

ZONING BYLAW

Chapter 123 from the Code of the Town of Blackstone

As Amended through the Annual Town Meeting, May 27, 2008

Compiled for the Blackstone Planning Board

by Philip B. Herr & Associates

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[HISTORY: Adopted by 6-26-68 Special Town Meeting, Article 10. Amendments are noted where applicable.]

ARTICLE I

General and Administrative Provisions

*[Amended by 6-5-72 STM, Art. 6; 6-26-73 STM, Art. 14;
9-25-75 STM, Art. 10; 1-9-78 STM, Art.5;]*

§ 123-1. Statutory authority; purpose.

This Zoning Chapter is enacted pursuant to, and under the authority of, Chapter 40A of the General Laws, and amendments thereto, and of Article 89 of the Amendments to the Constitution, for the purpose of guiding the sound development of the Town of Blackstone.

§ 123-2. Administration and enforcement; site plan review; violations and penalties.

- A. Responsibility. This chapter shall be enforced by a Zoning Agent appointed annually by the Selectmen. The Zoning Agent shall institute and take any and all action as may be necessary to enforce full compliance with the provisions of this chapter and of permits and variances issued hereunder, including notification of non-compliance and request for legal action through the Board of Selectmen to the Town Counsel.
- B. Compliance Certification.
- (1) Buildings, structures, or signs may not be erected, substantially altered, or moved nor shall land or structures be changed in use without certification by the Zoning Agent that such action is in compliance with then- applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state, or local law. No Building Permit or Certificate of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, shall be issued without such certification.¹
 - (2) In addition to any information which may be required under the Massachusetts State Building Code, the Zoning Agent shall require of applicants such information as he deems necessary to determine compliance with this Zoning Bylaw. This may include such things as a Site Plan indicating land and building uses and provisions for vehicular parking and egress, location of flood plain control elevations, and evidence of performance compliance under § 123-16.
 - (3) *[Inserted 5-27-03 ATM Article 17]* Applicants for permits within the Special Resource Overlay District comprising the area described in

¹ Editor's Note: See also Ch. 57, Building Construction

paragraphs (a), (b) and (c) below must inform the Zoning Agent of the date at which they provided or will provide notification of that application as required by the following. The Zoning Agent's determination of compliance with this Zoning Bylaw shall be made no earlier than seven days following that notification.

- (a) For proposals on land abutting the route of the Blackstone Canal, notification of intent to the Blackstone River and Canal Commission, as required by Chapter 155 of the Acts of 1988, as amended (see map titled "Blackstone Canal Area: Canal Route: Apparent Abutters," August 1, 2002).
 - (b) For proposals within premises or a district listed in the National Register of Historic Places and proposing change visible from a public way, notification of intent to the Blackstone Historical Commission (see maps titled "Blackstone National Register Places," August 1, 2002).
 - (c) For proposals on premises within the Village Overlay District, notification of intent to the Blackstone Revitalization Committee.
 - (d) Notification as required under paragraphs (a), (b), or (c) must also be provided to those non-profit organizations that, following their request, have been determined by the Planning Board to have reasons serving the public interest to be notified of proposals under one or more of those paragraphs. The Planning Board shall document and from time to time update a listing of such determinations to the Zoning Agent and the Town Clerk.
- (4) Responsibility for obtaining permits and certification shall be that of the owner of the premises.
 - (5) A copy of all approved permits or certificates shall be forwarded by the Building Inspector to the Conservation Commission forthwith upon their issuance.

C. Site plan review.

(1) Applicability. *[Amended 4-26-93, Art. 19; 5-27-08 ATM Art. 20]*

- (a) Unless proposed for single-family or two-family use, all development proposals are subject to Site Plan Review by the Planning Board if proposing any of the following:

- [1] a new building containing 1,000 or more square feet gross floor area;

- [2] an addition increasing ground coverage of any building by more than 1,000 square feet or, for buildings having ground coverage exceeding 10,000 square feet, an addition increasing that coverage by more than 10%;
 - [3] development located in the Village Overlay District, for which determination of being "Village-Compatible" is sought; *[Amended 4-25-94 ATM, Art. 22]*
 - [4] creation of or substantial alteration to a parking facility having six or more spaces if that change either results in fewer parking spaces than required by § 123-15 or requires four (4) or more additional parking spaces;
 - [5] removal of existing vegetative ground cover from more than 20,000 square feet of site area, unless done incidental to earth removal authorized by a permit granted under Chapter 109 Soil Removal;
- (b) No building permit for such development shall be granted prior to Planning Board approval, except as provided in Subsection C (2) below.
- (2) Procedure. *[Amended 4-26-93 ATM, Art. 19; Amended 11-8-99 STM, Art. 15]* Prior to filing an application with the Building Inspector, the Applicant shall file two (2) prints of the required plans with the Planning Board for its approval, and one (1) print of the plans with each of the following for their review and written advisory reports: Superintendent of Public Works, Fire Chief, Conservation Commission, Board of Health, Zoning Agent, and, if in the Village Overlay District, the Main Street Revitalization Commission. No site plan shall be approved by the Planning Board prior to the Board's receipt of advisory reports from each of the above unless twenty-five (25) days elapse from the date of submittal to the Board. No building permit shall be issued without written Site Plan approval by the Planning Board, unless forty-five (45) days elapse from the date of application without receipt of notice of the Planning Board's action.
- (3) Drawing Requirements. *[Amended 4-28-86 ATM, Art. 38, Amended 4-26-93, Art. 19; Amended 11-8-99 STM, Art. 15]* Plans subject to site plan review shall be prepared by a registered architect, landscape architect, or professional engineer unless involving no more than 3,000 square feet of building floor area and no more than ten parking spaces. Plans shall be submitted at a scale designated by the Planning Board and shall show (or note absence of):
- (a) Location and boundaries of the site (dimensioned) and streets and ways

showing existing and/or proposed access to the site.

- (b) Zoning district boundaries, including overlay districts.
 - (c) Use and ownership of adjacent premises, and approximate location of any existing structures within 50 feet of the site.
 - (d) Existing and proposed land and building uses.
 - (e) Existing topography and proposed grading.
 - (f) Indication of wetlands, wetlands buffer, and other areas potentially subject to the Wetlands Protection Act, with notation that boundary determinations have been accepted by the Conservation Commission.
 - (g) Boundaries of any Flood Plain District or floodway.
 - (h) Location of any proposed structures, streets, ways, walls, water supply and sewage disposal facilities, hydrants, stormwater management provisions, cable utilities, principal drives, pedestrian access (noting handicapped accommodation), fences (noting height and materials), outdoor lighting, open space areas, recreation areas, egresses, loading facilities, facilities for solid waste disposal or storage, and parking with individual spaces identified, typical spaces dimensioned, and setback from street dimensioned.
 - (i) Landscaping and screening, indicating distinctions between proposed and retained vegetation, individually identifying trees of 8" trunk diameter or greater if proposed to be removed, and identifying size and species of plantings.
 - (j) Erosion control measures, both permanent and construction.
 - (k) True north and scale.
 - (l) Location, size, and design of all proposed signs.
 - (m) Architectural floor plans noting floor area and floor grade, and architectural elevations.
- (4) Design Requirements. The Planning Board shall approve a Site Plan only upon its determination that:
- (a) The performance requirements of this Bylaw (e.g. § 123-16) have been met.

- (b) For the given location and type and extent of land use, the design of building form, building location, egress points, grading, and other elements of the development could not reasonably be altered to:
 - [1] Improve pedestrian or vehicular safety within the site and egressing from it.
 - [2] Reduce the visual intrusion of parking areas viewed from public ways or abutting premises.
 - [3] Reduce the volume of cut and fill.
 - [4] Reduce the number of removed trees four (4) inches trunk diameter and larger.
 - [5] Reduce the extent of storm water flow increase from the site.
 - [6] Reduce soil erosion.
 - [7] Reduce hazard or inconvenience to pedestrians from storm water flow and ponding.
 - (c) Adequate access is provided to each structure for fire and service equipment.
 - (d) Adequate utility and drainage is provided, consistent with the design standards of the Subdivision Regulations of the Blackstone Planning Board, as in effect at the date of adoption of this Chapter.²
 - (e) No zoning violations are observed.
- (5) Upon request by an applicant seeking an occupancy permit prior to completion of all requirements of the approved site plan, the Planning Board may authorize the Building Inspector to rely upon security received by the Town from the applicant for completion within a specified time of specific incomplete elements, such as landscaping or roadway finish course, whose completion has been determined by the Board not to impair the safety or convenience of users of the site. Such security shall be irrevocable and in an amount found by the Board to exceed the cost of the remaining improvements by no less than 20% cash security. Failure by the applicant to fully complete the specified improvements by the specified time shall result in forfeiture of the full amount of the security to the Town and shall constitute a zoning violation, subject to the penalty provisions of

² Editor's Note: See Ch. 191, Subdivision of Land.

