) The accessory dwelling unit shall be designed so that the appearance of the building remains that of a single family residence as much as feasibly possible. Where feasible, any new entrances shall be located on the side or rear of the building. Any exterior changes made must conform to the single family character of the neighborhood.
- (g) An addition to the original building is permitted provided that the addition does not increase the floor area or volume of the original building by more than twenty (20) percent or 600 square feet whichever is less, and the addition will not alter the character of the building.
- (h) At least 1.5 off-street parking spaces per dwelling unit are available for use by the owner-occupant(s) and tenant(s). Parking spaces shall be located to the side or the rear of the structure, to the extent feasible. The maximum number of on site parking spaces shall be five.
- (i) A Sanitarian or Professional Engineer, registered in the Commonwealth of Massachusetts, has certified that the existing or proposed improvements to new or existing sewage disposal systems are adequate and in accordance with 310 CMR 15.000, The State Environmental Code, Title 5.
- (j) The construction of any accessory apartment must be in conformity with the State Building Code.

18.05 APPLICATION PROCEDURE:

- (a) The procedure for the submission and approval of a Special Permit for an Accessory Dwelling Unit in Owner-Occupied, Single Family Dwellings shall be the same as prescribed in Section 24.09 of the Sturbridge Zoning Bylaw, and the Rules and Regulations for Special Permit that have been adopted and amended from time to time by the SPGA, except that the application shall include a notarized letter of application from the owner(s) attesting that he/she will occupy one of the dwelling units on the premises.
- (b) Upon receiving a Special Permit, the owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.
- (c) In order to provide for the development of housing units for disabled and handicapped individuals, the SPGA will allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons.

18.06 TRANSFER OF OWNERSHIP OF A DWELLING WITH AN ACCESSORY DWELLING UNIT

- (a) The temporary Special Permit for an accessory unit in an owner-occupied, single family dwelling shall terminate upon the sale of property or transfer of title of the dwelling, unless the SPGA has approved a transfer of the Special Permit to the new owner.
- (b) The new owner(s) must apply for transfer of a Special Permit for an accessory unit in an owner occupied, single family dwelling and shall submit a notarized letter of application attesting that

**Sturbridge Zoning Bylaws
As amended 2010**

he/she/they will occupy one of the dwelling units on the premises and a written request to the SPGA stating that conditions at the time of the original application remain unchanged. Minor changes may be approved without a hearing.

(c) Upon receiving the transferred Special Permit, the new owner(s) must file for the subject property a Declaration of Covenants at the Worcester District Registry of Deeds. The Declaration shall state that the right to rent a temporary accessory unit ceases upon transfer of title. A time-stamped copy of the recorded Declaration shall be provided to the SPGA.

18.07 ACCESSORY UNITS IN EXISTENCE BEFORE THE ADOPTION OF THE ACCESSORY DWELLING UNIT BYLAW

(a) Statement of Intent

To ensure that accessory units or conversions in existence before the adoption of this Accessory Unit Bylaw are in compliance with the State Building Code.

(b) Application Procedure

The SPGA may authorize, under a Special Permit and in conjunction with the Building Inspector, an Accessory Unit in an Owner-Occupied, Single Family Dwelling or accessory structure. The Board will review, with the Building Inspector, each existing use on a case-by-case basis to determine if the dwelling conforms to the State Building Code.

The applicant must follow the same procedures described in this Accessory Unit Bylaw including the submission of a notarized letter attesting to owner occupancy and a Declaration of Covenants.

18.08 REQUIRED RENEWAL:

A Special Permit for an accessory dwelling unit shall be two (2) years. At the end of each two (2) year period, renewal shall be granted upon receipt of a new application, accompanied by the appropriate filing fee as listed on the Town of Sturbridge Fee Schedule, and certification by the owner to the Zoning Board of Appeals that the property remains the principal residence of the owner, and that all other conditions met at the time of the original application remain unchanged. The ZBA in its discretion may require a new Special Permit and demonstration of compliance with all the conditions necessary for a Special Permit for an accessory apartment, pursuant to the Special Permit requirements of this bylaw.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER NINETEEN
INTENSITY REGULATIONS
{Adopted 3-1-65; Article 46}**

No building shall be erected, placed or converted to use on any lot in the Town unless the following requirements are met. **{Amended 4-30-01; Article 10}**

All of these requirements must be met by land located entirely within the applicable zoning district.

No residential use shall have a net floor area of living space per family of less than 750 square feet.

	Lot Size		Setbacks		Max. Lot Coverage (%)	Max. # Bldg. Stories	Max. Height (Mean)	Max. Impervious Surface	Min. Habitable Floor Area
	Area (acres)	Frontage	Street ²	Other					
Rural Residential	1	150'	30'	20'	15	2	35	—	750 s.f.
Suburban Residential	¾	125' ¹	30'	15'	15	2	35	—	750 s.f.
Commercial	1	150'	25'	10'	30	3	35	70%	750 s.f.
Comm. /Tourist	1	150'	25'	10'	30	3	35	—	750 s.f.
Commercial II	1	150'	25'	10'	30	3	35	70%	750 s.f.
Historic Commercial	1	200'	50'	20'	30	-	35	—	750 s.f.
General Industrial	1	150'	30'	20'	50	-	35	70%	750 s.f.
Industrial Park	2	300'	60'	30'	33 ³	2	35	70%	750 s.f.
Special Use	1 ⁴	200' ⁵	100' ⁶	30' ⁶	30	-	35	—	750 s.f.

¹ ½ acre area allowed if lot is serviced by Town water and sewer. **{Amended 4-30-01; Article 8}**

² Street line setbacks apply to all streets forming corner lots.

³ May increase to 50% if granted a Special Permit.

⁴ Except in PUBD, where minimum acreage is 50 acres, 25 with Special Permit.

⁵ Except in PUBD, where frontage requirement is 400 feet.

⁶ Except in PUBD, where setback is 100 feet on public way and 75 feet from property lines.

⁷ Except in PUBD, where maximum height is 60 feet.

{Amended 4-24-00; Article 17}

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY
GENERAL REGULATIONS
{Adopted 3-1-65; Article 46}**

20.01 EXISTING USES NOT AFFECTED - This Bylaw shall not apply to existing use of any building or structure, or of land to the extent of that use at the time of the adoption of this Bylaw.

20.02 NON-CONFORMING USES AND STRUCTURES **{Amended 4-28-03; Article 7}**

20.03 The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this Bylaw may be continued although such structure or use does not conform with provisions of the Bylaw.

20.04 DELETED **{4-30-07 Article 29}**

20.05 CHANGE IN NON-CONFORMING USE AND STRUCTURES
{Amended 4-28-03; Article 7}

A pre-existing non-conforming structure or use may be extended, changed or altered, and subject to issuance of a special permit by the Zoning Board of Appeals. No such extension, change or alteration shall be permitted unless the Zoning Board of Appeals finds after a Public Hearing that such extension, change or alteration shall not be substantially more detrimental to the neighborhood than the existing non-conforming use.
{Amended 4-28-03; Article 7}

In order to make such a finding, the Zoning Board of Appeals shall request from the petitioner any relevant surveys, studies or other documentation; and shall verify this information with other town agencies and officials as necessary, to make the following determinations:

- (A) Baseline Conditions – The extent to which the existing non-conforming structure or use does not currently conform to the requirements of the zoning ordinance with regard to permitted use, dimensional controls, parking, loading, or other requirements.
- (B) Proposed Changes:
 - (1) The extent to which the proposal would increase the non-conformity with respect to each of the dimensional controls listed in Town's Zoning Bylaws Chapter Nineteen, Intensity Regulations.
 - (2) The extent to which the proposal would increase the non-conformity with respect to the Town's Zoning Bylaws, Chapter Twenty, Sections 20.22 and 20.23 required parking and loading. **{Amended 4-28-03; Article 7}**
 - (3) Whether the proposal would intensify the existing non-conformities or result in additional ones.

**Sturbridge Zoning Bylaws
As amended 2010**

In order to assist in making its decision, the Zoning Board of Appeals shall also review and consider information related to the following: traffic, noise, lighting, heat, glare and vibration, drainage, air quality, intensity of use, public nuisance, abutting uses, neighborhood character and environmental quality. **{Amended 4-29-02; Article 9}**

20.05.1 ALTERATION OF NON-CONFORMING RESIDENTIAL STRUCTURES

Notwithstanding any other provisions of these Bylaws, alteration, reconstruction, extension or structural change (collectively "alteration") of a pre-existing, non-conforming single-family or two-family residential structure will be deemed not to increase the nonconforming nature of such a structure, and shall be permitted as of right, if:

- (a) the structure is located on a conforming lot, and the proposed alteration will comply in all respects with the Bylaws; or
- (b) the structure is located on a legally non-conforming lot, and the proposed alteration will retain the structure's existing footprint, and will not increase the structure's existing envelope. "Envelope", as used herein, shall mean the outer surfaces of the existing structure.

Alteration of a pre-existing, non-conforming single-family or two-family residential structure, where such alteration cannot be made as of right, may be made without the necessity of obtaining a special permit pursuant to Section 20.05, if the Zoning Board of Appeals determines that such alteration will not increase the non-conforming nature of the structure. If the Zoning Board of Appeals does not make this determination, the applicant may seek a special permit pursuant to Section 20.05.

{Amended 4-28-03; Article 7}

- 20.06 Replacement of Destroyed Buildings – Any pre-existing non-conforming non-residential building, including an otherwise conforming non-residential building on a non-conforming lot, that is destroyed by fire, explosion, the act of public enemy or act of God, may be reconstructed as a matter of right, provided that the reconstruction must be within the then-existing building footprint and must not exceed the then-existing building envelope. Said reconstruction of the building must be under construction within two (2) years of the date of casualty.

Reconstruction of a pre-existing non-conforming building, where such reconstruction cannot be made as of right, may be made by a Special Permit granted pursuant to Section 20.05. **{Amended 4/30/07; Article 29}**

- 20.07 ABANDONMENT - A non-conforming use which has been discontinued for a period in excess of two (2) years shall not be re-established. Any future use shall conform to the requirements of this bylaw at the time of the establishment of the new use. **{Amended 4-27-92; Article 43}**
- 20.08 CHANGES - Once changed to a conforming use, no structure or land shall be permitted to revert to a non-conforming use.

**Sturbridge Zoning Bylaws
As amended 2010**

20.09 LOTS - No lot shall be laid out or have a structure erected thereon unless the lot has the frontage specified in Chapter Nineteen of this Bylaw on:

- (a) A public way, or a way certified as used and maintained as a public way; or
- (b) A way shown on a plan heretofore approved by the Planning Board in accordance with the Subdivision Control Law; or
- (c) A way in existence when the Subdivision Control Law became effective in the Town of Sturbridge, having in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby and for the installation of municipal services.

{Amended 4-17-84; Article 39}

20.10 WIDTH OF LOT - No lot shall have a width as defined in Chapter Two that is less than the frontage specified for the District in Chapter Nineteen. **{Amended 4-27-98; Article 126}**

20.11 REDUCTION OF LOT SIZE - No lot shall be changed or reduced in area or shape so that it does not conform to the provisions of this Bylaw except that any single lot or parcel on which two or more houses were standing at the time of the adoption of this Bylaw may be divided into separate lots, conforming as nearly as possible to this Bylaw on each of which one of such houses remains standing, provided that each lot has at least twenty (20) feet of frontage on a public way.

20.12 LOTS OF LESS THAN REQUIRED WIDTH OR AREA - Certain previously recorded or approved lots having an area or frontage of lesser amount than required by this Bylaw may be built upon under the conditions set forth in M.G.L. Ch. 40A, § 6. **{Amended 4-30-01; Article 12}**

20.13 DWELLINGS - Not more than one building designed or available for use for dwelling purposes shall be erected or placed, or converted to use as such on any lot in a subdivision, or elsewhere in the Town without the consent of the Planning Board, which consent shall be conditional upon the providing of adequate ways furnishing access to each site for such building, in the same manner as otherwise required for lots within a subdivision. Conditions pertaining to the location of building on a lot, additional set backs from the lot lines, and an impact statement may be required by the Planning Board. **{Amended 6-29-81; Article 86}**

20.14 ACCESSORY BUILDINGS

An accessory building attached to its principal building shall be considered an integral part of the principal building and as such shall be subject to the open space requirements applicable to the principal building.

No accessory building or structure shall be located within the required set back from street line nor within the required set back from lot lines.