Section 123-2.D. *[Added 05/29/07 ATM Article 16].*

- D. Penalty. Anyone violating any provision of this chapter, any of the conditions under which a permit is issued, or any decision rendered by the Zoning Board of Appeals, may be fined not more than one hundred dollars (\$100) for each offense. Each day that each violation continues shall constitute a separate offense.

§ 123-3. Board of Appeals.

- A. Establishment. There is hereby established a Board of Appeals which shall consist of five (5) members and two (2) alternate members, who shall be appointed by the Selectmen and shall act in all matters under this chapter in the manner prescribed by Chapters 40A, 40B, and 41 of the General Laws.
- B. Powers. The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this chapter. The Board's powers are as follows:
- (1) Special permits: To hear and decide applications for Special Permits upon which the Board is empowered to act under this chapter, in accordance with § 123-4.
 - (2) Variances. To hear and decide appeals or petitions for variances from the terms of this chapter, including variances for use, with respect to particular land or structures. Such variances shall be granted only in cases where the Board of Appeals finds all of the following:
 - (a) A literal enforcement of the provision of this chapter would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.
 - (b) The hardship is owing to circumstances relating to the 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.
 - (c) Desirable relief may be granted without either:
 - [1] substantial detriment to the public good; or
 - [2] nullifying or substantially derogating from the intent or purpose of this chapter.
 - (3) Appeals. Other appeals will also be heard and decided by the Board of Appeals when taken by:

- (a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of MGL C. 40A, or by;
 - (b) The Central Massachusetts Regional Planning Council; or by
 - (c) Any person including any officer or Board of the Town of Blackstone or of any abutting town, if aggrieved by any order or decision of the Building Inspector or other administrative official, in violation of any provision of MGL C. 40A, G.L. or this chapter.
- (4) Comprehensive Permits. Comprehensive Permits for construction may be issued by the Board of Appeals for construction of low-or moderate-income housing by a public agency or limited dividend or non-profit corporation, upon the Board's determination that such construction would be consistent with local needs, whether or not consistent with local zoning, building, health or subdivision requirements, as authorized by MGL C. 40B, §§ 20 through 23.
- (5) Withheld Building Permits. Building Permits withheld by the Building Inspector acting under MGL C. 41, § 81Y as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.
- C. Repetitive Petitions. Repetitive petitions for Special Permits, appeals, and petitions for variances, and applications to the Board of Appeals shall be limited as provided MGL C. 40A, § 16.

§ 123-4. Special permits.

- A. Special permit granting authority. Unless specifically designated otherwise, the Board of Appeals shall act as the special permit granting authority.
- B. Public hearing. Special permits shall only be issued following public hearings held within sixty-five (65) days after filing with the special permit granting authority an application, a copy of which shall forthwith be given to the Town Clerk by the applicant.
- C. Criteria. Special permits shall be granted in those cases where the special permit granting authority determines that the proposed use will not have adverse effects on either the neighborhood or the Town, in view of the particular characteristics of the site and of the proposal in relation to that site. The determination shall indicate consideration of each of the following:

- (1) Social, economic, or community needs which are served by the proposal.
 - (2) Traffic flow and safety.
 - (3) Adequacy of utilities and other public services.
 - (4) Neighborhood character and social structure.
 - (5) Qualities of the natural environment.
 - (6) Potential fiscal impact.
- D. Conditions. Special permits may be granted with such reasonable conditions, safeguards or limitations on time or use as the special permit granting authority may deem necessary to serve the purposes of this chapter.
 - E. Expiration. Special permits shall lapse if a substantial use thereof or construction has not begun within twenty-four (24) months of special permit approval or such shorter time as a special permit granting authority may stipulate (excluding such time required to pursue or await the determination of an appeal referred to in MGL C. 40A, § 17 for the grant thereof).
 - F. Planning Board as Special Permit Granting Authority. In certain cases in this Bylaw the Planning Board is designated as the Special Permit Granting Authority (SPGA). As authorized in Section 9 of Chapter 40A, MGL, there shall be one Associate Member of the Planning Board. Such Associate shall act on special permit decisions when designated to do so by the Planning Board Chairman in case of absence, inability to act, or conflict of interest on the part of any member of the Board, or in the event of a vacancy on the Board. The Associate Member shall be appointed for a three-year term by majority vote of the Planning Board. *[Added 11-8-99 STM, Art. 17]*

§ 123-5. Greater restrictions to control; conformance required.

- A. Other Laws. Where the application of this chapter imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this chapter shall control.
- B. Conformance. Construction or operations under a building or special permit shall conform to any subsequent amendment of this chapter unless the use or construction is commenced within a period of six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

§ 123-6. Amendments to provisions.

This chapter may from time to time be changed by amendment, addition, or repeal by the Town

Meeting in the manner provided in MGL C. 40A, § 5, and any amendments therein.

§ 123-7. Court Appeal

Any person aggrieved by a decision of the Board of Appeals or any special permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may, as provided in MGL C. 40A, § 17, appeal to the Superior Court or to the Land Court by bringing an action within twenty (20) days after the decision has been filed in the office of the Town Clerk.

ARTICLE II

Establishment of Districts; Use and Intensity Regulations

§ 123-8. Establishment of districts; interpretation of boundaries.

A. Establishment of district

(1) For the purposes of this chapter, the Town of Blackstone is hereby divided into the following types of districts:³[Amended 5-29-01 ATM, Art. 25]

Residence Districts	R1
	R2
	R3
Industrial District	I
Commercial District	C

[Added by 6-26-69 STM, Art.2]

(2) The boundaries of these Districts are defined and bounded on the map entitled “Zoning Map, Blackstone, Massachusetts” on file with the Town Clerk. That map and all explanatory matter thereon is hereby made a part of this chapter.⁴

(3) In addition, there are five (5) Overlay Districts: [Added by 9- 24-84 STM, Art. 1; amended by 11-19-84 STM, Art. 1; amended 4-25-88 ATM, Art. 7; amended 5-27-03 ATM Article 17]

- the “Multifamily Overlay District,” as defined and bounded on the Zoning Map,
- the “Flood Hazard District,” as defined in §123-19A,
- the “Groundwater Protection District,” as defined on the ‘Groundwater Protection Map,’
- the “Village Overlay District,” as defined and bounded on the Zoning Map,
- the “Special Resource Overlay District,” as defined at sub-section (3) of Section 123-2.B.

B. Except when labeled to the contrary, boundary or dimension lines shown

³ Editor’s Note: "General District G," which originally appeared in the following enumeration of districts, was repealed by 6-26-69 STM, Art. 2.

⁴ Editor’s Note: The Zoning Map is included at the end of this volume.

approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines, or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or radial to such lines shall be construed to be actually parallel, perpendicular, or radial thereto; when appearing to follow shoreline shall coincide with the mean low-water line. When not locatable in any other way, boundaries shall be determined by scale from the map.

- C. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than thirty (30) feet into the other district.
- D. When a lot in one (1) ownership is situated in part in the Town of Blackstone and in part in an adjacent municipality, the provisions of this chapter shall be applied to that portion of the lot lying in the Town of Blackstone in the same manner as if the entire lot were situated therein.

§ 123-9. Use Regulations.

A. *[Amended by 2-15-75 STM, Art. 1; 1-9-78 STM, Art.5]* No building or structure shall be erected or used and no land shall be used except as set forth in the Use Schedule⁵, or as exempted by § 123-5 or by statute.

(1) Symbols employed shall mean the following:

- Yes - A permitted use
- No - An excluded or prohibited use

(2) Uses authorized under special permit as provided for in § 123-4 and § 123-11:

- BA - Acted on by Board of Appeals
- PB - Acted on by Planning Board
- BS - Acted on by Board of Selectmen

B. Where an activity might be classified under more than one (1) of the following uses, the more specific classification shall determine permissibility; if equally specific the more restrictive shall govern.