20.15 TRAILER COACH

**Sturbridge Zoning Bylaws
As amended 2010**

- 20.16 Not more than one trailer coach may be kept on any parcel of land. No trailer coach may be used as living quarters while so located. Space shall not be leased for trailer coaches, provided however, that the foregoing shall not prohibit the establishment of a trailer coach park under provisions of M.G.L., Ch. 140 and any amendment thereto and this Bylaw. **{Amended 3-3-69; Article 55}**
- 20.17 The removal of wheels from a mobile home or trailer and the placing of the same on any type of permanent foundation will not change the character of the building and the prohibition of the Bylaw will apply to such structures.
- 20.18 PROJECTIONS - Nothing in this Bylaw shall prevent the projection of steps, eaves, cornices, window sills, awnings or belt courses into any required set back from street line nor within the required set back from lot lines.
- 20.19 OBSTRUCTION OF VIEW - No sign, fence, tree, wall, hedge or other vegetation, and no building or other structure more than three and one-half (3 1/2) feet above the established street grades shall be erected, placed or maintained within the area formed by any intersecting street lines and in a straight line adjoining said street lines at points which are twenty five (25) feet distance from the point of intersection, measured along said street lines.
- 20.20 PROHIBITED USES - Notwithstanding any other provision or provisions of this Bylaw to the contrary, and no building or structure shall be constructed and no building, structure, or land or part thereof, shall be used for any of the following purposes in any zoning district. **{Amended 11-5-79; Article 121}**
- (a) Any use, trade, business or process which is noxious or offensive by reason of gas, odor, dust, smoke, vibration, illumination or noises, or which constitutes a public hazard whether by reason of fire, explosion or otherwise. **{Amended 11-5-79; Article 121}**
 - (b) Flea Market **{Amended 11-5-79; Article 121}**
 - (c) Truck Stops, except as provided for in Section 11.02 **{Amended 4-11-83; Article 30}**
 - (d) Junk Yard **{Amended 4-17-84; Article 40}**
- 20.21 OFF-STREET PARKING AND LOADING SPACES
- 20.22 An off-street parking space shall have an area of not less than 10 by 20 feet per vehicle, handicapped spaces shall have an area of not less than 12 by 20 feet, truck parking spaces shall have an area of not less than 12 by 72 feet. Parking areas shall be provided on the same lot or on another lot located in a zone in which the parking area is permitted within a radius of not more than 300 feet from the lot to which it is appurtenant **(or 600 feet in Commercial Tourist District)**, in accordance with the following schedule: **{{Amended 4-24-89; Article 56}{Amended 4-30-07; Article 30} {Amended 4-30-07; Article 30}**

**Sturbridge Zoning Bylaws
As amended 2010**

- (a) Dwelling - Two (2) spaces per dwelling unit. Except in the case of a single family dwelling with an accessory dwelling unit in which case there shall be at least 1.5 parking spaces per residential unit not to exceed five total parking spaces. **{Amended 4-17-84; Article 41} {Amended 4-30-07; Article 30}**
- (b) Hotel, Inn Motel - One (1) space for each guest sleeping room plus one additional space for each employee working on the largest shift. **{Amended 4-17-84; Article 41} & {Amended 4-27-98; Article 127}**
- (c) Restaurant, Cafe, Tavern - One space for every three (3) seats of seating capacity plus one (1) space each, for the number of employees working on the largest shift. **{Amended 4-17-84; Article 41}{Amended 4-30-07; Article 30}**
- (d) Theater, Auditorium, Church, Place of Public Assembly - One (1) space for every ten (10) seats.
- (e) Retail Stores - One (1) space for each 200 square feet of gross (all sales and non-sales space) floor space plus one space each for the number of employees working on the largest shift. **{Amended 4-17-84; Article 41} & {Amended 4-29-91; Article 51}**
- (f) Offices:
 - (1) Those serving the public such as professional, realtors, utilities, etc. One (1) space for every 500 square feet of floor space plus one (1) space for each employee.
 - (2) Those not serving the public such as corporate headquarters, industrial sales etc. one and one tenth (1.1) space for each employee.**{Amended 4-28-86; Article 97}**
- (g) Industrial Building - One (1) space for every two (2) employees.
- (h) Every Hospital, Institution, Hotel, Retail Store, Office Building, Wholesale House or Industrial Building or additions thereto on the premises shall permanently maintain not less than one (1) loading space 10 feet in width, 30 feet in length and 14 feet vertical clearance. Loading spaces are required as designated by the Planning Board in a manner consistent with public safety and the intended use of the building. Loading spaces shall be separated from the main entrance to any building. Basements shall not be included in the gross floor area if used only for storage. **{Amended 4-29-91; Article 52}**

Loading and unloading facilities shall not be located in such a manner as to be visible from the street on which the principal use faces. **{Amended 4-27-98; Article 124}**
- (i) Convention Hall, Exhibition Hall - One (1) space for every four (4) seats or One (1) space for each four (4) persons allowed on the occupancy permit, whichever is the greater. **{Amended 4-17-84; Article 41}**

Sturbridge Zoning Bylaws
As amended 2010

- (j) The parking area and access driveways thereto shall be surfaced with crushed stone or bituminous or cement concrete material and shall be graded and drained so as to dispose of all surface water accumulation in accordance with acceptable engineering practices. To ensure safety, berms must be placed as required by the Planning Board except for parking areas for single residential use. **{Amended 4-17-84; Article 41}{Amended 4-30-07; Article 30}**
- (k) A substantial bumper of masonry, steel, heavy timber, concrete curb, or berm curb which is backed shall be placed at the edge of surfaced areas except driveways in order to protect abutting structures, properties, and sidewalks. **{Amended 4-17-84; Article 41}**
- (l) 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. **{Amended 4-17-84; Article 41}**
- (m) There shall not be any storage of material or equipment or display of merchandise within the required parking area. **{Amended 4-17-84; Article 41}**
- (n) Parking shall not be located within the applicable set back requirements in any District except for single residential use. Additionally, pedestrian lanes five feet wide must be located adjacent to the front and sides of such buildings to allow for handicapped passage without parking interference except for buildings for single residential use. **{Amended 4-17-84; Article 41}{Amended 4-30-07; Article 30}**
- (o) Any two (2) driveways leading to or from a street from a single lot shall not be within thirty (30) feet of each other at their intersection with the front lot line. (Street Line) **{Amended 4-17-84; Article 41}**
- (p) Parking spaces deemed unsafe by the Director of Inspections shall be excluded from the count of available parking spaces and shall be blocked off to prevent their use. **{Amended 4-17-84; Article 41}**
- (q) Except for entrance and exit drives, access to the street shall be prevented by suitable barriers. **{Amended 4-17-84; Article 41}**
- (r) The width of entrance and/or exit driveways shall be determined by the Town Engineer if the capacity of the lot is six or more vehicles. **{Amended 4-17-84; Article 41}**
- (s) **SHARED OR LEASED PARKING**

Parking spaces required for one use shall not be considered as providing the required facilities for any other use, except as hereinafter provided. Any existing parking above 120% of parking otherwise required for all uses on a property may be shared or leased by right. Where existing parking spaces are more than 100% but less than 120% of parking otherwise required for all on-site uses, applicants for a Site Plan Review approval or Special Permit may request to share and/or lease the parking spaces, based on the following conditions:

**Sturbridge Zoning Bylaws
As amended 2010**

- (1) Parking spaces to be shared represent the difference between peak parking needs generated by on-site uses occurring at different times. This may include reductions in parking use resulting from employees, tenants, patrons or other parking users of the site being common to and shared by more than one different use on the site, and/or:
- (2) Parking spaces to be shared represent the difference between current levels of peak parking utilization and anticipated lower future levels of peak parking utilization, said difference to be generated in whole or in part by a parking management plan approved by the permit granting authority. Said plans shall include and implement measures such as car and van pooling, bicycling and public transit. The permit granting authority may require periodic documentation of reductions in parking utilization realized as a result of the parking management plans.
- (3) The shared or leased parking is suitably located in the neighborhood in which it is proposed, as deemed appropriate by the permit granting authority.
- (4) The shared parking spaces may only be located in a zone in which the parking area is permitted.
- (5) An agreement, lease, deed, contract or easement establishing shared use of a parking facility shall be submitted to and approved by the Planning Board. The approved agreement shall be recorded in the Registry of Deeds prior to the issuance of an occupancy permit for the project.
- (6) In the event that a shared parking agreement is terminated, those uses with less than the required number of spaces shall notify the Planning Board within fourteen (14) days and do one of the following:
 - a. Provide at least fifty (50) percent of the required parking within sixty days and provide the remaining required parking within six (6) months following termination of the shared use agreement; or
 - b. Demonstrate to the Planning Board, using a study deemed reliable by the Board, that the available parking is sufficient to accommodate the use's peak parking demand. **{Amended 4-30-07; Article 30}**

(t) BICYCLE RACKS

For all parking lots of 10 or more parking spaces, it is encouraged that the installation of bicycle racks be provided. The bike racks shall be designed to provide for the locking of bikes to the racks. The design, location and number of bike racks shall be approved by the permit granting authority as part of an approval of the permit request. **{Amended 4-30-07; Article 30}**

20.23 Reasonable and appropriate off-street parking requirements for structures and land uses which do not fall within the categories listed under this section shall be determined, in each case, by the Planning Board, which shall consider all factors entering into the parking needs of such use. **{Amended 4-26-93, Article 23}**

20.24 FENCE

20.25 No fence more than 4 feet 6 inches high may be constructed without first securing a building permit. **{Amended 4-27-87; Article 53}**

**Sturbridge Zoning Bylaws
As amended 2010**

20.26 A building permit may be denied for any fence, which in the judgment of the Director of Inspections:

- (a) Would result in an unreasonable obstruction to view for any abutter; or
- (b) Would not be safe, either structurally or otherwise; or
- (c) Would not be in keeping with the character of the Town in general and with the specific neighborhood in particular.

{Amended 4-27-87; Article 53}

20.27 No fence may be constructed closer than 1 foot from any lot line or street line. **{Amended 4-27-87; Article 53}**

20.28 No fence shall be constructed which creates an obstruction to view under the provisions of Section 20.19 of this Bylaw. **{Amended 4-27-87; Article 53}**

20.29 A fence which is set on and serves as a boundary line between any two lots or lot and the street line constructed solely of dry-laid stone not more than 3 feet high shall be exempt from this Bylaw. **{Amended 4-27-87; Article 53}**

20.30 Jersey barriers may not be used for fencing, except by a governmental agency. **{Amended 4-26-99; Article 29}**

20.31 DRIVEWAYS

- (a) Each developed lot shall be provided with a driveway adequate in arrangement and construction to provide safe and proper access to the developed portion of said lot. **{Amended 4-25-88; Article 124}**
- (b) All driveways shall access on the way on which legal frontage for that lot is established. **{Amended 4-25-88; Article 124}**
- (c) Common driveways serving more than one lot for residential purposes shall not be permitted. **{Amended 4-29-91; Article 53}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY-ONE
MULTIPLE DWELLING PROJECTS**

- 21.01 In addition to such uses and improvements as are otherwise permitted under this Bylaw in the Rural Residential District (RR) and the Suburban Residential District (SR), the owner of a plot of land shall be allowed the option of multiple dwelling projects by a special permit. **{Amended 12-14-81; Article 33} & {Amended 4-26-82; Article 25}**
- 21.02 If the applicant chooses to build under this Chapter, all conditions and requirements set forth herein must be met. **{Amended 12-14-81; Article 33}**
- 21.03 Insofar as these regulations may conflict with the regulations for lot area, width, coverage, height limit and set backs as set forth in Chapter Five, Use Regulations under Rural District and Chapter Six, Suburban Residential District, the following shall apply.

21.04 PURPOSES

The provisions of this section are designed to enable a developer of land for residential purposes to make such use pursuant to a plan which is in keeping with the overall residential and open space objectives of the bylaw, but which depart from the strict application of certain of the required characteristics applicable in Rural Residence or Suburban Residence Districts in order to:

- (a) Permit a creative approach to the development of residential land by avoiding the conventional gridiron pattern.
- (b) Accomplish a more desirable environment that would be possible under the strict application of the requirements of the existing residential regulations.
- (c) Provide for the most effective use of land, and thus to counteract the effects of urban congestion and monotony.
- (d) Enhance the appearance of neighborhoods through the preservation of natural features and open space for public use and enjoyment.
- (e) Provide structure to neighborhood design, add to the sense of spaciousness and encourage participation by all age groups in the use and care of local open space tracts and thereby:
- (f) Help promote the public safety, morals and welfare of the people residing nearby, and to aid in stabilizing property values.

**Sturbridge Zoning Bylaws
As amended 2010**

21.05 CONDITIONS AND REQUIREMENTS

The following conditions shall apply in the case of multiple dwelling projects only:

- 21.07 The minimum area for any multiple dwelling project shall be 15 acres.
- 21.08 The minimum lot area per dwelling unit in a Multiple Dwelling Project shall be 1/2 acre (Two (2) dwelling units per acre). **{Amended 4-28-86; Article 102}**
- 21.09 No multiple dwelling shall contain more than five dwelling units and no multiple dwelling project shall contain more than One hundred and Twenty (120) dwelling units. Within said maximum limitation, the number of dwelling units in any multiple dwelling project shall, in no case, exceed the number obtained by dividing the lot area of the proposed use by the minimum lot area per dwelling unit specified in Section 21.08 of this Chapter. **{Amended 4-28-86; Article 102}**
- 21.10 Within a multiple dwelling project, the buildings shall be grouped in clusters, no such cluster to exceed 20 dwelling units, and no building in any cluster shall be less than 100 feet from any building in any other cluster. **{Amended 4-28-86; Article 102}**
- 21.11 The minimum distance between any two buildings within a cluster in a multiple dwelling project shall be not less than 50 feet, except that all walls parallel or generally parallel shall be considered to be facing and shall comply with the requirements of Section 21.13 below. Where the number of such buildings exceeds three, the intervals between them and their orientations shall be varied sufficiently to avoid the uniform appearance of a gridiron pattern and made efficient use of the physical character of the lot as an integrated whole. **{Amended 4-28-86; Article 102}**
- 21.12 There shall be in respect of each building a minimum set back from streets of 35 feet, and from all other property line of 75 feet.
- 21.13 Buildings shall be located so that each front facade shall face for its full length upon an open space which in its least dimension shall not be less than 60 feet.
- 21.14 The maximum coverage of the site by buildings, roads and parking areas for any multiple dwelling project shall be 25 percent.
- 21.15 Each multiple dwelling project shall provide surfaced parking facilities equal to 2 times the total number of dwelling units in the project which shall conform to the following requirements:
- (a) Parking areas shall be designed on the basis of 300 square feet per vehicle, with the provision that a minimum of 200 square feet must be provided for each specific vehicle's parking space.
 - (b) All parking spaces shall be off of the street right-of-way, but with direct access thereto, except that no parking facilities shall be located within the set back from a street or property line.

**Sturbridge Zoning Bylaws
As amended 2010**

- (c) Driveways, parking spaces, garages, and service areas, shall not be more than 100 feet from the nearest building exterior entrance used for actual entrance and egress for the dwelling unit served by said facility.
- (d) All off-street parking spaces and service areas shall be screened by appropriate landscaping or fencing from adjacent residential properties and/or from the street as specified in Section 21.30 of this Chapter.