§ 123-10. Nonconforming uses and structures. *[Amended by 12-28-72 STM, Art. 5; 1-9-78 STM, Art. 5].*

A. Change, extension, or alteration. As provided in MGL C. 4A, 6 a nonconforming single- or two-family dwelling may be altered or extended provided that doing so

⁵ Editor’s Note: See Sec. § 123-11, Use Schedule.

does not increase the nonconforming nature of said structure, and other pre-existing nonconforming structures or uses may be extended, altered or changed in use on special permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure shall be permitted to revert to a nonconforming use.

- B. Restoration. Any legally nonconforming building or structure may be reconstructed if destroyed by fire or other accidental or natural causes if reconstructed within a period of two (2) years from the date of the catastrophe, or else such reconstruction must comply with this chapter.
- C. Abandonment. A nonconforming use which has been abandoned, or discontinued for a period of two (2) years, shall not be reestablished, and any future use of the premises shall conform with this chapter.

§ 123-11. Use Schedule. [Amended by 6-26-69 STM, Art. 2; 6-5-72 STM, Art. 8; 2-15-75 STM, Art. 1; 9-25-75 STM, Art. 9; 1-9-78 STM, Art. 4; 1-9-78 STM, Art. 5; 4-25-81 ATM, Art. 2; 9-20-82 STM, Art. 4; 9-20-82 STM, Art. 5; 9-24-84 STM, Art. 1; 11-19-84 STM, Art. 1; 4-28-86 ATM, Art. 38; 04-25-94 ATM, Art. 24(A); 5-28-96 ATM, Art. 22; 5-27-97 ATM, Art.9; 5-29-01 ATM, Art.25; 5-31-05 ATM, Art 38., ATM 5-27-08 Art. 20]

Use	Zoning Districts				Notes
	R-1 R-2	R-3	C	I	
AGRICULTURAL USES					
Agricultural & related uses exempted from zoning prohibition by MGL C. 40A, Sec. 3	Yes	Yes	Yes	Yes	Such uses must be located on parcels of five (5) or more acres.
Livestock raising on parcel under 5 acres	No*	Yes	No	Yes	No building to house livestock shall be within sixty (60) feet of the street line or (40) feet of any other property line *Except "Yes" on parcels of at least three (3) acres, in an R-1, R-2 District.
Other Farm	Yes	Yes	Yes	Yes	
Greenhouse:					
With retail sales	Yes	Yes	Yes	Yes	At least three-quarters (3/4) of the retail sales must be of produce raised on land within the Town of Blackstone in the same ownership as the stand or greenhouse.
Wholesale only	Yes	Yes	Yes	Yes	
Roadside stand	Yes	Yes	Yes	Yes	
COMMERCIAL USES					
Animal kennel or hospital	No	BA	BA	BA	
Business or professional offices	No	No	Yes	Yes	
Funeral home	No	No	Yes	Yes	
Auto, boat, or farm equipment sales, rental, service	No	No	Yes	Yes	
Print Shop	No	No	Yes	Yes	
Bank, financial office	No	No	Yes	Yes	
Restaurant	No	No*	Yes	Yes	* Except BA within an extensive resort.
Retail sales or service	No	No*	Yes	Yes	* Except BA within an extensive resort.
Wholesaling without storage	No	No	Yes	Yes	

Use	Zoning Districts				Notes
	R-1	R-3	C	I	
	R-2				
INDUSTRIAL USES					
Light manufacturing for on-site sales	No	No	Yes	Yes	More than half of the volume sold at retail on the premises.
Other light manufacturing, research or development	No	No	BA	Yes	
Bulk Storage	No	No	No	Yes	
Contractor's yard	No	No	No	Yes	
Earth removal	BS*	BS*	Yes	Yes	Subject to town bylaw *Except "Yes" for continuation of operations on a parcel on which, as of the date of adoption of this provision, removal was authorized under a Standard Operations permit granted under § 109-5 of the Code of Blackstone. See § 123-23.3 for special permit procedures and criteria.
Junk-yard, second-hand auto parts	No	BA	No	Yes	
Transportation terminal	No	No	BA	Yes	
Warehouses	No	No	BA	Yes	
Commercial radio transmission	No	No	BA	Yes	
Personal wireless service facilities in accordance with Section 123-23.4	PB	PB	PB	PB	
Laundry or dry-cleaning plant	No	No	BA	Yes	
INSTITUTIONAL USES					
Municipal use	Yes	Yes	Yes	Yes	
Religious use	Yes	Yes	Yes	Yes	
Educational use exempted from zoning prohibition by MGL C. 40A, Sec 3	Yes	Yes	Yes	Yes	
Other educational use	BA	BA	BA	BA	
Cemetery	Yes	Yes	Yes	Yes	
Hospital	BA	BA	BA	BA	
Nursing, convalescent or rest home	BA	BA	BA	BA	
Philanthropic or charitable institutions	BA	BA	Yes	Yes	
Public utility with service area	No	BA	Yes	Yes	
Public utility without service area	BA	BA	Yes	BA	
Club or lodge	BA*	BA*	Yes	Yes	* Except those whose chief activity is one customarily carried on as a business.

Use	Zoning Districts				Notes
	R-1	R-3	C	I	
	R-2				
RECREATIONAL USES					
Campground	No	BA	Yes	No	
Camping, supervised	BA	Yes	Yes	Yes	
Golf course, standard or par three	Yes	Yes	Yes	Yes	
Indoor commercial recreation	No	No	Yes	Yes	
Sportsman's club, game preserve	BA	Yes	Yes	Yes	
Public stables	No	BA	BA	BA	
Bath houses, commercial beaches	BA	Yes	Yes	BA	
Commercial picnic, outing areas	BA	BA	Yes	Yes	
Extensive resort	No	BA	BA	BA	
Major spectator center	No	BS*	BS*	BS*	* To be approved by the Board of Selectmen only if the criteria of §123-4C are met, and if not more than ten (10) dwellings exist within one hundred (100) feet of any proposed structure or parking area at the time of application.
Other outdoor commercial recreation	No	No	Yes	Yes	
RESIDENTIAL USES					
Single family dwelling	Yes	Yes	Yes	No*	* Except single family dwelling for personnel required to reside on the premises for the safe operation of a permitted use.
Two-family dwelling	Yes	Yes	Yes	No	
Multi-family* dwelling	No	No	PB	No	* Except "PB" at any location in the Multifamily Overlay District or the Village Overlay District. [Amended by 4-28-86 ATM, Art. 40; amended by 4-25-94, Art.22]
Boarding or rooming	No	No	Yes	No	
Motel, hotel	No	No*	Yes	Yes	* Except BA within an extensive resort.
Mobile home* or mobile home park	No	No	No	No	* See §123-21.
Public housing	Yes	Yes	Yes	No	
Flexible residential development	PB	PB	PB	PB	

Use	Zoning Districts				Notes
	R-1	R-3	C	I	
	R-2				
OTHER PRINCIPAL USES					
Temporary structures	BA	BA	Yes	BA	
Airport, heliport	No	No	Yes	Yes	
Conversion of a municipal building (see Sec. §123-22)	BA	BA	BA	BA	
ACCESSORY USES					
Home occupation*	Yes	Yes	Yes	Yes	* See §123-20.
Accessory apartment*	PB	PB	PB	No	* See §123-20.E
Parking of:					
Private autos of residents on premises	Yes	Yes	Yes	Yes	
1 light commercial vehicle	Yes	Yes	Yes	Yes	
2 or more light commercial vehicles, or any number of heavy commercial vehicles	No	BA	Yes	Yes	
Farm equipment on farms	Yes	Yes	Yes	Yes	
Parking in excess of above	No	BA	Yes	Yes	
Signs (see Sec. §123-17)	Yes	Yes	Yes	Yes	
Private stable	Yes	Yes	Yes	Yes	
Swimming pool	Yes	Yes	Yes	Yes	
Accessory Scientific Use in accordance with Sec. §123-20	BA	BA	BA	BA	
Flea market	No	No	Yes	Yes	
Yard sale	Yes	Yes	Yes	Yes	
Other customary accessory uses	Yes	Yes	Yes	Yes	

§ 123-12. Intensity of use regulations.