{Amended 4-27-87; Article 48} & {Amended 4-27-87; Article 52}

- 21.16 One or more paved service areas for use as a drying area and for temporary storage of garbage and rubbish shall be provided for each dwelling building.
- 21.17 Storage of rubbish or garbage shall be in one or more suitable vermin and rodent proof containers having at least a 40 gallon capacity per each family dwelling unit.
- 21.18 Each dwelling unit shall be connected to a public water supply and sewer system.
- 21.19 Waste or other material shall be so discharged that it shall not create a condition in any water course or waters of the town which might be objectionable because of color, smell, taste or condition toxic to human, plant or animal life.
- 21.20 No space having its floor level above the second floor level above the finished grade shall be used for dwelling purposes and no space having its floor level below the finished grade shall be used for dwelling purposes except as a recreation room or utility room.
- 21.21 The required minimum habitable floor area of each dwelling unit shall be determined with reference to the number of bedrooms in such dwelling unit. If:

The Number of Bedrooms is: The said Habitable Floor Area shall be:

One (1)	480 square feet
Two (2)	600 square feet
Three (3)	750 square feet

In each multiple dwelling project, the maximum number of three bedroom units shall be 10 percent of the total number of dwelling units proposed.

- 21.22 There shall be provided for each unit an enclosed storage space, in addition to the closet space, equal to at least 10 percent of the habitable floor area of such dwelling unit.
- 21.23 Radio and television facilities shall be served by a master antenna for each cluster of dwelling units only. No individual external radio or television antenna shall be permitted.
- 21.24 Such use shall not create or result in objectionable noise, smell, smoke, or radio or television interference which is noticeable off of the premises on which such use is situated.
- 21.25 The bond or bonds required by these regulations, if any, pursuant to Section 21.35 shall be posted and maintained in effect for the period prescribed in said section.

**Sturbridge Zoning Bylaws
As amended 2010**

21.26 In addition to such plans as may be required by the Special Permit Granting Authority, the applicant shall provide the following:

- (a) An impact statement showing the effect of the development on schools, police and fire protection, traffic patterns and municipal services.
- (b) An environmental suitability study showing that the site is capable of supporting this type of construction.

21.27 DESIGN CONSIDERATIONS

The following special design considerations shall be required in multiple dwelling projects:

21.28 The architectural design of buildings, including the building materials, color, and exterior elevations, shall be of such character to harmonize with the neighborhood, to accomplish a transition between areas of unlike character, to protect property values in the neighborhood and to preserve the appearance of the community.

21.29 The site plan and arrangement of buildings, including landscaping, grading, storm drainage, sanitary sewers, outdoor illumination, vehicular access, and parking spaces shall be of such a character as to harmonize with the neighborhood, to accomplish a transition between areas of unlike character, to protect property values in the neighborhood, to preserve the appearance and beauty of the community and to avoid undue traffic congestion.

21.30 Landscaping shall be designed to enhance the appearance of the project, screen parking and service areas from adjacent residential lots, and effect a blend between new development and existing residential areas adjacent thereto, and shall include judicious use of trees, shrubs, earth forms and such related elements as stone walls, walks, streams and pond areas.

21.31 The maximum building height shall be 30 feet.

21.32 All wires, cables and other conduits and equipment used to or among buildings within multiple dwelling projects shall be installed underground in accordance with and to the extent permitted by generally accepted engineering principles.

21.33 The proposed use shall conform to such other conditions as the Board of Appeals may prescribe which are in furtherance of and in harmony with the purposes set forth in the preamble of the section entitled "Purposes".

21.34 A portion of not less than 10 percent of the lot area of any multiple dwelling project shall be reserved as one or more permanent open spaces for recreation, conservation and general enjoyment as follows:

- (a) Such open space shall be readily accessible to dwelling buildings by street or pedestrian way and shall have adequate vehicular access for service and maintenance.

**Sturbridge Zoning Bylaws
As amended 2010**

- (b) Such open space shall be either developed as a recreation area, a natural park or be suitably graded and landscaped and shall have adequate provisions for drainage.

21.35 BONDS

- 21.36 As a condition of the Site Plan Approval to be granted hereunder, the Planning Board may require that one or more performance bonds be posted with the Treasurer of the Town to guarantee completion in strict accordance with the plans and drawings submitted of all public improvements to be made for a use permitted under this Chapter, in the same manner as now required under the Sturbridge Subdivision Regulations. It may require that a single comprehensive bond be posted to guarantee completion of all such improvements. It may also require that an amount be included for land restoration not having to do with the construction of public improvements. The amount for land restoration shall be \$10,000 per acre, or such other amount as determined by the Town Engineer. **{Amended 4-29-91; Article 54}**

The amount of the security required shall be established by a preliminary estimate from the proponent's engineer, confirmed or added to by the Town Engineer. The Town Engineer's estimate shall be final, unless modified by a majority vote of the members of the Planning Board. **{Amended 4-29-91; Article 54}**

The method of securing performance shall be a bond, a letter of credit, a tri-party agreement with a financial institution acceptable to the Board, or a bank passbook. A covenant is acceptable only before construction is initiated, at which time the financial surety must be posted. Projects large enough to reasonably be built in phases may establish financial surety only for those phases on which construction is initiated, maintaining covenant provisions on the remaining phases. **{Amended 4-29-91; Article 54}**

The Planning Board may derive use of the secured funds in the event that the proponent does not complete all public improvements within two (2) years of the date of approval. All approvals of site plans for which performance surety is required shall be conditioned on the completion of public improvements within two (2) years of the date of approval. **{Amended 4-29-91; Article 54}**

One or more extensions may be granted for sufficient cause, not to exceed one (1) year in length. At the time of granting of the extension, the amount of any secured funds shall be reviewed to determine if it remains sufficient to cover current costs. If the funds are determined to be insufficient, such additional funds as required shall be added to the total of secured funds. **{Amended 4-29-91; Article 54}**

In any case, should public improvements not be completed within the permitted time, the project approval shall be null and void, with further action by the Planning Board not required. Any project having become void by the this means shall lose zoning protection from the provisions of M.G.L., Ch. 40A, § 6. **{Amended 4-29-91; Article 54}**

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY-TWO
SIGNS
{Adopted 3-1-65; Article 46}**

22.01 PURPOSE

The provisions of this Chapter Twenty-Two are adopted for the regulation and restriction of billboards, signs and other advertising devices within the Town of Sturbridge on public ways or on private property within public view of public way, public park, reservation or public property and property to which the public has access, in order to protect and enhance the visual environment of the Town of Sturbridge and safety, convenience and welfare of its residents.

22.02 AUTHORITY AND INTERPRETATION

The provisions of Chapter Twenty-Two are hereby declared to be remedial and protective and are adopted pursuant to the authorization set forth in M.G.L., Ch. 40, 40A, 43B & 93.

22.03 DEFINITIONS

In construing Chapter Twenty-Two, the following words shall have meanings herein given, unless a contrary intention clearly appears:

Overhanging Sign - A sign hung perpendicular to the face or wall of a building.
{Amended 4-27-92; Article 30}

Sign - Any exterior permanent or temporary structure, billboard, device, letter, word, model, banner, pennant, insignia, trade flag, streamer, emblem, display, or representation used as, or which is in the nature of any advertisement, announcement, amusement device, or direction or is designed to attract the eye by intermittent repeated motion or illumination and which is on a public way or on private property within public view of public way, public park, reservation or public property on property to which the public has access. **{Amended 4-27-92; Article 30}**

Seasonal Signs – Signs that are necessary to advertise events, products or services of a seasonal nature such as holiday events. **{Amended 4-26-99; Article 41}**

Temporary Sign - A sign intended to be displayed for a limited period of time for the purpose of advertising a special commercial undertaking, or announcing a bona fide charitable, religious, or civic event. **{Amended 4-11-83; Article 23}**

Window Sign - A sign displayed on or within the window of a building, visible from outside the building. **{Amended 4-27-92; Article 30}**

22.04 AREA OF SIGNS

- (a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

**Sturbridge Zoning Bylaws
As amended 2010**

- (b) The area of sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle which encompasses all of the letters and symbols.
- (c) The area of a sign which is other than rectangular in shape shall be determined as the area of the smallest rectangle which encompasses all elements of said sign.
- (d) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.
- (e) Only one side shall be counted in computing the area of a double faced sign.

22.05 MULTIPLE TENANT PROPERTY

A property owned by an individual, partnership, corporation, trust or other such entity with a portion or all of said property subdivided into individual areas and/or buildings rented to others for the purpose of conducting independent business.

22.06 ADMINISTRATION AND ENFORCEMENT

Except as noted in Section 22.23, a building permit from the Director of Inspections shall be required for the erection, construction or alteration of a sign or window sign. The application for a permit shall be submitted in such a form as he may prescribe and shall include such information as may be required for a complete understanding of the proposed work. As part of his review, the Director of Inspections shall refer all applications for signs proposed for installation in all non-residential zoning districts to the Design Review Board for their recommendation. **{Amended 4-27-92; Article 50} & {4-26-99; Article 30}**

The following standards shall be applied, in each instance, by the Design Review Board and by the Director of Inspections in reviewing such applications:

- (a) The sign will not cause visual confusion, glare, or offensive lighting in the neighborhood.
- (b) The specific site is appropriate for the proposed design.
- (c) The proposed design is in keeping with the character of the Town in general, and with the specific neighborhood in particular.
- (d) The sign will not interfere with traffic safety in the area.
- (e) The sign will be consistent with the architecture of the building on the lot upon which the sign is to be located and of the surrounding area.
- (f) The sign will be constructed of good materials and will be firmly and safely supported.

22.06 A schedule of fees for permits may be determined from time to time by the Board of Selectmen.

**Sturbridge Zoning Bylaws
As amended 2010**

22.07 NON-CONFORMING SIGNS

Any non-conforming sign legally erected prior to the date of enactment of this provision may be continued to be maintained for a period of five (5) years from the date of enactment (4/28/86), but shall not be enlarged, reworded, redesigned, or altered in any way during that period unless it is brought into conformity with the Bylaw. At the expiration of the five (5) year period, all non-conforming signs must be made conforming or be removed. **{Amended 4-25-88; Article 123} & {Amended 4-26-99; Article 34}**

The exemption herein granted shall terminate with respect to any sign which:

- (a) Shall have been abandoned
- (b) Advertises or calls attention to any products, business or activities which are no longer carried on or sold, whether generally or at the particular premises, or
- (c) Shall not have been repaired or properly maintained within sixty (60) days after notice to that effect has been given by the Director of Inspections.

22.08 All permanent signs regulated by this Bylaw shall be marked with a permanent identification number furnished by the Director of Inspections.

22.09 All temporary signs shall be marked by a sticker furnished by the Director of Inspections.

22.10 Permits dependent on special permits or approval shall not be granted until such special permits have been issued or approved by the Zoning Board of Appeals or the Historical Commission, as applicable.

22.11 Unless otherwise waived by the Director of Inspections, all signs for which a permit is required shall be subject to a site inspection to ensure that the sign has been safely and firmly constructed to application and valid sign permit.

22.12 There shall be no fees charged for permits for signs to be erected by a service club, charitable, civic, or religious organization.

22.13 GENERAL CRITERIA

**Sturbridge Zoning Bylaws
As amended 2010**

22.14 SIZE AND TYPE

The following signs shall be permitted in the Zoning Districts as follows:

Type of Sign	S.F.	RR	SR	C	CT	C 2	GI	IP	HC	SU
Professional or Name Signs	1.5	Y	Y	Y	Y	Y	N	N	Y	Y
Identification Signs for Estates, Schools, Farms, Etc.	20.0	Y	Y	Y	Y	Y	N	N	Y	Y
No Trespassing Signs	2.0	Y	Y	Y	Y	Y	Y	Y	Y	Y
Business and Advertising	30.0	N	N	Y	Y	Y	Y	Y	Y	Y
Overhanging Signs	16.0	N	N	Y	Y	Y	N	N	Y	Y
Multiple Tenant Signs	50.0	N	N	Y	Y	Y	Y	Y	Y	Y
Temporary Real Estate Signs in residential districts	6.0	Y	Y	N	N	N	N	N	N	N
Temporary Real Estate Signs in other districts	20.0	N	N	Y	Y	Y	Y	Y	Y	Y
Any Other Temporary Signs	12.0	Y	Y	Y	Y	Y	Y	Y	Y	Y
Bed and Breakfast Signs	12.0	Y	Y	N	Y	N	N	N	Y	Y

KEY TO ABOVE:

- | | | | |
|----|----------------------|----|------------------------|
| RR | = Rural Residential | SR | = Suburban Residential |
| C | = Commercial | CT | = Commercial /Tourist |
| C2 | = Commercial II | IP | = Industrial Park |
| GI | = General Industrial | HC | = Historic Commercial |
| SU | = Special Use | | |

{Amended 4-29-85; Article 104}, {Amended 4-27-92; Article 29}, {Amended 4-27-92; Article 40}, {Amended 4-27-92; Article 52}, {Amended 4-27-98; Article 84} & {Amended 4-26-99; Article 31}

**Sturbridge Zoning Bylaws
As amended 2010**

22.15 NUMBER OF ALLOWED SIGNS

No commercial, professional or industrial establishment shall maintain more than four (4) signs within the limits of the Town of Sturbridge, of which no more than two (2) signs may be located on the property itself. Only one (1) of the two (2) signs on the property may be freestanding. The above controls shall not apply to signs on the property which are less than five (5) square feet in area and which are limited to designation of entrances, exits, parking areas and other similar directional purposes. **{Amended 3-11-68; Article 44} & {Amended 4-26-99; Article 37}**

22.16 LOCATION OF SIGNS

No sign shall be located within a set-back area. Set-backs pertaining to signs shall be as follows:

	Street Line Setback	Lot Line Setback
Commercial, Commercial II, General Industrial, Industrial Park, Historic Commercial, Special Use	10 feet	10 feet
Rural Residential, Suburban Residential (other than real estate signs)	25 feet	15 feet
Real estate signs	10 feet	10 feet

{Amended 4-27-92; Article 51} & {Amended 4-26-99; Article 32}

22.17 OBSTRUCTION OF VIEW

No sign, including its supporting structure, extending more than 3 1/2 feet above the established street grades shall be erected, placed or maintained within the area formed by any intersecting street lines and a straight line adjoining said street lines at points which are twenty-five (25) feet distant from the point of intersection, measured along such street lines.