- A. All buildings hereafter erected in any district shall be located on a lot such that all of the requirements set forth in the following Table⁶ are conformed with, except where specifically exempted by this chapter or by General Law.
- B. No existing lot shall be changed in size or shape except through a public taking so as to result in violation of the requirements set forth below.
- C. *[Amended by 1-9-78 STM, Art. 5]* Isolated lots. Any increase in lot area, frontage, yard, or coverage requirements of this Bylaw shall not apply to erection, extension, alteration, or moving of a structure on a legally created lot not meeting current requirements provided that the applicant documents that:

- (1) at the time such increased requirement became applicable to it, the lot:
 - (a) had at least five thousand (5,000) square feet of lot area and fifty (50) feet of frontage on a street; and
 - (b) was held in ownership separate from all other lots having frontage within one thousand (1,000) feet on that same street or was held in ownership separate from all other except one abutting lot, where the owner of both lots resided on one of them at the time it became nonconforming; *[Amended by 6-9-86 STM, Art. 2]*
 - (c) conformed to then-existing dimensional requirements; and
 - (d) yards shall be not less than the following:

Actual Frontage	Required yard	
	Front	Side or Rear
Less than 100'	20'	8'
100-140'	20'	10'
More than 140'	30'	15'

Such nonconforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots. *[Amended 4-26-93, Art. 46]*

- (2) the lot is not to be used for multifamily use.

- D. Where no street line has been established or can be readily determined, such line shall be assumed to be twenty-five (25) feet from the center of the traveled

⁶ Editor's Note: See § 123-13, Intensity of Use Schedule.

roadway for the purpose of applying these regulations.

- E. Other provisions notwithstanding, no building, parking area, or leaching field shall be located within fifty (50) horizontal feet of the normal bank of any stream having a year-round running flow of water, or of any pond containing one thousand (1,000) square feet or more of water eleven (11) months of the year, except within the Commercial District, to which these provisions do not apply. *[Added by 11-7-68 STM, Art. 10; amended by 6-26-69 STM, Art.2]*
- F. Multiple principal uses on the same lot each must meet the dimensional requirements of §123-13 without counting any area, frontage, or yard twice. Not more than one (1) principal building shall be erected on a lot unless each such building is served by access and services determined by the Building Inspector to be functionally equivalent to those required for separate lots by the Planning Board in its Subdivision Regulations.⁷ *[Added by 12-28-72 STM, Art. 4]*
- G. To ensure compliance with these regulations, stakes shall be set at each lot corner by a registered Land Surveyor and the Building Inspector shall then be given two (2) working days' notice prior to pouring of any foundations. *[Added by 9-25-75 STM, Art.8]*
- H. Lot shape. No lot shall be created so as to be so irregularly shaped or extended that it has a "shape factor" in excess of thirty (30) for any lot having area in excess of 80,000 square feet, or in excess of twenty-two (22) for any other lot. The shape factor equals the square of lot perimeter divided by the lot area (before deduction for wetland, etc.). That portion of the lot in excess of the required lot area may be excluded from the computation of the shape factor using an imaginary lot line, provided that the entire required frontage is included in the portion used for calculation. *[Added by 4-25-88 ATM, Art. 34; Amended 5-28-96 ATM, Art. 24]*
- I. Lots having preexisting dwellings. Any lot on which more than one (1) dwelling legally existed at the time of adoption of the Zoning Bylaw may be divided and sold to separate owners provided that such division be made so as to create the minimum of non-conformance, provided that each resulting lot contains at least one (1) of those pre-zoning dwellings, and provided that each lot has at least fourteen (14) feet frontage on a street or a right-of-way to a street. *[Added by 4-25-81 ATM, Art. 5]*
- J. In all districts, minimum lot area shall be increased to five acres (or more if so required by other regulations) and lot frontage shall be increased to 400 feet where access to that lot is only "Rural", not "Suburban", based on these standards:

"Suburban" access provides connection between lots and roads substantially used

⁷ Editor's Note: See Ch. 191, Subdivision of Land.

(2,000 vehicle trips per day or more) via ways which are either already substantially used themselves, or are paved to at least 18 feet in width, have sight distances of at least 125 feet, have grades not exceeding 12% for more than 100 feet at any location, have centerline radii of not less than 100 feet, and have drainage facilities which prevent flooding, icing, or erosion without those facilities themselves creating hazard.

“Rural” access provides connection to roads substantially used (2,000 vehicle trips per day or more) via ways which in part or whole do not meet one or more of the standards for ‘Suburban’ access, but which do provide minimal access for emergency services, so provide the vital access required for the division of land into lots relying upon existing ways.

The Planning Board may approve a special permit for creation of and building on lots having only Rural access and having less than five acres lot area and 400 feet lot frontage, but meeting the basic lot area and frontage requirements of §123-13, upon the Board’s determination that peculiarities of that case, such as limitations on land development potential or developer commitment to road improvements, assure that access during and following full development will adequately provide convenience and avoidance of hazard or congestion. *[Added by 4-29-91 ATM, Art. 11]*

- K. For requirements in the Village Overlay District, see subsection §123-23.2. *[Added by 04-25-94 ATM, Art. 22]*
- L. Back Lot Division. A parcel with no other contiguous land in common ownership may be divided into two or three lots, one of which has less than the normally required frontage, and a single-family dwelling may be built on the reduced frontage lot, provided that such division is authorized on a Special Permit granted by the Planning Board. Such divisions shall be authorized if meeting each of the following, but not otherwise.
 - (1) The lot having reduced frontage must have frontage of at least 35 feet.
 - (2) The lot having reduced frontage must contain at least twice as much lot area as otherwise required, without counting any portion of its access strip (the portion of the lot between the street and the point where lot width equals 100 feet or more).
 - (3) The lot having reduced frontage must be capable of containing a square with sides equal to the normally required lot frontage.
 - (4) All other requirements specified in §123-12 and §123-13 Intensity of Use Schedule must be met, except that calculations for the requirements of §123-12 H Lot shape shall exclude the access strip.

- (5) No lot having less frontage than normally required shall be approved by the Planning Board if its access strip abuts another such lot which is or was in the same ownership either at the time of application or at any time within the preceding five years.
- (6) Egress from the created lots must involve no greater hazard owing to grade and visibility limitations than would be normal for a standard lot in the same vicinity.
- (7) Reduction of privacy, damage to the natural environment, and difficulties of utility provision must be no greater than would be expected for standard land division at that location.
- (8) The proposal must be determined by the Planning Board to not circumvent the intent of the Subdivision Control Law.

Any reduced frontage lot created under these provisions shall be shown and identified on a plan endorsed by the Planning Board “Lot _____ approved for reduced lot frontage.” *[Added 5-28-96 ATM, Art. 27]*

§ 123-13. Intensity of use schedule. *[Amended by 6-26-69 STM, Art. 2; 6-5-72 STM, Art. 7; 9-25-75 STM, Art. 6; 1-9-78 STM, Art. 5; 12-10-79 STM, Art. 8; 4-25-81 ATM, Art. 4; 9-24-84 STM, Art. 1; 11-19-84 STM, Art. 1; 4-28-86 ATM, Art 38; 5-28-96 ATM, Art. 24, Art. 25 and Art. 26; 6-9-86 STM Art. 2; 5-29-01 ATM Art. 25]*

	DISTRICT				
	R-1^g	R-2	R-3	I	C
Minimum Lot Area (sq. ft.) ^{a, e}	35,000	65,000	120,000	30,000	15,000
Minimum Lot Frontage (ft.)	150	185	275	140	100 ^b
Minimum Front Yard (ft.) ^c	25	30	30	30 ^d	25
Minimum Side or Rear Yard (ft.)	15	20	30	20 ^d	15
Maximum Lot Coverage (%)	30	25	25	40	40
Maximum Building Height (ft.) ^h	35	35	35	45	45

NOTES:

- a. Access limitations may increase requirements. See §123-12.J Access and Lots. For multifamily use, see §123-23. *[Amended by 4-28-86 ATM, Art.40; Amended by 4-29-91 ATM, Art. 11]*
- b. Plus fifteen (15) feet for each dwelling unit in excess of one (1).
- c. No building need provide a yard greater than the average of adjoining yards. Corner and through lots shall maintain front yard requirements for both frontages.
- d. Increase to fifty (50) feet for yards facing or adjoining a residential district or use.
- e. For two-family dwellings, increase by fifty percent (50%) of the basic requirement.
- f. *[Deleted 5-29-01 ATM, Art. 25]*
- g. Except 28,000 square feet in the multi-family overlay district as existing on May 1, 1996. *[Amended 5-28-96 ATM, Art. 26]*
- h. See Section 123-13.3 Height limitations.*[Added 11-8-99 STM, Art 19]*