22.18 HEIGHT OF SIGNS

No free-standing sign shall exceed eighteen (18) feet in height above the natural grade. No sign shall project above the ridge line of the lowest building on the property.

22.19 BUILDING MOUNTED SIGNS

Building Mounted signs shall be erected and maintained as follows:

Signs parallel to or against the face or wall of a building shall not extend more than fifteen (15) inches from said face or wall. Said signs extending over a public sidewalk shall be not less than eight (8) feet above the sidewalk at the lowest point.

**Sturbridge Zoning Bylaws
As amended 2010**

Signs perpendicular to the face or wall of a building, shall extend no more than fifty-four (54) inches from such building line. Said signs extending over a public sidewalk shall be not less than eight (8) feet above the sidewalk at its lowest point. **{Amended 4-27-92; Article 28}**

22.20 SIGNS WITHIN STREET LINES

Signs shall normally not be located within the lines of any street. Exceptions may be allowed by Special Permit granted by the Zoning Board of Appeals.

22.21 MULTIPLE TENANT PROPERTIES

For multiple tenant properties, each tenant shall be entitled to only one business/advertising sign complying with all provisions of this Bylaw and located immediately adjacent to the rented premises. In addition, one multiple listing sign may be erected and maintained on the property to identify said tenants. The total area allowed for such a sign, as described by the rectangle encompassing the framework and all individual listing signs, shall not exceed fifty (50) square feet. Individual listing signs or encompassed individual listings shall be limited to one (1) listing per tenant, and shall be used for the sole purpose of identification, and not for advertising. Such listings may include a designation of profession such as "Attorney", "Architect" to facilitate identification. Multiple listing signs shall be of wooden faced design and, if lighted, said lighting shall be from a constant, exterior source. Individual listing signs within a multiple listing sign shall be of a uniform size and color. Multiple listing signs shall be subject to all other provisions of the Zoning Bylaw. **{Amended 4-27-98; Article 86} {Amended 4-30-07; Article 18}**

22.22 WINDOW SIGNS

Window signs shall not exceed twenty-five (25) percent of the individual window area, or sixteen (16) square feet, whichever is smaller. No signs shall be permitted in the window area of entrance and exit doors except for matters of public safety or security.

22.23 SIGNS NOT REQUIRING PERMITS

The following types of signs shall be authorized by right without the necessity of a permit. These signs shall be subject to the prohibitions set forth in Section 22.25 along with all other requirements of this Bylaw.

- (a) Signs bearing the name of an occupant of a dwelling not to exceed one and one-half (1 1/2) square feet in area.
- (b) Real estate signs not to exceed six (6) square feet in area in a Residential District or twenty (20) square feet in area in non-residential districts. Real Estate signs shall not be placed on property other than the property that is for sale except that Real Estate Open House signs may be placed on property other than the property that is for sale, with the approval of the property owner, on the day of the Open House for a duration of no more than two hours longer

**Sturbridge Zoning Bylaws
As amended 2010**

than the time period of the Open House. **{Amended 4-26-99; Article 33}**
{Amended 4-30-07; Article 19}.

- (c) Signs accessory to the use of the premises by a church, educational, or charitable institution. These signs, however, are expected to conform to the spirit and intent of the Bylaw.
- (d) Signs erected by the Municipal, County, State, or Federal Government, as may be deemed necessary for their respective functions, are exempt from the provisions of this Bylaw, but are expected to conform to the spirit and intent of it.
- (e) Signs indicating "entrance", "exit", "parking", or the like, erected on a premises for the direction of persons or vehicles not to exceed five (5) square feet in area. Such signs shall not carry the name of the business, a trade or service mark, or any product designation unless such identification is necessary to differentiate one area from another such as assigned parking on multi-tenant properties.
- (f) One builder's, architect's, developer's, or contractor's sign not to exceed twelve (12) square feet in area may be maintained on the premises while construction is in progress. Such a sign containing information related to the project shall not be installed in the set back area and shall be removed promptly upon completion of the construction.
- (g) Non-illuminated window signs complying with the area requirements of Section 22.22.
- (h) Signs promoting the election of a political candidate. Such signs may be displayed for a period not to exceed six (6) weeks prior to any election, shall be removed within fourteen (14) days following that election and are expected to conform to the spirit and intent of this Bylaw.

22.24 PROHIBITED SIGNS

22.25 THE FOLLOWING ARE NOT PERMITTED IN ANY ZONE:

- (a) Moving or animated signs. A sign which is designed to align itself with the wind for structural reasons shall not be considered a moving sign.
- (b) Flashing and other signs such as - Signs illuminated by, or including, any flashing, oscillating or rotating light, strings of lights, pennants, banners, beacons, or so called "whirligigs" and the like. Banners shall be permitted for advertising civic and religious events. **{Amended 4-29-81; Article 56}**
- (c) Signs that might be confused with traffic signs or lights.
- (d) Trailer signs or signs that are mounted on vehicles or other moveable devices or objects except as permitted in Section 22.27.
- (e) Temporary signs except as provided in Section 22.29.
- (f) Internally illuminated signs. **{Amended 4-29-91; Article 57}**

**Sturbridge Zoning Bylaws
As amended 2010**

- (g) Merchandise displays within the set-back areas pertaining to structures as defined in Chapter Nineteen of this Bylaw.
- (h) Devices, structures, or symbols that are meant to attract people's attention to a proprietor's products or services in excess of the number otherwise permitted by this Bylaw.
- (i) Neon or tube signs or outlining, other than hotel/motel vacancy signs or no-vacancy signs.
- (j) Advertising signs tacked, posted, painted, or otherwise attached to poles, posts, trees, sidewalks, curbs, rocks, radio, television or water towers, lighting structures or other similar poles or structures.
- (k) "Christmas Light" type displays used to outline or ornament buildings, trees, or shrubbery except in the period from November 15 to January 15 of the ensuing year. Such displays shall be illuminated only from dusk to midnight during this period.
- (l) Outdoor internally illuminated vending machines. **{Amended 4-27-98; Article 136}**
- (m) Halo signs, being signs that are illuminated from behind, creating a silhouette or outline. **{Amended 4-30-01; Article 15}**

22.26 No illuminated or self-illuminated signs shall be permitted in the Rural Residential or the Suburban Residential Districts.

22.27 VEHICLE MOUNTED SIGNS

No commercial or industrial sign shall be erected on, or attached to any vehicle except for signs applied directly to the surface of the vehicle. The primary use of such vehicle shall be in the operation of a business and not in advertising or identifying the business premise. The vehicle shall not be parked in a public right of way for the purposes of advertising.

22.28 SIGNS IN A HISTORICAL DISTRICT

A permit will not be issued in an Historical District unless the application is accompanied by an approval in writing from the Town of Sturbridge Historical Commission.

22.28 RESPONSIBILITIES OF PROPERTY OWNER

It shall be the responsibility of the property owner to ensure that all signs placed on his property are installed in compliance with the bylaws, that said signs are maintained in safe and presentable condition, and that signs representing establishments no longer on the premises are removed within two (2) business days from the date that the establishment ceases to do business on the property. **{Amended 4-27-98; Article 87}**

**Sturbridge Zoning Bylaws
As amended 2010**

22.29 TEMPORARY SIGNS

22.30 Permits for temporary signs for a single use property may be issued by the Building Inspector for a period of seven (7) days. Only one temporary sign at a time shall be allowed on any lot. In the case of multiple tenant properties only one sign permit shall be issued for the property. The sign message may be changed to enable tenants within the property to share a sign. When a multiple tenant property contains more than seven (7) tenants, the time period shall be extended by one day for each additional tenant (Example – a multiple tenant property containing eight (8) tenants would be eligible for permit for a period of eight (8) days). Such permits are renewable, under special circumstances, for an additional seven (7) days (or in the case of multiple tenant properties, the same number of days initially permitted). The fee for such renewal shall be the same as that for the initial issue of the permit.

- (a) Temporary sign permits shall not be granted for any property that is not in compliance with the Sign Bylaw of the Town of Sturbridge.
- (b) No more than nine (9) Temporary Sign Permits will be issued within a twelve (12) month period for any lot.”
- (c) All temporary signs must be removed within twenty-four (24) hours after the expiration of the permit. **{Amended 4-27-09; Article 10}**

22.31 Temporary signs must be maintained in good condition. Any sign that has been damaged shall be replaced, repaired or restored. **{Amended 4-27-09; Article 10}**

22.32 Any temporary sign which does not comply with this Bylaw may be removed by the Director of Inspections, at the expense of the Owner, seven (7) days following notification to the owner, by registered mail, of this condition. If the owner cannot be determined, such sign may be removed immediately. Removed signs shall be stored in the Highway Garage Sign Department. The Town will not be responsible for the condition of such signs, and these shall be disposed of unless claimed within thirty (30) days. **{Amended 4-11-83; Article 23}**

22.33 Temporary signs shall conform to all requirements of Zoning Bylaws, as amended, applicable to signs, as well as those requirements expressly applicable to temporary signs. In the event such requirements conflict, the requirements expressly applicable to temporary signs shall control. The following requirements apply expressly to temporary signs:

- (a) Temporary signs must be A-Frame style.
- (b) Signs shall be constructed of wood or plastic and shall be no less than 1/8” thickness;
- (c) Signs shall not be erected in such a manner as to restrict visibility in such a way as to hinder the safe entry of a vehicle from any driveway into the street;
- (d) Temporary signs may be placed only within the boundaries of the lot to which the permit applies;
- (e) Signs shall be sufficiently anchored, weighted or tethered so as to prevent the sign from moving, blowing over, or otherwise posing a safety hazard;
- (f) The color scheme and lettering style shall be consistent with the primary signs approved for the premises; or the signs may be white with black or red lettering;
- (g) External illumination of signs will only be permitted when requested at the time of application and only when the Building Inspector approves the method and location of the lighting. **{Amended 4-27-09; Article 10}**

22.34 YARD SALE SIGNS

**Sturbridge Zoning Bylaws
As amended 2010**

- (a) No more than three (3) yard sale sign permits, valid for two (2) days, shall be granted in a calendar year for the same lot.
- (b) An application must be filled out at the Director of Inspections or Town Clerk's office with a fee of two dollars (\$2.00).
- (c) No yard sale sign shall be located as to cause visual confusion or interfere with traffic safety in the area.
- (d) No yard sale sign shall be bigger than 20" X 20" (400 sq. in.).
- (e) No more than four (4) yard sale signs for the same event shall be located within the limits of the Town of Sturbridge.
- (f) If in the Director of Inspection's opinion, any yard sale sign(s) become(s) dangerous or unsafe in any manner whatsoever, the sign(s) shall be removed immediately.
- (g) No yard sale signs shall be located on telephone poles or trees that are on Town or State property or on property owned by the Town or State.
- (h) All yard sale signs shall be removed at the end of the permitted two (2) day period.
- (i) The fine per day for violations of any provision of Section 22.34 is \$5. **{Amended 4-26-99; Article 36}**

22.35 CONTRACTOR SIGNS

- (a) Signs installed on property where a contractor is working may be allowed with a permit as provided under the temporary sign bylaw. These signs shall be removed within seven (7) days of work completion at a property site. **{Amended 4-30-07; Article 20}**

22.36 MAINTENANCE OF SIGNS

If, in the opinion of the Director of Inspections, any sign is or has become dangerous or unsafe in any manner whatsoever, if the condition of such sign has deteriorated to the point of becoming objectionable, or if any sign has been erected hereafter contrary to the provisions of this Bylaw, it shall be repaired, made safe, made attractive, or brought into conformity with the Bylaw, or it shall be taken down and removed. The property owner shall be responsible for the accomplishment of such corrective action.

**Sturbridge Zoning Bylaws
As amended 2010**

22.37 APPEALS

Any appeal hereunder to the Zoning Board of Appeals shall be taken within thirty (30) 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 officers or board whose order or decision 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.

22.38 EXCEPTIONS

Under extreme and unusual conditions, exceptions may be granted only to the size and setback requirements which are established in Sections 22.14 and 22.16, respectively, of the Zoning Bylaw. These exceptions shall be allowed through the Special Permit process with the Zoning Board of Appeals acting as the Special Permit Granting Authority (SPGA). **{Amended 4-27-92; Article 31} & {Amended 4-25-94; Article 27}**

In granting a Special Permit, the SPGA must determine that:

- (a) The sign in question is appropriately located and reasonably adapted to the proper use.
- (b) The sign will not be a nuisance or a hazard to vehicles and pedestrians.
- (c) The granting of such a Special Permit does not derogate substantially from the intent of the Bylaw.

The proposed sign must meet the above criteria. However, the Special Permit Granting Authority is not limited to these criteria in exercising its authority to find a sign inappropriate or unnecessary for a given site.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY-THREE
REMOVAL OF SAND AND GRAVEL
{Adopted 3-11-68 Article 45}**

23.01 The removal of sand, gravel, sub-soil, top-soil or earth and the processing and treating of said materials shall be conducted only by Special Permit issued by the Board of Selectmen.

This Chapter shall not apply to the following:

- (a) The excavation of a foundation for a new structure for which a valid Building Permit is in force.
- (b) The grading and/or landscaping in connection with the construction of a new structure.
- (c) The construction or reconstruction of a residential driveway if otherwise permitted.
- (d) The excavation and grading in connection with construction of a subdivision as approved by the Planning Board.
- (e) The removal of less than fifty (50) cubic yards in a twelve (12) month period.
- (e) The grading in connection with a bona fide agriculture operation.
- (f) The Board of Selectmen may approve the removal of sand, gravel or earth in excess of fifty (50) cubic yards but not to exceed two thousand (2,000) cubic yards on a one-time basis under the following conditions:
 - (1) The application be accompanied by a plan or plans showing:
 - (A) The property lines.
 - (B) The area to be excavated.
 - (C) The distance from the property lines to the area to be excavated.
 - (D) The approximate contours before and after excavating.
 - (2) The excavation to be at least twenty (20) feet from the lot lines unless the Board of Selectmen deem otherwise.

{Amended 4-26-82; Article 26}

23.02 The Board of Selectmen may, after public hearing for which notice has been given by publication and posting as provided in M.G.L., Ch. 40A, grant a special permit for the removal of more than fifty (50) cubic yards in a twelve (12) month period. **{Amended 4-26-82; Article 26}**

**Sturbridge Zoning Bylaws
As amended 2010**

- 23.03 Removal of sand, earth or gravel and the processing and treating of said materials shall be conducted only by Special Permit of the Board of Selectmen. This Chapter shall not apply to such operation which are incidental to and in connection with the construction of a building on a lot. **{Amended 4-26-82; Article 26}**
- 23.04 Any application for a Special Permit for the removal of sand, earth or gravel or for the processing and treating of said materials shall be accompanied by a Site Plan depicting the land to be affected by such operation. In addition to complying with the minimum Site Plan requirements of Section 23.00, the Site Plan shall indicate the following:
- (a) Contours at intervals of not more than ten (10) feet.
 - (b) A placement of at least four (4) inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces and seeding with a perennial cover crop, re-seeded as necessary to ensure uniform growth and soil surface stabilization.
 - (c) Finished grades not to exceed a slope of one (1) foot vertical to two (2) feet horizontal; and
 - (d) Existing removal area(s) and the proposed area(s) for removal in the immediate future.

{Amended 4-26-82; Article 26}

- 23.05 Any Special Permit granted for the removal of sand, earth or gravel or for the processing and treating of said materials shall contain the following mandatory conditions:
- (a) Removal and processing operations shall not be conducted closer than fifty (50) feet to a public street or to any property line.
 - (b) All equipment, except mobile equipment, for sorting, washing, crushing, grading, drying, processing, and treating, or other operation machinery, shall not be used closer than one hundred (100) feet from any public street or from any adjoining property lines.
 - (c) Any access to excavated areas or areas in the process of excavation shall be adequately posted with KEEP OUT - DANGER signs.
 - (d) Any work or bank that slopes more than thirty (30) degrees downward adjacent to a public street shall be adequately fenced at the top.
 - (e) FENCINGS
A Substantial fence shall be provided enclosing the excavation or quarry where any excavation or quarry will extend under original ground level or will have a depth of ten (10) feet or more and create a slope of more than one (1) foot vertical to two (2) feet horizontal. Such fence shall be located ten (10) feet or more from the edge of the excavation or quarry, and shall be at least six (6) feet in height.
 - (f) Adequate provision is to be made for drainage during and after the completion of operations.

**Sturbridge Zoning Bylaws
As amended 2010**

- (g) Adequate lateral support shall be maintained for all adjacent properties.
- (h) The use of explosives shall be done in accordance with the regulations for storage and handling of explosives as published by the Massachusetts Department of Public Safety and the Sturbridge Fire Department.
- (i) Provision shall be made for the adequate control of dust during operation.
- (j) There shall be replacement of at least four (4) inches of compacted topsoil over all excavated, filled or otherwise disturbed surfaces. There shall also be seeding with a perennial crop, re-seeded as necessary to ensure uniform growth and soil surface stabilization.
- (k) Finished grades shall not exceed a slope of one (1) foot vertical to two (2) feet horizontal.
- (l) It is recognized that the land reuse of a removal site is in the public interest. Therefore, land reuse plan(s) must be submitted to the Board of Selectmen for approval subject to the regulations set forth in the following paragraphs:
 - (1) The Board of Selectmen may require that up to three (3) approved alternative future land reuse plans be submitted for such land as is used for the extraction of earth, sand, gravel and/or rock.
 - (2) Said land reuse plan and its implementation applies to the conversion of the abandoned site and its planned reuse, including landscaping and erosion control. It is, therefore, required that any land reuse plan correspond to a situation which could reasonable occur in the immediate future, zero (0) to five (5) years, and be revised as necessary as to the existing physical character of the removal area changes.
 - (3) The land reuse plan or any part thereof which reasonably applies to an area which has been abandoned from removal use shall be put into effect within one year of the abandonment of said operation.

Abandonment for the purpose of this sub-section shall be defined as the visible or otherwise apparent intention of the owner or user of the land to abandon the use of the land; and
 - (4) A bond in an amount stated by the Board of Selectmen shall be posted to ensure the satisfactory implementation of the reuse plan.

{Amended 4-26-82; Article 26}

- 23.06 Excavation and grading shall be executed in such manner as not to result in holes, depressions, stagnant water, soil erosion, drainage or sewerage problems or other conditions which would depress the land values or impair the property for use for which it has been zoned.

**Sturbridge Zoning Bylaws
As amended 2010**

23.07 Finished slopes in excavated areas shall not exceed one (1) foot vertical to two (2) feet horizontal. **{Amended 4-24-89; Article 57}**

23.08 Except in the case of dams, swimming pools, or where retaining walls are to be constructed, no removal or excavation shall be within fifty (50) feet of any street or property line.

23.09 Unless the property to be graded is located in an industrial district no earth excavating machinery or trucks shall be stored within 300 feet of any property line or street line, and no machinery for sorting, grading, crushing or for other processing of the excavated material shall be erected except a temporary shelter for machinery or office.

23.10 After excavation or removal, the premises shall be cleared of debris, a top layer of topsoil of at least four (4) inches in depth shall be spread over the finished subgrade, and the final surface shall conform to the proposed finished contours and grades. No areas shall be excavated in such a manner that the finished grade is below the water table.

23.11 PERFORMANCE BOND

A Performance Bond, in form and amount specified by the Board of Selectmen, shall be filed with the Treasurer of the Town of Sturbridge, said bond shall specify the time within which the work under the permit is to be completed and shall guarantee satisfactory performance of the work.

23.12 EXPIRATION AND REVOCATION OF PERMITS

Expiration - Any permit issued by the Board of Selectmen as herein described shall expire within two (2) years of the date of the permit, but may be renewed by the Board of Selectmen for an additional period of time if the Board deems such action satisfactory.

Revocation - The Board of Selectmen may revoke the permit and may take other action as shall be necessary either against the permittee or surety in the bond, to cause completion of the work forthwith in accordance with the terms of the application and permit, if the work or excavating, removal, grading or re-grading is not being performed in accordance with said permit.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY-FOUR
ADMINISTRATION
{Adopted 3-1-65; Article 46}**

24.01 ENFORCEMENT

24.02 This Bylaw shall be enforced by the Board of Selectmen or the Director of Inspections appointed by them. No building shall be built or altered, and no use of land or building shall be begun or changed without a permit having been issued by the Board of Selectmen.

Any person who continues to violate any provisions of the Zoning Bylaw after receiving either verbal or written warning of violation from the Director of Inspections shall be subject to a criminal penalty of fifty dollars (\$50.00) for each offense as provided in M.G.L. Ch. 40A. Each day that such violation continues shall constitute a separate offense.
{Amended 4-26-99; Article 40}

Alternatively, the provisions of the Zoning Bylaw may be enforced by the Director of Inspections under non-criminal proceedings pursuant to M.G.L., Ch. 40 §21D. The non-criminal penalty shall be fifty dollars (\$50.00) for each offense after receipt of either a verbal or written warning of violation from the Director of Inspections. Each day that such violation continues shall constitute a separate offense. **{Amended 4-26-99; Article 40}**

24.03 Neither the Board of Selectmen nor any other town representative or agency shall issue a permit for the erection or alteration of any building or part thereof, if the plans and specifications and intended use of which are not in all respects in conformity with the provisions of this Bylaw.

24.04 With each application for a permit to build or alter, there shall be filed a plan showing the lot and the location of the building thereon and such other development plans as are deemed necessary.

24.05 Nothing herein contained shall affect any permit issued, or any building or structure lawfully begun, before notice of hearing before the Planning Board has been given, or before issuance of the warrant for the Town Meeting at which this Bylaw is adopted, whichever comes first, provided that construction work under such permit is commenced within six (6) months after its issue, and the work whether begun under such permit or otherwise lawfully begun, proceeds in good faith continuously to completion so far as is reasonably practicable under the circumstances.

24.06 ZONING BOARD OF APPEALS

24.07 There is hereby established a Zoning Board of Appeals of five (5) elected members and two (2) members to be appointed by the Town Administrator subject to the confirmation by the Board of Selectmen, as provided in M.G.L., Ch. 40A, which shall act on all matters within its jurisdiction under this Bylaw in the manner prescribed by M.G.L., Ch. 40A.
{Amended 4-27-92; Article 27} & {Amended 4-30-01; Article 11}

**Sturbridge Zoning Bylaws
As amended 2010**

The Zoning Board of Appeals shall have the following powers:

24.08 APPEALS

To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of M.G.L., Ch. 40A, or by any officer or board of the Town, or by any person aggrieved by any order or decision of the Board of Selectmen or other administrative official in violation of any provision of M.G.L., Ch. 40A, or of this Bylaw.

24.09 SPECIAL PERMITS

Application for Special Permits for the use of land or buildings as set forth in Chapter Four or elsewhere in this Bylaw may be made to the Board of Selectmen, the Zoning Board of Appeals or the Planning Board as indicated. If no permit granting authority is mentioned, the Zoning Board of Appeals shall be the permit granting authority. The Special Permit Granting Authority may authorize the issuance of said Special Permit in accordance with M.G.L., Ch. 40A, § 4 & 17 provided all the requirements are met and provided that:

{Amended 4-11-83; Article 87}

- (a) Such use is not detrimental to the permitted uses in the zone in which it is located. **{Amended 4-11-83; Article 87}**
- (b) The nature of the operations shall be such that it will not be hazardous or create any danger to public health and safety. **{Amended 4-11-83; Article 87}**
- (c) The use shall be consistent, insofar as practicable, with the Comprehensive Plan for the future development of the area. **{Amended 4-11-83; Article 87}**
- (d) Provision for roads and parking areas shall be laid out so as to prevent traffic hazards and nuisances. **{Amended 4-11-83; Article 87}**
- (e) The location, nature and height of buildings, walls, fences, and landscaping shall be such that the use will not hinder or discourage the appropriate development of adjacent land or adversely affect the character of the zone in which it is located. **{Amended 4-11-83; Article 87}**
- (f) If the rights authorized by a Special Permit are not exercised within one (1) year of the date of grant, such Special Permit shall lapse. Any subsequent Special Permit must adhere to current bylaws then in effect. **{Amended 4-28-86; Article 104}**

In addition, the Special Permit Granting Authority, as provided for in M.G.L., Ch. 40A, § 9, may also impose conditions, safeguards and limitations both of time and of use. **{Amended 4-26-93; Article 21}**

24.10 VARIANCES

The Board of Appeals shall have the power after a public hearing for which notice has been given by publication and posting as provided in Chapter 40A MGL and by mailing to

Sturbridge Zoning Bylaws
As amended 2010

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 applicable zoning bylaw where the Board of Appeals specifically finds that owing to circumstances relating to soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the bylaw would involve substantial hardship financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this bylaw.

The 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, or limitations based upon continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or by any owner. If the rights authorized by a variance are not exercised within one (1) year of the date of the grant of such variance, they shall lapse and may be reestablished only after notice and a new hearing pursuant to this section.

24.11 No use variance may be granted except as allowed by the zoning bylaw.

24.12 DUPLICATION

In cases where bylaws, or parts of bylaws, theretofore passed duplicate controls imposed by this Bylaw, the more stringent shall govern.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY-FIVE
SITE PLAN REVIEW
{Adopted 4-29-85; Article 103, Amended 4-28-08; Article 17}**

25.01 PURPOSE AND INTENT, AND ADMINISTRATION

- (a) The purpose of the Site Plan Review hereby established is to protect the safety, public health, convenience and general welfare of the current and future inhabitants of the Town by providing a comprehensive review of plans for those uses and structures that have a significant impact upon the character of the Town; upon traffic, utilities, property values and sanitation. Factors to be considered are the placement of buildings, utilities, surface and ground water drainage, wetlands, water supply, parking, loading, landscaping, lighting, dust, noise control, access to the development, acceptable sanitary conditions and provision for open space. It is intended to ensure that the design and layout of those developments or uses so subject to this procedure in this Bylaw will constitute suitable development and will not result in a detriment to the neighborhood or to the environment. It is also intended hereby to assist those wishing to build projects in the Town, by providing them with the necessary information about all of the Town's requirements affecting their project prior to the start of any construction or the issuance of any permits.
- (b) The Site Plan Review is to be administered by the Planning Board for the Town of Sturbridge.
- (c) It is further the intent of the Site Plan Review that any final site plan filed with the Planning Board shall receive the approval of said Board if the plan conforms to the standards established herein and to the reasonable rules and regulations of the Planning Board made in conformity with this Bylaw. It is to be noted, however, that, where maximums are stated in this Bylaw, the Planning Board acting hereunder may deny granting the maximum (e.g. height, maximum lot coverage, etc.), in view of the criteria and standards set hereby. Similarly, where minimums are stated in this bylaw, the Planning Board acting hereunder can make increased requirements (e.g. parking spaces, screening, landscaping, etc.) if in its opinion in applying the criteria and standards set hereby, the proposed plan warrants exceeding such minimums.