§ 123-13.1. Flexible Residential Development. *[Added by 04-25-94 ATM, Art. 24(A); 5-27-08 ATM, Art. 20].*

- A. Purpose. The purpose of Flexible Residential Development provisions is to allow greater flexibility and creativity in residential development in order to gain:
 - (1) Location of development on sites best suited for development, and protection of land not suited for development, reflecting such considerations as:
 - permanent preservation of open space for agriculture, conservation, or recreational use, especially in large contiguous areas within the site or linked to off-site protected areas;
 - protection of water bodies, streams, wetlands, wildlife habitats, and other conservation resources;
 - protection of the character of the community through preserving open space within view from public roads, preservation of stone walls and other historic landscape features, preservation of scenic vistas, and through siting of dwellings at low-visibility locations;
 - except within the Village Overlay District or within Commercial districts, the protection of street appearance and capacity by avoiding residential development close to or having points of egress directly onto such streets;

- (2) Efficient patterns for construction and maintenance of public facilities and services such as streets and utilities;
 - (3) Privacy for residents of individual lots; and
 - (4) Avoidance of unnecessary development cost.
- B. Applicability. Flexible Residential Development is allowed for any development of three or more lots but only if granted a special permit by the Planning Board in accordance with the following procedures and requirements. Non-contiguous land either in the same ownership or subject to binding agreements may be incorporated into the same development application, with density and open space determinations made as if all of the land were contained in a single contiguous parcel.
- C. Procedures.
- (1) Applicants for Flexible Residential Development are encouraged to meet with the Planning Board for a pre-application conference to allow consideration of general approaches, increasing the likelihood of prompt approval of later plans.
 - (2) Applications for a special permit for Flexible Residential Development shall include the following, to have been prepared by an interdisciplinary team including a Registered Land Surveyor, a Professional Engineer and a registered Architect or Landscape Architect unless that requirement is waived by the Planning Board for special circumstances, such as unusually small developments.
 - (a) A concept plan indicating in a general manner the configuration of access, lots, building siting, reserved open space, landscaping, drainage and utilities, consistent with the drawing requirements for a Preliminary Subdivision Plan under the Subdivision Regulations of the Blackstone Planning Board.
 - (b) Narrative, graphic, and tabular materials describing the proposal including the number and size of dwelling units; proposed project phasing; and any provisions being made to target special occupancies, such as for the elderly or for affordable housing.
 - (c) Any additional information necessary to evaluate the plan relative to the purposes of Flexible Residential Development listed at subsection §123-13.1.A, to make the determinations and assessments cited in Section §123-13.1.G Decision, and to demonstrate compliance with the standards of this Bylaw.
- D. Dimensional Requirements. Developments within a Flexible Residential Development shall be subject to the following in lieu of the lot area, frontage and yard requirements of Section §123-13 Intensity of Use Schedule.
- (1) Basic Number of Lots. The basic number of building lots or dwelling units which may be created from any parcel shall be the number of units of the same type

(single-family, two-family, or multi-family) which reasonably could be expected to be built upon that parcel under a conventional subdivision plan. That determination shall be made by the Planning Board in consideration of how much of the land is actually buildable in compliance with all applicable development requirements of the Town and State, and based upon review of a sketch conventional plan submitted by the applicant showing division in compliance with the dimensional standards of subsection §123-13 Intensity of Use Schedule.

- (2) Lot Area. There is no categorical minimum lot area required. Individual lot area need only be that necessary for meeting building yard requirements (where applicable), off-street parking, and location of any on-site water supply and sewage disposal facilities.
 - (3) Frontage. There is no categorical minimum frontage required, except that the development as a whole shall have at least that frontage required for a single-family dwelling under subsection §123-13. The frontage provided for individual lots being created need only be that necessary to meet yard requirements and to provide for adequate access to the building site. Where shared driveways or other circumstances render frontage on a street to be of no importance none is required.
 - (4) Existing Street Protection. Lots having reduced area or frontage shall not have frontage on a street other than one created by the development involved, unless specifically authorized by the Planning Board where justified by peculiar site circumstances.
 - (5) Yard Requirements. Yards as required by subsection §123-13 shall apply at any boundary line at the perimeter of the Flexible Residential Development, including the existing street line, but are not applicable elsewhere within the development.
- E. Phasing. A phasing schedule must be prepared and submitted as part of the special permit application, to be acted on under Section 123-14. Phasing of Development.
- F. Open Space. Any proposed open space within the Development shall be conveyed to the Town, to a nonprofit organization, or to a corporation or trust owned or to be owned by the owners of the lots within the development, as provided by Section 9 of Chapter 40A MGL, the Zoning Act.
- G. Decision. The Planning Board shall approve or approve with conditions a Special Permit for Flexible Residential Development provided that the Board determines that the Flexible plan better serves the following than would development not using these provisions:
- (a) Section 123-13.1.A purposes of Flexible Residential Development
 - (b) Section §123-2C (4) (Site Plan Review Design Requirements);
 - (c) Section §123-4C Special Permit Criteria;
 - (d) Configuration of development to minimize damage to portions of the site having important habitat, ecosystem, visual, or historic importance;

- H. Endorsement. The plan creating the lots shall be endorsed by the Planning Board as “Approved for Flexible Residential Development.” The plan shall also contain the following annotation:

“No further increase in the number of lots shall be allowed through subsequent land division.”

§ 123-13.2 Affordable housing. *[Added 5-28-96 ATM, Art. 22. Replaced by the following 5-27-08 ATM, Art. 20]*

- A. Applicability. At least ten percent (10%) of the dwelling units created in any residential development of six or more dwelling units shall be affordable, with all fractions of a required affordable dwelling unit rounded downward for developments of five or fewer units, upward for all others, unless granted a special permit by the Planning Board upon determination that an alternative housing effort proposed by the applicant has been found by the Planning Board to make no less contribution than the above towards meeting the goal of providing affordable housing.
- B. Definition of “affordable.” “Affordable unit” shall mean a dwelling unit restricted for sale or rental to households having incomes not exceeding “low income” (approximately 80% of the area median income) as annually determined by the US Department of Housing and Urban Development for the statistical region which includes Blackstone, adjusted for household size (assuming one more person in the household than the number of bedrooms), while spending not more of that income on housing than the following:
- (1) Paying not more than 30 percent of income on rent, including utilities and parking;
 - (2) Paying not more than 33 percent of income on mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner’s association fees, hazard insurance, and parking.

Determination of unit prices and income eligibility shall be consistent with data and methods used by DHCD in determining unit qualification for inclusion on its Chapter 40B Subsidized Housing Inventory.

- C. Density incentive. For developments that include affordable units the allowed number of dwelling units shall be increased above the number otherwise allowed by a number equal to the number of affordable units required plus twice the number of affordable units proposed in excess of the number required, to a maximum increase of 50%. For example, if for a parcel otherwise allowed to have 14 dwelling units it is proposed to meet the affordability requirement by having the minimum two affordable units, then the total units allowed would equal 14 + 2 or 16 units. If instead, one affordable unit in addition to those required were

proposed, then in addition to those 16 allowed units two more units would be allowed, one affordable and one market rate, for a total of 18 units.

- D. Lot area and frontage. The lot area and frontage requirements of § 123-13 Intensity of Use Schedule shall be reduced for the entire development by the same percentage as that by which the allowable number of dwelling units is being increased. For example, allowing a bonus of two units in addition to the 14 units otherwise allowed would be an increase of 14%, allowing frontage and lot area requirements to be reduced by 14% of those shown in § 123-13 Intensity of Use Schedule.
- E. Continuing affordability. Using deed restrictions or other means, continuing affordability shall be assured for the life of the development or until this bylaw provision is amended to require only a shorter period.
- F. Marketing and local preference. The developer shall provide to the Planning Board for its approval a marketing and local preference plan for the affordable units, consistent with state and federal fair housing requirements. Local preference shall be assured for half of the affordable units, giving first preference to current and previous residents of the Town, and to full or part-time employees working within the Town.
- G. Appearance and location of affordable units. Location of the affordable units shall be integrated with that of the others, rather than segregated. The exterior appearance of the affordable units shall be compatible with and, except for unit size, essentially indistinguishable from the others.