25.02 APPLICABILITY

All uses, other than single family and two family dwellings, horticultural nursery, farm, tree farm, professional office when office and residence of the professional are both located in the same residential building when the property is located in a residential zone, and accessory uses customarily incidental to these uses, shall be subject to the Site Plan Review described herein. **{Amended 4-27-87; Article 49}**

**Sturbridge Zoning Bylaws
As amended 2010**

25.03 GENERAL REQUIREMENTS

(a) FINAL SITE PLAN

No person shall undertake a use, construction, or alteration of any structure that is subject to the provisions of the Site Plan Review, unless they have first submitted to the Planning Board for its approval a final site plan of such proposed use or alteration. Once approved by the Planning Board, the Planning Board shall issue a permit therefor, and such plan shall not be changed in any material respect, without being amended or modified in the same manner as provided for obtaining initial approval. No building or use permit shall be issued by the Director of Inspections for any use subject to the Site Plan Review procedure, and no construction or site preparation shall be started until a decision of the Planning Board approving the final site plan has been filed with the Town Clerk. An applicant for Site Plan Review may not attach conditions to its submittal of plans for review, and any site plan so submitted may be rejected as not being in conformance with these bylaws. There shall be only one (1) final site plan in effect for a tract at any point in time. The Planning Board shall not approve multiple final site plans for all or any portion of a tract subject to Site Plan Review. Although final site plans may be approved for all or part of a project on a tract to accommodate phasing thereof, any subsequent changes in such previously approved final site plan may only be accomplished by amending or modifying the prior approval, including by substituting or replacing previously approved plans or portions thereof. Notwithstanding any other provisions in these Bylaws, once a building permit is issued for development under plans approved by the Planning Board under Site Plan Review for all or any part of a tract, all further development of the remainder of such tract shall be subject to this Site Plan Review, regardless of the zoning classifications applicable to such tract at the time of site plan approval, prior thereto, or effective thereafter.

(b) CONTENT OF FINAL SITE PLAN AND OTHER SUBMITTALS

In addition to any other requirements that the Planning Board may reasonably make, a final site plan shall show all existing and proposed buildings, existing and proposed contour elevations, structures, parking spaces, driveway openings, driveways service areas, facilities for sewage, refuse and other waste disposal, and for surface water drainage, wetlands, surface water, areas subject to the one hundred (100) year flood, maximum ground water elevation, location of aquifers, private or public wells and drinking water supplies in relation to the site, and landscaping features, such as fences, walls, planting areas, walks and lighting, both existing and proposed, and location, type, size and detail of all signs.

The site plan shall also show the relation of the above features to adjacent ways and properties. The site plan shall also show all contiguous land owned by the applicant or by the owner(s) of the property that is a subject of the application. In addition to the foregoing, the applicant shall submit material dealing with pollution of surface or ground water, soil erosion, increased runoff, changes in ground water level, and flooding as it affects the site and the project, and the plans as such other submittal shall indicate the measures proposed to deal with and mitigate such environmental impacts.

**Sturbridge Zoning Bylaws
As amended 2010**

Similar submittals and materials regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets, and to screen objectionable features from neighbors shall also be presented. The applicant shall further submit in writing, a traffic study, that shall project traffic flow patterns into and upon the site for both vehicles and pedestrians, and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours, and for peak seasons, as well as the existing patterns and existing ways for passage of traffic and pedestrians. The Planning Board reserves the right to request additional traffic information that it deems necessary when making development decisions.

Except for building permits, any other permits or approvals required from Town agencies are to be included as part of this submittal or an explanation for their absence satisfactory to the Planning Board shall be submitted. Failure to provide such permits or approvals shall not be due to failure by the applicant to apply to the appropriate agency for their grant.

25.04 PROCEDURE

The Planning Board shall adopt such rules and regulations for carrying out its duties. The Planning Board may in any particular case, where such action is allowed by law, in the public interest and not inconsistent with the purpose and intent of this Site Plan Review, waive strict compliance with its rules and regulations. The Planning Board may waive the requirement for Site Plan Review where there is a change in use or occupancy and no substantial construction or improvements to the site will occur. The waiver may be granted only after a finding by the Planning Board that the proposed use will not substantially affect existing drainage, vehicular and pedestrian circulation patterns, and any of the other standards or criteria provided for hereafter in this section, and that sufficient parking exists to serve the new proposed use. The Planning Board shall require an application for Waiver of Site Plan that shall at a minimum include a narrative describing the prior use of the site, the nature of the proposed use, and its impact. The Planning Board may provide for a schedule of examination fees in connection with the Site Plan Review and/or Waiver of Site Plan Review herein provided. **{Amended 4-27-09; Article 13}**

(a) SUBMISSION OF PLANS

Although preliminary plans may be discussed informally with the Planning Board, only one plan submission is required. An application for final site plan approval and/or Waiver of Site Plan Review shall be made by filing an application with the Planning Board in accordance with the Rules and Regulations governing such submissions. The applicant shall file a copy of such application with the Town Clerk for his/her information and records.

**Sturbridge Zoning Bylaws
As amended 2010**

(b) APPROVAL OR DISAPPROVAL

NOTICE AND HEARINGS

Before approval, approval subject to conditions, or disapproval of final site plan is given, except where disapproval is mandated by failure of the site plan to comply with applicable bylaws, a public hearing shall be held by the Planning Board in the manner set forth in M.G.L., Ch. 40A §11. The Planning Board shall file its decision with the Town Clerk and send notice of such action by registered or certified mail, postage prepaid, to the applicant. In the event of a disapproval, the Planning Board shall state in detail how the plan does not conform with legal requirements, or the requirement of this Site Plan Review. Reconsideration of applications shall be in accordance with M.G.L., Ch. 40A, § 16. **{Amended 4-25-88; Article 125}**

(c) FAILURE TO ACT

Failure of the Planning Board to take final action upon an application for the Site Plan Review within ninety (90) days following the close of a public hearing shall be deemed to be approval of such application. However, the public hearing procedure need not be concluded in one sitting, and it may be continued or extended as the Planning Board determines to be necessary for it to receive further information to enable it to render its decision in the matter.

(d) RIGHT TO APPEAL

Any person aggrieved by a decision of the Planning Board may appeal to the Superior Court in accordance with M.G.L., Ch. 40A §17.

25.05 CRITERIA FOR APPROVAL

In reviewing a site plan application the Planning Board shall take into consideration the health, safety and welfare of the public in general and the immediate neighborhood in particular, and may prescribe reasonable conditions and safeguards to ensure the accomplishment of the following general objectives:

That the subject and adjoining premises are protected against serious detriment by provisions for the safe carrying and discharge of surface water drainage, buffers against light, sight, sound, dust and vibration, and that the development of the site will preserve sensitive environmental features such as steep slopes, wetlands and large rock outcroppings, public scenic views and historically significant features and the quality of light and air;

That there are provisions for convenience and safety of vehicular and pedestrian movement within the site and on adjacent streets, by the provision of pedestrian access ways that are adequate in number, width, grade, alignment and visibility, by appropriately locating driveway openings in relation to traffic, access by emergency vehicles, and, when necessary, compliance with other regulations for the handicapped, minors and the elderly, and by the provision of an adequate amount of, and safe configuration of off-street parking and loading spaces in relation to the proposed uses of the premises to prevent on-street and off-street traffic congestion;

**Sturbridge Zoning Bylaws
As amended 2010**

That there is a harmonious relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and that the project will be in harmony with the surrounding neighborhood; and that the general landscaping of the site complies with the purpose and intent of this by-law; that existing trees are preserved to the maximum extent possible; that refuse and storage areas are suitably screened during all seasons from the view of adjacent residential areas and public rights-of-way;

That lighting of the site shall be adequate at ground level for the protection and safety of the public in regard to pedestrian and vehicular circulation; that the glare from the installation of outdoor lights and illuminated signs is properly shielded from the view of adjacent property and public rights-of-way;

That all utility systems are suitably located, adequately designed and properly installed to serve the proposed uses, and to protect the property from adverse pollution and that there is the provision of adequate methods for disposal of wastes;

Mitigation of adverse impacts on the Town's resources including the effect on the water supply and distribution system, sewage collection and treatment systems, fire protection, and streets.

(g) Compliance with all provisions of the zoning bylaws.

The Planning Board may require such appropriate conditions, limitations, and safeguards that determines are necessary to assure the project meets the criteria of a-g above.

25.06 STANDARDS FOR SITE PLAN REVIEW

The following performance standards shall be utilized by the Planning Board in addition to any specific standards prescribed elsewhere in these Bylaws, or in the rules and regulations of the Planning Board, in reviewing all site plans.

These standards are to provide guidance to the applicant in the preparation of his/her plan, as well as guidelines for review. These are not intended to be exhaustive, and specific additional standards may be applied for a project if, in the opinion of the Planning Board, such are reasonably necessary. These standards are not intended to discourage creativity, invention, or innovation but are intended to encourage good design, and exemplary projects, offering solutions to all problems of a site where possible. The issues and concerns represented by the standards below must be addressed to the satisfaction of the Planning Board in the Final Site Plan.

(a) RELATIONSHIP TO OTHER PLANS

The proposed development shall take into consideration all existing local and regional plans for the community.

**Sturbridge Zoning Bylaws
As amended 2010**

(b) PRESERVATION OF LANDSCAPE

Development of the site should, to the extent practicable, occur in such a manner that natural features are preserved and areas of environmental sensitivity are avoided. The landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.

(c) RELATION OF BUILDING TO ENVIRONMENT AND SURROUNDINGS

Proposed uses and structures shall be integrated into the existing terrain and surrounding landscape by minimizing use of wetlands, steep slopes, and hilltops; protecting visual amenities and scenic views; preserving unique natural or historical features; minimizing tree, vegetation and soil removal; and minimizing grade changes. All buildings and other structures shall be sited to minimize disruption of the topography. Design features shall maintain neighborhood character, enhance aesthetic assets and screen objectionable features from neighbors and roadways. Strict attention shall be given to proper functional, visual and spatial relationship of all structures, landscaped elements and paved areas.

(d) CIRCULATION

With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls), width of interior drives, and access points, general interior circulation, separation of pedestrian, bicycle and vehicular traffic, access to community facilities and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties. The arrangement of access points, service roads, driveways, parking areas, lighting and pedestrian walkways shall be designed in a manner that maximizes the convenience and safety of pedestrian and vehicular movement within the site and in relation to adjacent ways.

(e) SURFACE WATER DRAINAGE

Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system, nor obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in paved areas. All surface water drained from roofs, streets, parking lots and other site features shall be disposed of in a safe and efficient manner that shall not create problems of water runoff or erosion of or from the site in question, or onto other sites.

**Sturbridge Zoning Bylaws
As amended 2010**

Insofar as possible, natural drainage courses, swales properly stabilized with plant material or paving when necessary, and drainage impounding areas, shall be utilized to dispose of water on the site through natural percolation, to a degree equivalent to that prior to development. Also, appropriate control measures shall be employed that includes maximum slope requirements, slope stabilization measures including seeding of exposed areas to replace vegetative cover.

Applicants are encouraged to incorporate "green techniques" into project designs in an effort to improve water quality by minimizing impervious surfaces and run-off. The use of non-traditional paving materials such as pavers or porous pavement is encouraged to be incorporated into project design whenever feasible. Additionally, other Best Management Practices for stormwater management such as the collection of roof runoff, use of rain gardens, the promotion of vegetation rather than turf in non-paved areas, and minimizing soil disruption and similar construction methods should be explored whenever feasible.

(f) GROUND WATER RECHARGE AND QUALITY PRESERVATION

Ground Water Recharge shall be maximized and ground water quality shall be protected. Various techniques may be required to maximize recharge, such as perforated drainpipes, pervious pavement, reduction of paved areas, reduction of building area, or reduction of building coverage, etc.; or to improve quality, such as installing grease traps or gas/oil separators.

Where ground water elevation is close to the surface, extra site grading precautions may be required to maintain the protective function of the over burden.

(g) UTILITIES

The placement of electric, telephone, or other utility lines and equipment, such as water or sewer shall be underground; and so located as to provide no adverse impact on the ground water levels, and to be coordinated with other utilities. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated precisely on the plans.

(h) ADVERTISING

All signs and outdoor advertising features shall be reviewed as an integral element in the design and planning of all development on the site. As a minimum, all signs and advertising devices shall be in conformance with the Zoning Bylaw, Chapter Twenty-Two, and the provisions thereof shall be administered by the Planning Board.

(i) OTHER SITE FEATURES

Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be designed with such setbacks, screen plantings, or other screening methods to prevent their being a hazard or being incongruous with the existing or contemplated environment and the surrounding properties. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and to maximize accessibility by fire, police and other emergency personnel and equipment.

**Sturbridge Zoning Bylaws
As amended 2010**

(j) OPEN SPACE

All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility to persons passing the site or overlooking it from nearby properties. Attention should be paid to connectivity of open space in an effort to provide natural corridors for wildlife and walking paths, as well as social and recreational needs and the need for neighborhood meeting places and sports fields. The plan for open space should be consistent with the Open Space Plan adopted by the Town. Pedestrian paths, excluding standard sidewalks, should be counted toward open space.

_(k) BONDS

As a condition of the Site Plan Approval to be granted hereunder, the Planning Board may require that one or more performance bonds be posted with the Treasurer of the Town to guarantee completion in strict accordance with the plans and drawings submitted of all public improvements to be made for a use permitted under this Chapter, in the same manner as now required under the Sturbridge Subdivision Regulations. It may require that a single comprehensive bond be posted to guarantee completion of all such improvements. It may also require that an amount be included for land restoration not having to do with the construction of public improvements. The amount for land restoration shall be \$10,000 per acre, or such other amount as determined by the Town Engineer.

The amount of the security required shall be established by a preliminary estimate from the proponent's engineer, confirmed or added to by the Town Engineer. The Town Engineer's estimate shall be final, unless modified by a majority vote of the members of the Planning Board.

The method of securing performance shall be: a bond, a letter of credit, a tri-party agreement with a financial institution acceptable to the Board, or a bank passbook. A covenant is acceptable only before construction is initiated, at which time the financial surety must be posted. Projects large enough to reasonably be built in phases may establish financial surety only for those phases on which construction is initiated, maintaining covenant provisions on the remaining phases.

The Planning Board may derive use of the secured funds in the event that the proponent does not complete all public improvements within two (2) years of the date of approval. All approvals of site plans for which performance surety is required shall be conditioned on the completion of public improvements within two (2) years of the date of approval.

One or more extensions may be granted for sufficient cause, not to exceed one (1) year in length. At the time of granting of the extension the amount of any secured funds shall be reviewed to determine if it remains sufficient to cover current costs. If the funds are determined to be insufficient, such additional funds as required shall be added to the total of secured funds.

In any case, should public improvements not be completed within the permitted time, the project approval shall be null and void, with further action by the Planning Board not required.

**Sturbridge Zoning Bylaws
As amended 2010**

{Amended 4-29-91; Article 58}

(l) START OF CONSTRUCTION

Construction on a site must be started or substantial activity commenced on the site within one (1) year from the date of Final Site Plan approval. Site preparation alone shall not be deemed to constitute start of construction. Approval of the Final Site Plan may be extended for one (1) additional year at the discretion of the Planning Board, after the receipt of a written request from the owner or his designated agent, and for good cause shown. If one (1) year has elapsed from the date of approval, and no extensions have been granted, or if so granted, then at the end of such one (1) year extension no construction has been started, the Final Site Plan approval shall become null and void without requiring any further action by the Planning Board. **{Amended 4-30-90; Article 35}**

(m) CERTIFICATE OF OCCUPANCY: DESIGNER'S CERTIFICATE

No Certificate of Occupancy shall be issued for any structure or parcel subject to Site Plan Review unless it, and all of its related facilities, substantially conforms to the approval Final Site Plan. The applicant shall submit to the Director of Inspections, with a copy to the Planning Board, a written certification from a professional engineer, architect, professional land surveyor, or licensed landscape architect (preferably the one who prepared the Final Site Plan) that the work has been completed substantially in accord with the approved Final Site Plan. The applicant shall also present an As Built Plan to the Planning Board. The Director of Inspections shall deny the issuance of a Certificate of Occupancy if such certification is not so provided. A Certificate of Occupancy, issued by the Director of Inspections, for any activity requiring site plan approval shall constitute a certificate that such construction was performed and completed in compliance with an approved Final Site Plan. The Director of Inspections may issue a Temporary Certificate of Occupancy, for a period of up to one (1) year, with no extension after that, if all the work but certain plantings have been performed. A Permanent Certificate of Occupancy must be issued within one (1) year of the issuance of a Temporary Certificate, if the certification above outlined is given. Failure to obtain a Permanent Certificate of Occupancy within one (1) year extension shall result in forfeiture of all existing permits and authorization. **{Amended 4-27-92; Article 32}**

If a Permanent Certificate of Occupancy was issued in disregard of the requirements for certification by a professional engineer, architect, or licensed landscape architect, it shall be null and void, but if issued with certification, it shall be conclusive evidence of completion of Final Site Plan.

Prior to issuance of a Certificate of Occupancy, all documents required as a prerequisite to said Certificate that grant easements or other rights to the Town shall be recorded in the Registry of Deeds or filed with the appropriate agencies, and proof thereof submitted to the Director of Inspections.

25.07 LANDSCAPING, SCREENING AND BUFFERS

**Sturbridge Zoning Bylaws
As amended 2010**

(a) PURPOSE

The Town of Sturbridge recognizes the important aesthetic, ecological and economic values associated with appropriate landscaping and buffering. This section is intended to establish minimum standards for landscaping in the town as a way to reduce the environmental degradation that can be associated with development in a community. Appropriate landscaping will enhance the community's visual character and protect property values while stabilizing soils, reducing dust and erosion, providing storm water management and facilitating groundwater recharge. This Section seeks to promote the retention and use of existing vegetation as well as to encourage the establishment of new vegetation for aesthetic, health, wildlife and environmental reasons. Appropriate screening and buffer standards will promote the compatibility of land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting users by providing attractive and functional screening between various land uses.

(b) PROPERTIES SUBJECT TO LANDSCAPING, SCREENING AND BUFFERS

These requirements shall apply to all projects that require Site Plan Approval. These standards shall not apply to landscaping installed by homeowners at single-family residences.

(c) PLAN SUBMITTAL REQUIREMENTS

The landscaping plan may incorporate a variety of materials including plant materials such as trees, shrubs, ground covers, perennials, and annuals, and other materials such as rocks, water features, walls, fencing, street furniture such as benches and seating areas, art, or other landscape elements.

Unless determined otherwise by the Planning Board the following submittals are required at the time of application:

1. Each application shall contain a brief narrative describing the project and the proposed landscaping, screening and buffers and other design elements.
2. Plans for projects with over 1,000 square feet of landscaping area shall be prepared by a certified landscape architect, horticulturist, or arborist and shall be submitted with each site plan application, unless an exception is granted by the Planning Board. Plans for smaller projects may be prepared by a person familiar with the proposed species of plants, their planting requirements and maintenance requirements. Such plan shall create a total pattern for the site, integrating the various elements of each site's design and creating a pleasant site character. The landscaping plan shall be designed to achieve architectural and environmental enhancement in the following areas:
 - a. Buffering of parking, screening of storage areas, and unsightly objects such as public utilities and substations.
 - b. Creating buffer zones between residential, commercial and industrial areas.
 - c. Erosion control and storm water management.
 - d. Noise barriers.
 - e. Streetscape enhancement, blending or improving existing and abutting landscape.
 - f. Improving the relationship of site to structure through the use of shade, screening, accent, and foundation plantings.

**Sturbridge Zoning Bylaws
As amended 2010**

3. Landscaping plans shall include botanical and common names of plant materials, symbols, size, quantity and spacing of materials.
4. The name, address, phone number and certification of the person or firm who prepared the plan.
5. The plans shall include the planting details for the installation of trees and shrubs. Planting details shall comply with Landscaping Details found in Appendix 3 of the Rules and Regulations Governing the Subdivision of Land adopted June 18, 2002 as may be amended from time to time.
6. The plans shall include the details for the erosion control measures to be utilized during construction.
7. The plans shall include the plant protection detail on the site plan as well as the location, type and caliper of any existing mature trees and plantings to remain, to be relocated or to be removed. If mature trees are removed due to grading or other reasons, replacement specimen size trees may be required.

(d) PRESERVATION OF EXISTING LANDSCAPE

The existing landscape shall be preserved in its natural state, insofar as practicable by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Where tree coverage does not exist or has been removed, new planting may be required. Finished site contours shall depart only minimally from the character of the natural site and the surrounding properties.

(e) TOPSOIL

Topsoil removed during the course of construction shall be redistributed on all regraded surfaces so as to provide at least six (6) inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

(f) REMOVAL OF DEBRIS

All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. No tree stumps, or portions of tree trunks and limbs shall be buried anywhere on site. All dead or dying trees, standing or fallen, shall be removed from the site.

**Sturbridge Zoning Bylaws
As amended 2010**

(g) PROTECTION OF EXISTING PLANTINGS

Maximum efforts should be made to save healthy specimens. No material or temporary soil deposits shall be placed within four feet of shrubs or within the protected root zone of trees (please refer to Section 6.83 of the Sturbridge General Bylaws for a listing of Protected Root Zones) designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants that they are protecting, but shall be self supporting. The barriers shall be at least four (4) feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

(h) EROSION CONTROL FOR SLOPES

All newly graded slopes at a gradient of 4:1 or greater; in excess of three (3) feet vertical height shall be landscaped with groundcover which is known to have binding characteristics to control erosion. Groundcover shall be planted at a rate to achieve complete coverage in the first year. Jute matting, or other similar erosion control material, shall be installed on all slopes. Hydro seed may be substituted for groundcover plantings if it is shown that the hydro seed area will achieve 100% coverage in the first year. All slope plantings shall be complete prior to requesting final inspection by the Department.

(i) ADDITIONAL LANDSCAPING

In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass and/or other ground cover, shrubs, and trees as part of the landscape plan approved by the Planning Board.

(j) LANDSCAPE TREES

Generally, as used in this bylaw, Landscape, Street or Shade trees shall refer to a species of tree that normally grows to a mature height of 40 feet or more, while understory tree refers to a species that normally grows from 15 to 35 feet. Where this bylaw specifies a certain number of trees to be used it is referring to Street or Shade trees. Understory trees may be substituted for up to a maximum of 50% of the number of trees required, provided, however, that two understory trees shall be provided for each landscape tree replaced. (See Tree List)

Dead trees and shrubs shall be replaced in one (1) growing season.

1. Landscape tree selection:

- (a) Trees are encouraged for all new developments. Tree selections may be made from the approved Street Tree list which may be found in the Town of Sturbridge Landscaping Guide (1990) as may be amended from time to time.
- (b) In established neighborhoods with an existing mature street tree patterns, street trees should be selected to match the existing street trees in the vicinity.
- (c) Landscape trees shall not be planted where their growth will interfere with the utility lines or entrances.

**Sturbridge Zoning Bylaws
As amended 2010**

- (d) Landscape trees shall be planted at approximately fifty foot intervals and shall be planted not closer than five (5) feet and not more than twenty (20) feet from the right of way line unless otherwise approved by the Planning Board and DPW Director.

2. Tree Size

- (a) No new landscape trees installed per these regulations shall be less than two (2) inch caliper. Caliper is to be measured in all cases at breast height
- (b) To encourage the retention of healthy existing large street or landscape trees, every existing landscape tree with a six (6) inch caliper and eighteen (18) foot height may be counted as two trees toward the tree requirements. Any landscape tree with at least an eight (8) inch caliper and thirty (30) foot height may be counted as three (3) trees toward the tree requirements.

(k) SELECTION OF MATERIALS

Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, and compatibility with existing native vegetation preserved on the site. Native plant species shall be used in environmentally sensitive sites. Plants listed by the Commonwealth of Mass as invasive shall not be used.

(l) PLANTING SPECIFICATIONS

1. Shrubs and ground cover

All required ground cover plants and shrubs must be of sufficient size and number to meet the required standards within 3 years of planting. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants.

2. Trees

Trees may be deciduous or coniferous. Deciduous trees at the time of planting must be fully branched, have a minimum diameter of 2 (two) inches, measured 4 1/2 feet above the ground, and have a minimum height of 8 feet. Evergreen trees at the time of planting must be fully branched and a minimum of 6 feet in height. All nursery stock shall be inspected by the landscape professional who submitted the plan, prior to plant installation, and certified that it is of good quality, with proper structure, free of wounds and injury.

(m) SCREENING AND BUFFERING

The intent of screening and buffering is to provide a means of separation between uses or development. Screening or buffering is meant to mitigate or reduce the incompatibility between different land uses through the use of landscaping or other features. The degree or intensity of the screening or buffering is dependent on the level of incompatibility between the adjacent uses.

- 1) Screening may include the use of such materials as: decorative fencing or walls, shrubs, trees

**Sturbridge Zoning Bylaws
As amended 2010**

and other plant materials. Soft landscaping should be provided in conjunction with fences or walls to provide a more visually appealing development.

2) Shrub planting beds, fencing, berming or a combination thereof, should be selectively arranged to provide for the buffering of off-street parking facilities as viewed from the street or as may be specifically required.

3) Screening is required for garbage pick-up areas and buffering is required for parking lots within any commercial and industrial districts.

4) Where commercial and industrial uses are adjacent to residential use, a combination of fence, wall and evergreen screen, must be provided along the rear and/or side lot line, or an area of at least 50' shall remain undisturbed and contain sufficient vegetation, in the opinion of the Planning Board, to provide a visual buffer from adjoining properties.

5) Plant materials used for screening purposes shall be sufficiently large and planted in such fashion that a year round screen at least eight feet in height shall be produced within three (3) growing seasons. All plantings shall be installed according to accepted horticultural standards.

(n.) WHEN REQUIRED

Every development shall provide sufficient buffering when topographical or other barriers do not provide reasonable screening and when the Planning Board determines that there is a need to (1) shield neighboring properties from any adverse external effects of a development; or (2) to shield the development from negative impacts of adjacent uses such as streets; and (3) to soften the appearance and enhance the aesthetics of commercial and multiple dwelling construction projects.

(o.) AMOUNT OF BUFFERING REQUIRED

Buffering and landscaping of the front setback area shall be required. Parking spaces, driveways, buildings, structures, and storage materials shall not be allowed within the front setback, and the area of the front setback shall be a buffer, and landscaped as such. Landscaping of the frontage buffer shall consider the need for proposed or future sidewalk installations. The buffer shall allow for necessary access to the site, but driveways shall otherwise not be allowed in the buffer.

1. A. Buffers will be required for side and rear lot lines according to the following:

Where the abutting land use is a same or similar use, and of similar intensity, a buffer strip of ten feet in width shall be required along the side and rear lot lines.

Where more intensive land uses abut less intensive land uses, or the abutting land use is a dissimilar use, a buffer strip twenty-five feet in width shall be required along the side and rear lot lines. As necessary, the Planning Board may require a buffer strip of greater width to protect adjacent property from the adverse effects of a proposed use.

Parking lots, garbage collection and utility areas, and loading and unloading areas shall be screened around their perimeters by a buffer strip a minimum of five feet wide.

**Sturbridge Zoning Bylaws
As amended 2010**

The Planning Board may waive any of the requirements noted above in confining sites. The applicant shall request such waivers in writing at the time of application. The applicant should note that requesting a waiver does not imply that a waiver will be granted.