§ 123-13.3. Height Limitations. *[Added 11-8-99 STM, Art. 19]*

No building or portion thereof or other structure of any kind shall exceed the heights permitted for buildings under § 123-13 Intensity of use schedule, except the following:

- (a) chimneys, towers, spires, cupolas, antennae or other projections of or attachments to a building but not potentially used for human habitation, provided that they do not exceed the height of the building by more than ten (10) feet or twenty (20) percent of building height, whichever is the greater, or
- (b) a structure or projection not used for human habitation and not permitted by the above, provided that it is authorized for that height by special permit from the Board of Appeals, upon determination by the Board that the proposed height is functionally important for the use, and that the structure or projection and its use will not result in threats to health, safety or visual compatibility with the surroundings and, in the case of a antennae for use by a federally licensed amateur radio operator, that any restriction so imposed complies with the provisions of Section 3 of Chapter 40A dealing with such antennae.

§ 123-14. Phasing of development. *[Added by 12-10-79 STM, Art. 10; amended by 4-7-80 ATM, Art.18; 5-28-96 ATM, Art. 23; 5-27-08 ATM, Art. 19]*

- A. Applicability and Intent. Flexible Residential Developments seeking special permits under Section 123-13.1 and Multifamily Developments seeking special permits under Section 123-23 must submit development phasing schedules for approval under this Section unless exempted from phasing requirements by § 123-13.2. The intent of requiring phasing schedules is to coordinate the pace of private development and changes in the public infrastructure that services it, while giving consideration to the development's contribution to meeting both housing and service facility needs of all population groups.
- B. Basic Requirements. A proposed development schedule shall be approved as part of the special permit authorizing the development if it schedules development per twelve-month period to be no higher than the larger of ten housing units or 10% of the total number of housing units in the development, with fractions of one-half (½) required dwelling unit or less rounded downward, and other fractions rounded upward to a whole figure. A larger number of units for one or more periods may be approved by the Planning Board if in acting on the special permit application it determines that doing so is consistent with the intent of this section, giving consideration to the following.
 - (1) Whether the level of initial development costs being incurred by the developer, such as infrastructure improvements, justifies a more rapid initial rate of development.
 - (2) The salience of the development in meeting identified housing needs of the Town or the region, making early availability of the units a special benefit.
 - (3) The time needed for the capacity of public infrastructure to adequately service the development, taking into consideration any contribution the development may be making towards meeting those needs, and facility improvements scheduled in the most recently approved Town Capital Improvements Plan.
 - (4) Relationship between the rate of housing development proposed by the phasing and the Blackstone housing market's absorption rate, as reflected in ten-year trends in the number of housing units authorized in the town through building permits.
- C. Expiration. Section §123-14 shall expire December 31, 2013, unless it is earlier extended through amendment of this provision. Upon its expiration, any timing limitations previously placed on building permit availability and any housing cost or income eligibility stipulations upon which permits were earlier qualified shall remain in full force and effect.
- D. Protection against Zoning Change. Any protections against zoning change provided by this Bylaw (e.g. § 123-10) or by Statute (e.g. Section 6, Chapter 40A) unless extending beyond the term of the phasing schedule shall be extended to the end of that schedule.

ARTICLE III

Miscellaneous Regulations

§ 123-15. Off-street parking.

- A. Number of spaces. Adequate off-street parking must be provided to service all increases in parking demand created by new structures or additions or created by change of use. The number of parking spaces provided must be as required in Section 123-15B, unless the special permit granting authority or the Planning Board in either performing site plan review or responding to a request for determination by the Building Inspector finds that a lesser provision would be adequate for all parking needs because of such special circumstances as shared parking for uses having peak parking demands at different times, unusual age or other characteristics of site users, company-sponsored car-pooling, or other measures which reduce parking demand. *[Amended by 1-9-78 STM, Art.5; 4-25-88 ATM, Art. 33, 5-29-07 ATM, Art. 17]*
- B. Table of Requirements. *[Amended by 4-25-88 ATM, Art. 33]*

Dwellings:

Single-family: two (2) parking spaces per dwelling unit.

Other: one and one half (1 1/2) parking spaces per dwelling unit.

Hotel, motel, boarding or rooming: one (1) space per guest unit.

Retail sales or service: one (1) space per two hundred (200) s.f. leasable floor area, but not fewer than three (3) spaces per separate enterprise.

Professional office: one (1) space per one hundred fifty (150) s.f. leasable floor area, but not less than three (3) spaces per separate office suite.

Other office: one (1) space per two hundred fifty (250) s.f. leasable floor area.

Restaurant, place of assembly: one (1) space per three (3) persons maximum occupancy as allowed under the State Building Code.

Commercial recreation: one (1) space per two (2) persons participant capacity, plus one (1) space per three (3) persons spectator capacity.

Nursing home, hospital: one (1) space per four (4) beds.

Industrial, wholesale, or warehouse: one (1) space per one and one-fourth (1 1/4) employees per shift, but not less than one (1) space per one thousand (1,000)

square feet of storage area plus one space per four hundred (400) square feet of production area plus one (1) space per one hundred eighty (180) square feet of office area.

Other uses: individually determined by the Building Inspector, except that determination will be by the Planning Board in cases referred to that Board by the Building Inspector for site plan review.

- C. Location of spaces. Required parking spaces must be on the same lot as the use they serve, except that crediting the following may be authorized on special permit by the Planning Board for cases where both the use and the parking are located within either or both the Commercial District or the Village Overlay District, upon determination by the Planning Board that, subject to conditions regarding location, egress design, landscaping and screening, or other matters doing so will be more beneficial to the vicinity than the alternative of requiring all demand to be met on-site, and will not result in departure from historic patterns of land or street usage or substantially add to congestion or hazard:
- (1) Legal on-street parking spaces not otherwise assigned or credited, if on the same side of the street and extending not more than ten feet beyond the extended side lines of the premises;
 - (2) Off-street spaces on a separate lot either in the same ownership as the premises in question or subject to a recorded agreement assuring the availability of those spaces for the duration of the use in question.
[Former contents deleted 04/25/94 ATM, Art. 23; new contents added 05/29/07 ATM Art. 17].
- D. No off-street parking area shall be maintained within ten (10) feet of a street line, and if servicing a use not allowed in a Residential District, not within ten (10) feet of said district bounds. *[Amended by 6-5-72 STM, Art.5]*
- E. Driveways. Use of land for shared driveways is permitted in all districts. However, a shared driveway shall not be considered to adequately provide access for parking as required by this Bylaw on any lot for which a shared driveway is proposed as the sole means of access for parking unless the Planning Board so authorizes in performing site plan review under § 123-2.C of the Zoning Bylaw or under a special permit. Authorization shall be granted only if all shared portions of the drive are to be paved, and the Board determines that the arrangement improves public safety, such as by reducing the number of curb cuts on a major road or by avoiding a driveway at a potentially dangerous location; or serves environmental protection, such as by eliminating a wetlands crossing; and unless the Board further finds that the use of a shared driveway does not circumvent the intent of the Subdivision Control Law. *[Added 5-28-96 ATM, Art. 27; Amended 11-8-99 STM Art.16]*

§ 123-16. Litter and smoke; groundwater quality; toxic or hazardous materials.

- A. No activity shall be permitted in any district unless it can be demonstrated that its operation will be so conducted that the following standards will be met:
- B. No vibration, odor or flashing shall be normally perceptible more than four hundred (400) feet from the premises if located in the Industrial or Commercial Districts, or more than one hundred (100) feet from the premises if located in a residence district. Interference originating in Commercial or Industrial Districts shall not normally be perceptible more than one hundred (100) feet within a residential district. *[Amended by 6-5-72 STM, Art.5, Amended 6-7-93, Art. 25]*
- C. Cinders, dust, fumes, gases, radiation, or trash or other waste shall be effectively confined to the premises or disposed of.
- D. On-site disposal of industrial wastes (as defined in Title 5 of the Massachusetts Environmental Code) shall be allowed only in volumes and concentration such that resultant groundwater quality at the boundaries of the premises will not fall below the standards established by DEQE in Drinking Water Standards of Massachusetts. *[Amended by 9-20-82 STM, Art.4]*
- E. Premises involving the preparation, use, or storage of toxic or hazardous materials shall make provisions to protect against discharge or loss of such materials through corrosion, accidental damage, spillage, or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials, and indoor storage provisions for corrodible or dissolvable materials. *[Amended by 9-20-82 STM, Art.4]*
- F. The Zoning Agent may require that applicants furnish evidence of probable compliance with the above requirements, whether by example of similar facilities or by analysis and certification by a professional engineer. Issuance of a permit on the basis of that evidence shall indicate acceptance of the conformity of the basic structure and equipment, but future equipment changes and operating procedures must be such as to also comply with these requirements. *[Amended by 9-20-82 STM, Art.4]*

§ 123-17. Signs. *[Added by 6-26-69 STM, Art.1]*

- A. Illumination, motion, location regulations.
 - (1) Signs shall be illuminated only by internal illumination or steady stationary, shielded light directed solely at the sign without causing glare for motorists, pedestrians or neighborhood residential premises.
 - (2) Except for indicators of time and temperature, no sign or part of any sign shall flash or move.