2. Design

Arrangement of plantings in buffers shall provide maximum protection to adjacent properties and avoid damage to existing plant material. If planted berms are used, the minimum top width shall be four (4) feet and the maximum side slope shall be 2:1.

(p.) **PARKING LOT LANDSCAPING REQUIREMENTS**

1. Buffering

- (a) Parking spaces, driveways, buildings, structures, and storage materials shall not be allowed within the front setback, and the area of the front setback shall be a buffer, and landscaped as such. Landscaping of the frontage buffer shall consider the need for proposed or future sidewalk installations. The buffer shall allow for necessary access to the site, but driveways shall otherwise not be allowed in the buffer.
- (b) Buffers will be required for the side and rear lot lines according to the standards noted above.

2. Interior Parking Lot Landscaping

Interior areas of parking lots (exclusive of buffer areas) shall be landscaped according to the following percentage of total parking lot areas:

Lots under 20 parking spaces	0.0%
Lots equal to or over 20 spaces	5.0%
Lots equal to or over 100 spaces	7.5%
Lots equal to or over 200 spaces	10.0%

The landscaping shall be located in bermed/protected areas, such as along walkways, in center islands, at the ends of bays, or between parking stalls. A mixture of hardy ornamental or deciduous shade trees must be planted. A minimum of one (1) shade tree is required for every ten (10) parking spaces.

No landscaping island shall be less than ten (10) feet wide. No landscaping strip separating parking bays shall be less than eight (8) feet wide. Only hardy ground cover or mulch shall be placed within a two (2) foot area under any potential car over-hang, to avoid the burning of landscape plantings. In no case shall a tree be set back less than four (4) feet from paved areas.

The Planning Board encourages the use of large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs and/or ground cover. Uninterrupted parking rows should generally not exceed 10 spaces, but in no case should they exceed 15 spaces.

**Sturbridge Zoning Bylaws
As amended 2010**

The location of landscaping islands shall not interfere with the need to conduct fire fighting operations. All landscape plans shall require the approval of the Fire Department for this purpose. Interior and bermed landscape areas cannot be designated as snow storage areas; sufficient open lawn area shall be provided for this purpose.

Where quality woodland exists, the Planning Board requires that it be preserved in the prescribed buffer areas along the perimeter of the lot, and additional evergreen shrubs shall be required if needed.

3. Additional Parking Requirements for Lots Over 200 Spaces

Parking lots over 200 spaces shall consider the creation of multiple, separated parking areas. These areas shall be separated by landscaping elements and/or differences in grade, and shall be naturally screened from one another.

Separate pedestrian walkways shall be provided to allow safe movement within the lots. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of the walkway locations within the lot and also aid in providing shade for the pedestrian. The following guidelines apply to the development of walkways within large parking lots:

- (a) One walkway can serve as a collector for up to four (4) bays of parked cars.
- (b) The walkway should be a minimum of four (4) feet wide.
- (c) All walkways should be raised to a standard sidewalk height and should be constructed of different paving material than the parking lot, and should be handicap accessible.
- (d) A 5 year landscape maintenance plan detailing the maintenance and replacement of defective plantings, commencing the year the site has received its final occupancy permit, shall be submitted as part of the application.

(q.) TREE PRESERVATION AND CARE DURING CONSTRUCTION

1. Installation and Maintenance

- (a) All trees, shrubs and groundcovers should be free of insects, pests, or fungus disease or the effects of previous infestations. They should have normally well developed branch systems and a vigorous and fibrous root system which is not root or pot bound.
- (b) All trees, shrubs, and groundcovers which have been planted and which due to accident, disease, or other cause, fail to show a healthy growth within one year must be replaced.
- (c) All landscaped areas shall be regularly watered, fertilized, weeded, and otherwise kept in good condition in accordance with the approved 5 year plan.

**Sturbridge Zoning Bylaws
As amended 2010**

(d) Trees and shrubs should be trimmed or pruned to prevent blocking or interference with the following:

- i. Sight distance views.
- ii. Pedestrian or motor vehicle access.
- iii. Installation, maintenance or repair of any public utility or fire land.
- iv. Damage to property line fences or structure on adjoining properties.

(r.) EXCEEDING STANDARDS

Landscaping materials that exceed the standards may be substituted for the minimums so long as all fence or vegetation does not obstruct vision of pedestrian or automobile traffic.

(s.) COMPLYING WITH THE STANDARDS

It is the applicant's responsibility to show that the landscaping materials proposed will comply with the regulations of this Chapter.

(t.) ALTERNATIVE METHODS OF COMPLIANCE

1. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical solutions would result from the application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, or unusual site conditions. This does not pertain to self-created design issues that are not related to the items listed above.
2. The Planning Board may approve an alternate plan which proposes different plant materials or methods provided that quality, effectiveness, durability, and performance are equivalent to that required by this bylaw.

(u.) PLANT MATERIAL SUBSTITUTION

Due to seasonal planting problems and/or the lack of plant availability, approved Landscape Plans may require minor revisions. The Town Planner and the Tree Warden may approve minor revisions to the planting plans if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plans are of the same general category (i.e. Shade Tree, Ornamental Tree, Evergreen, or Shrub) and have the same general design characteristics and growth habits (mature height, crown spread) as the materials being replaced.
4. The need for substitution was not caused by project proponent due to a lack the proper scheduling and purchase of plant material

25.08 LANDSCAPING BONDS

**Sturbridge Zoning Bylaws
As amended 2010**

A bond will be required for the value of the landscaping improvements and may be provided as a separate bond from the one required for the Site Plan requirements. No bond for landscaping shall be released until one year after all plantings have been installed and inspected or at the termination of any required long term maintenance plans.

25.09 FINAL APPROVAL

Upon completion of the landscaping improvements, the developer, contractor, or landscape architect shall submit a letter to the Planning Department stating that all landscaping was installed according to Town standards and per the specifications and details of the approved plans. This letter shall also note any changes that were made during installation. Receipt of this letter and final inspection by the Department or its designee shall be required prior to final occupancy being granted for the project.

**Sturbridge Zoning Bylaws
As amended 2010**

**CHAPTER TWENTY SIX
EXPEDITED PERMITTING MGL Ch 43D
{Adopted April 26, 2010; Article 11}**

In accordance with the provisions of Chapter 43D of Mass General Law as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, the Town of Sturbridge has established an expedited permitting process on sites that have been designated as Priority Development Sites (PDS) in accordance with the statute. Review and development on these sites will be conducted in accordance with the provisions of the statute and with local regulations.

26.1 GENERAL

The municipal point of contact for streamlined permitting under this regulation is the Sturbridge Town Planner. The Town Planner will assist in determining what permits are necessary for each project presented, and will review each application on behalf of the governing body to determine, within 20 days, whether the application is complete.

26.2. REVIEW PERIODS

Priority development permit reviews and final decisions shall be completed within 180 days, subject to the opportunity for extension described herein. The time period shall begin the day after the issuance of the notice that the application materials are complete pursuant to clause (e) of G.L. c. 43D §4.

The governing body shall notify the applicant in writing within 20 business days from receipt of the completed form of additional information needed or requirements that it may have. The resubmission of the application or the submission of such additional information required by the governing body shall commence a new 30-day period for review of the additional information. If, at any time, an issuing authority determines that a permit or other predevelopment review is required which it did not previously identify, it shall immediately notify the applicant by certified mail and shall where public notice and comment or hearings are not required complete action on the application filed for the previously unidentified permit within 30 days of receipt of the completed application or not later than the latest required decision date for a pending permit, whichever is later. Where public notice and comment or hearing are required for the previously unidentified permit, the required action date shall be not later than 30 days from the later of the close of the hearing or comment period, which shall be scheduled to commence as quickly as publication allows. The failure of the governing body to notify an applicant of the requirement of a public hearing or comment period shall not constitute a waiver of the requirement.

The 180 day time period may be waived or extended for good cause upon written request of the applicant with the consent of the governing body or upon written request of the issuing authority with the consent of the applicant. The 180-day period may be extended for up to 30 days by the governing body in the event an additional permit or other predevelopment review is required in accordance with subsection (c) of G.L. c. 43D §5, if the requirement for the previously unidentified permit or review has been determined no

**Sturbridge Zoning Bylaws
As amended 2010**

less than 150 days after the issuance of the notice of completeness. The 180 day time period shall be extended when the issuing authority determines either: (1) that action by another federal, state or municipal government agency is required before the issuing authority may act; (2) that judicial proceedings affect the ability of the issuing authority or applicant to proceed with the application; or (3) that enforcement proceedings that could result in revocation of an existing permit for that facility or activity and denial of the application have been commenced. In those circumstances, the issuing authority shall provide written notification to the secretary. When the reason for the extension is no longer applicable, the issuing authority shall immediately notify the applicant, and shall complete its decision within the time period specified in this section, beginning the day after the notice is issued.

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

26.3. PROJECT REVIEW

Projects submitted in accordance with this regulation shall complete a Priority Development Site – Streamlined Permit Application and shall also comply with the submission requirements for each permit determined necessary by the Town Planner, as established through bylaws, laws and regulations. However, a Community Fiscal Impact Assessment, Stormwater Management Plan, and a Traffic Study will be required in all cases.

Pre-filing and Issue Reviews: The applicant is encouraged to request a pre-filing review of the application to assist in formulation of a complete application. The applicant may also request reviews at any time with specific departments to aid in resolution of any issues with the application. Said reviews shall be requested through the Town Planner. Said reviews are not intended to be “Advisory or Technical Reviews” as referenced in the statute. Each project shall undergo the permitting processes as identified by the Town Planner and/or prescribed by law or local regulation. Every effort shall be made to conduct joint permit hearings.

26.4. FEES

The applicant shall submit fees for each permit that has been determined necessary by the Town Planner, as already established by existing bylaws, laws and regulations.

26.5. AUTOMATIC GRANT OF APPROVAL

Failure by any issuing authority to take final action on a permit or approval within the 180-day period or extended time, if applicable, shall be considered a grant of the relief requested of that authority. In that event, within 14 days after the date of expiration of the time period, the applicant shall file an affidavit with the city or town clerk, attaching the application, setting forth the facts giving rise to the grant and stating that notice of the grant has been mailed, by certified mail, to all parties to the proceedings and all persons entitled to notice of hearing in connection with the application. The grant shall not occur where: (1) the governing body has made a timely determination that the application is not complete in accordance with its requirements and notified the applicant as set forth herein

**Sturbridge Zoning Bylaws
As amended 2010**

and the applicant has not made a timely response to complete the application; (2) the governing body has determined that the final application contained false or misleading information; or (3) the governing body has determined that substantial changes to the project affect the information required to process the permit application have occurred since the filing of the application.

26.6. CONSOLIDATED AND STREAMLINED APPEALS

Appeals of issuing authority decisions or automatic grants of approval must be filed in accordance with G.L. c. 43D §10, within 20 days of the last permit issued or within 20 days of the 180 day expiration, whichever is later. All appeals must be consolidated and filed within the Division of Administrative Law Appeals (DALA) within 20 days. The consolidated appeal does not apply to wetlands. DALA shall render appeals decisions within 90 days and aggrieved parties may further appeal to the Superior Court within 20 days of the DALA decision.

26.7. TRANSFERS, RENEWALS, PERMIT MODIFICATION REQUESTS, EXPIRATION

Permits shall not transfer automatically to successors in title, unless the permit expressly allows the transfer without the approval of the issuing authority. Issuing authorities having substantive jurisdiction over permit issuance may develop procedures for simplified permit renewals and annual reporting requirements. If the procedures are not developed, renewals of permits shall be governed by the same procedures and timelines as specified in conjunction with this chapter. Issuing authorities shall make reasonable effort to review permit modification requests within as short a period as is feasible to maintain the integrity of the expedited permitting process. An issuing authority shall inform an applicant within 20 business days of receipt of a request whether the modification is approved, denied, determined to be substantial or additional information is required by the issuing authority in order to issue a decision. If additional information is required, the issuing authority shall inform an applicant within 20 business days after receipt of the required additional information whether the modification is approved or denied or that additional information is still required by the issuing authority in order to render a decision. In cases in which the issuing authority determines that a requested modification is substantial, the original review period for permit categories as set forth in section 5 shall apply. Permits issued pursuant to this chapter shall expire 5 years from the date of the expiration of the applicable appeal period unless exercised sooner. Where permits cover multiple buildings, commencement and continuation of construction of 1 building shall preserve the permit validity. Changes in the law subsequent to the issuance of permits based upon the priority proposal shall not invalidate the permits or review certificates. Nothing in this section shall limit the effectiveness of G.L. c.40A §6.

**Sturbridge Zoning Bylaws
As amended 2010**

**Sturbridge Zoning Bylaw
Appendix 2
Numbering Changes**

As per Article 33 of the Town Meeting held on April 27, 1998, the Zoning Bylaws were restructured and renumbered as follows:

<u>Prior Version</u>	<u>Current Version</u>
Chapter 1	Chapter 1
Chapter 2	Chapter 2
Chapter 3	Chapter 3
Chapter 4	Chapter 4
Chapter 4.1	Chapter 5
Chapter 4.15	Chapter 6
Chapter 4.20	Chapter 7
Chapter 4.30	Chapter 8
Chapter 4.40	Chapter 9
Chapter 4.50	Chapter 10
Chapter 4.60	Chapter 11
Chapter 4.70	Chapter 12
Chapter 4.80	Chapter 13
Chapter 4.90	Chapter 14
Chapter 4.94	Chapter 15
Chapter 5	Chapter 19
Chapter 6	Chapter 20
Chapter 7	Chapter 21
Chapter 8	Chapter 22
Chapter 9	Chapter 23
Chapter 10	Chapter 24
Chapter 11	Chapter 25

Please note: Chapter 16-18 have been reserved for future zoning districts