- B. Temporary Signs. Temporary signs listed below shall be allowed for up to twelve (12) months in any district without necessity of a permit:
- (1) An unlighted sign of up to ten (10) square feet pertaining to construction, sale or lease of the premises, or subdivision while under development.
 - (2) Signs inside display windows covering not more than thirty percent (30%) of window area, illuminated by building illumination.
- C. Permitted accessory signs in residence districts.
- (1) One (1) sign for each family residing on the premises indicating the owner or occupant or pertaining to a permitted accessory use, provided that no sign shall exceed two (2) square feet in area.
 - (2) One (1) sign not over ten (10) square feet in area pertaining to permitted buildings and uses of the premises other than dwellings and their accessory uses.
- D. Permitted accessory signs in Business and Industrial Districts. *[Amended by 12-28-72 STM, Art. 2; 4-28-86 ATM, Art. 38]*
- (1) Signs attached to a building provided that they aggregate not more than fifteen percent (15%) of the area of the wall to which they are attached. Roof signs shall not be permitted.
 - (2) Freestanding signs, provided that they aggregate not more than sixty (60) square feet in area on any premises, and are not located in a required side or rear yard. *[Amended 5-29-01 ATM, Art. 25]*
 - (3) Regardless of the provisions of Subsections D(1) and (2) the total area of all accessory signs, either attached to a building or freestanding, shall aggregate not more than one and one-half (1 1/2) square feet per foot of lot frontage on the street toward which they are oriented.
- E. Permitted non-accessory signs. No non-accessory signs shall be erected, except that a non-accessory directional sign, designating the route to an establishment not on a state highway, may be erected and maintained in any district on special permit from the Board of Appeals, subject to their finding that such sign will promote the public interest, will not endanger the public safety, and will be of such size, location, and design as will not be detrimental to the neighborhood. *[Amended by 12-28-72 STM, Art.2]*
- F. Administration

- (1) No sign, except those specifically exempted by this chapter, shall be erected without a permit issued by the Building Inspector, application for which shall be accompanied by such scale drawings or photographs as the Building Inspector may require.
- (2) Legally nonconforming signs shall be governed by 123-10, Nonconforming uses and structures. *[Amended by 1-9- 78 STM, Art.5]*

§ 123-18. *[Deleted 5-29-01 ATM, Art. 25]*

§ 123-18.1. Landscaping. *[Added by 4-25-94 ATM, Art. 23]*

- A. Buffering. All parking areas for more than four (4) vehicles, and all outdoor equipment or materials storage areas of one thousand (1,000) square feet or larger, shall be buffered from each property line, including the street line, by:
 - (1) an intervening building, or
 - (2) at least twenty-five (25) feet depth of vegetated area (retained natural growth or planted materials), or
 - (3) at least four (4) feet depth of dense trees and shrubs or a vegetated berm, supplemented with fencing as needed to effectively obscure visibility of parked cars.
- B. Parking Area Plantings. At least 2% of the interior area of parking areas for twenty (20) or more vehicles shall be unpaved planting areas, each forty square feet or larger, providing at least one tree per eight parking spaces or fraction thereof, located to assist in guiding traffic, provide shading or preserve existing trees.

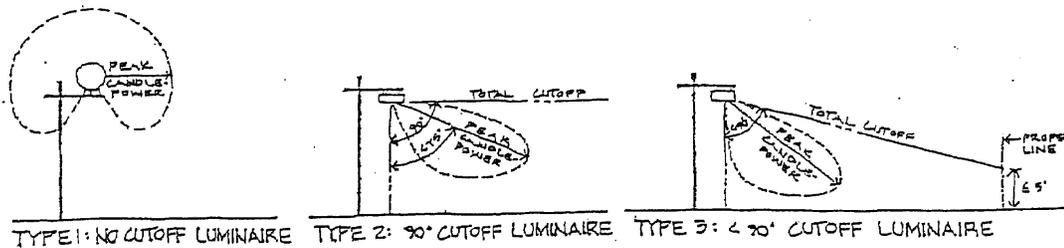
§ 123-18.2. **Exterior Lighting.** [Added 11-8-99 STM, Art. 18]

A. Fixtures. Lighting fixture types are defined as follows:

Type 1. No light cutoff.

Type 2. Luminaire shielded such that peak candlepower is at an angle of 75 degrees or less from vertical, and essentially no light is emitted above the horizontal.

Type 3. Luminaire shielded such that total cutoff is at less than 90 degrees from vertical, and no light source is in direct view of an observer 5 feet above the ground at any point off the premises.



B. Lighting Limitations. The following limitations shall be observed by all uses, unless granted a special permit by the Zoning Board of Appeals upon determination by the Board that it is inherently infeasible for that use (e.g. public outdoor recreation) to meet these standards, and that all reasonable efforts have been made to avoid light overspill onto residential premises and glare on public roads.

LIGHTING LIMITATIONS [Amended 5-29-01 ATM, Art. 25]

	District	
	I, C	R-1,2,3
Maximum luminaire mounting height (feet)		
Fixture Type 1	20	10
Fixture Type 2	30	15
Fixture Type 3	40	20
Maximum off-site overspill (foot-candles)		
Fixture Type 1	0.3	0.2
Fixture Type 2	1.0	0.3
Fixture Type 3	3.0	0.5

- C. Flashing. No flickering or flashing lights shall be permitted. Processes, such as arc welding, which create light flashes shall be confined within buildings or shielded to prevent either direct glare or flashing reflected from the sky.
- D. Lighting plan. An exterior lighting plan may be required where compliance with these requirements is not apparent, to include indication of location, mounting height, and orientation of luminaires, and sufficient technical information on the fixtures to determine their type and resulting illumination levels.

ARTICLE IV

Special Regulations

§ 123-19. Flood Hazard District. *[Added by 9-19-79 STM, Art.9]*

- A. District. A Flood Hazard District is hereby created as an overlay district comprising all areas designated ZONE A on Federal Insurance Administration (FIA) map entitled "Flood Insurance Rate Map", effective date September 30, 1977, and a Floodway is created as designated on FIA maps entitled "Flood Boundary and Floodway Map", effective date September 30, 1977, which are on file with the Town Clerk.
- B. Base Flood Elevation. The Base Flood Elevation shall be the level of flooding having a one-percent chance of being equaled or exceeded in any given year, as designated on the above FIA Rate Map, or, in the absence of such designation, to be based upon the best available information regarding flood hazards, including any available United States Geological Survey, Soil Conservation Service, and Corps of Engineers studies.
- C. Regulations. Any development within the Flood Hazard District shall be subject to the following requirements.
- (1) All new construction and substantial improvements [re pair, reconstruction, or alteration costing fifty per cent (50%) or more of the market value of the structure before improvement or, if damaged, before damage occurred] shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure; be constructed with materials and utility equipment resistant to flood damage; and be constructed by methods and practices that minimize flood damage; evidenced by compliance with the Commonwealth of Massachusetts State Building Code, where applicable.⁸ *[Amended by 4-7-80 ATM, Art.20]*
 - (2) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the Base Flood Elevation. Non-residential structures shall either be similarly elevated or, together with attendant utility and sanitary facilities, be designed so that below the Base Flood Elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (3) The flood carrying capacity of any watercourse shall be maintained in the event of any alteration or relocation.

⁸ Editor's Note: See also Ch. 57, Building Construction.

- (4) Within the Floodway designated on the above FIA Flood Boundary and Floodway Map, no encroachments (including fill, new construction, substantial improvements, or other development) shall be allowed unless it is demonstrated by the applicant that, as a consequence of compensating actions he is undertaking, his proposed development will not result in any increase in flood levels within the Town during a flood to the base level elevation.

D. Procedures

- (1) The Board of Appeals may grant a special permit for an exception to requirements Subsection C (2) through (4). Such special permit may be granted only in the case of structures such as boat houses which require waterfront location and are not continuously used for human occupancy, or in the case of development on a lot less than a one-half (1/2) acre which is surrounded by existing nonconforming structures, in either case provided that all of the following are shown:
 - (a) Good and sufficient cause.
 - (b) Failure to allow the departure would result in exceptional hardship to the applicant.
 - (c) Allowing the departure will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other Bylaws or regulations.
 - (d) The departure is the minimum necessary, considering the flood hazard, to afford relief.
- (2) The Building Inspector shall obtain and maintain records regarding the elevation to which any structures within a Flood Hazard District have been floodproofed.
- (3) Where floodproofing is utilized for a structure located in a Flood Hazard District, the Building Inspector shall, pursuant to the State Building code, obtain and maintain records of certification from a registered professional engineer or architect that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with flooding to the Base Flood Elevation.
[Amended by 4-7-80 ATM, Art.20]

§ 123-20. Accessory uses.

A. Home occupations. Customary home occupations are permitted if conforming to the following conditions:

- (1) No more than twenty-five percent (25%) of the floor area of the residence shall be used for the purpose of the home occupation.
- (2) Not more than one (1) person not a member of the household shall be employed on the premises in the home occupation.
- (3) There shall be no exterior display, no exterior storage of materials and no other exterior indication of the home occupation or other variation from the residential character of the principal building other than a sign not to exceed two (2) square feet in area.
- (4) No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced (See §123-16).
- (5) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- (6) Parking generated shall be accommodated off-street, other than in a required front yard.
- (7) An occupancy permit shall be applied for and issued by the Selectmen for such use.

B. Fence regulations. *[Added by 9-25-75 STM, Art. 7]*

- (1) No fence, wall or hedge shall exceed six (6) feet in height.
- (2) No portion of an opaque fence located within twenty-five (25) feet of a street right-of-way shall exceed three (3) feet in height unless located to the rear of the front line of a building on the same lot.
- (3) Compliance with Subsections B(1) and (2) may be waived by the Board of Appeals through issuance of a special permit. Such special permit may only be granted upon determination by the Board of Appeals that construction of the proposed fence, wall or hedge would not create hazard, unreasonably obstruct vision, or otherwise be detrimental to the public interest and would not deviate from the intent of Subsections B(1) and (2).

C. Swimming pools. *[Added by 12-28-72 STM, Art. 3]* Every outdoor swimming pool considered to be a structure, whether or not filled with water, shall be completely surrounded at all times by a fence or wall not less than forty-two (42) inches in height above grade, which may be the pool wall itself.

- (1) Every such fence or wall shall be so constructed as to not have openings, holes, or gaps larger than four (4) inches in any dimension except for door, gates and picket fences; in the latter case, however, the gaps between pickets shall not exceed four (4) inches.
 - (2) All gates or doors opening through such enclosures shall be of not less than forty-two (42) inches in height and shall be equipped with a self-closing and self-latching device located at least forty-two (42) inches above the underlying ground and inaccessible from the outside to small children. Every such gate or door shall be kept latched at all times when the swimming pool is not in use, and any ladders removed.
 - (3) A natural barrier, hedge, pool cover or other protective device approved by the zoning agent may be used in lieu of a fence or wall so long as the degree of protection afforded by the substitute device or structure is not less than the protection afforded by the enclosure, gate, and latch described herein.
- D. Accessory scientific uses. The Board of Appeals may grant a special permit for a use accessory to a scientific research, scientific development, or related production activity, whether or not on the same parcel as such activity. A special permit shall be granted where the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good.
- E. Accessory Apartments. *[Added ATM 5-31-06 Article 23]*. The Planning Board may grant special permits for accessory apartments where so indicated in Section 123-11 Use Schedule if they conform to the following.
- (1) Either the primary single-family dwelling or the proposed accessory apartment must be owner-occupied, except for temporary absences of no more than twelve consecutive months.
 - (2) The accessory apartment shall occupy no more than 40% of the building floor area on the lot, and its creation shall involve no more than a 5% increase in the gross floor area of the building in which it is located.
 - (3) All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
 - (4) If the dwelling is not to be served by both Town water and Town sewerage then the applicant must document that the Board of Health has determined that provisions for water and sewage disposal will upon occupancy be adequate for the anticipated number of inhabitants.
 - (5) While adding an accessory apartment does not require additional lot area or

frontage, it does require that a total of at least three parking spaces be provided to service the primary dwelling plus the accessory apartment.

- (6) The special permit shall be approved provided that the proposal satisfies paragraphs (1) through (5) above, and that the Planning Board determines that there will be net benefits to the community through the proposed housing provision and the design of the proposal, after consideration of the following.
 - (a) The importance of the benefit resulting from serving either a community housing need or a special need of potential occupants.
 - (b) The consistency of the design of any exterior construction or alterations, if any, with the design of existing structures on the site and in the neighborhood.
 - (c) How well any site alterations to accommodate parking or building expansion avoid damage to natural resources, to privacy and sunlight on abutting premises, to the character of the neighborhood, and to safety.

§ 123-21. Mobile homes, trailers, and campers.

- A. No mobile home, trailer, or camper shall be used for permanent residence.
- B. As an accessory use, a mobile home may be stored, and following issuance of a zoning permit by the Selectmen a mobile home, trailer, or camper may be occupied by visitors for not more than thirty (30) days in any successive twelve (12) month period, or for a period not exceeding six (6) months during the erection of a permanent dwelling on the same premises, provided it is so placed on the lot as to meet minimum yard requirements.
- C. A trailer or camper may be regularly stored accessory to a permitted use, provided that it is so located on the lot as to meet minimum yard requirements, and may be parked anywhere on the premises for loading or unloading purposes.⁹

§ 123-22. Conversion of a municipal building. *[Added by 9-20-82 STM, Art. 5]*

A building or portion of a building then or formerly in municipal use may be converted from that use to multifamily dwellings, business or professional office, or other business use not involving retail sales, provided that if the use is not allowed outright at that location, the following shall apply. A special permit must be obtained from the Board of Appeals, subject to the criteria of §123-4C and subject to the following.

⁹ Editor's Note: Original Section 4400, Cluster Development, added by 6-5-72 STM, Art. 5; amended by 1-9-78 STM, Art. 5, which immediately followed this section was repealed by 4-28-86 ATM, Art. 40.

- A. Any building additions shall not increase lot coverage by more than five percent (5%) of lot area.
- B. Off-street parking must be provided to meet the requirements of §123-15.
- C. In the case of multifamily dwellings, lot area plus contiguous land dedicated to public recreation or conservation use must equal at least five thousand (5,000) square feet per dwelling unit.

§ 123-23. Multifamily dwellings. *[Added by 9-24-84 STM, Art.1; amended by 11-19-84 STM, Art. 1; 4-28-86 ATM, Art. 10; 4-28-86 ATM, Art. 40]*

- A. Submittals. Applicants for a special permit for multifamily dwellings shall simultaneously file for site plan review, as provided at §123-2C. In addition to the information required there, the following shall also be submitted:
 - (1) Ground floor plan, sections, and elevations of all proposed buildings.
 - (2) Materials indicating the proposed number of dwelling units, distinguishing units by number of bedrooms and any special occupancies (elderly or handicapped); form of tenure; any subsidies anticipated; rent or sales prices including any commitments for price ceilings; methods of water supply and sewage disposal; time schedule for construction of units and improvements; service improvements proposed at the developer's and those anticipated at the Town's expense; and means, if any, of providing for design control.
 - (3) Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed.
 - (a) Natural Environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.
 - (b) Public Services: traffic safety and congestion, need for water or sewer system improvements, need for additional public recreation facilities, need for additional school facilities.
 - (c) Economics: municipal costs and revenues, local business activity, local jobs.
 - (d) Social Environment: rate of town population growth, range of available housing choice.

(e) Visual Environment: visibility of buildings and parking, visual compatibility with existing development in the area.

(4) In the case of proposals for thirty (30) or more dwelling units, a site analysis shall also be submitted, consisting of a series of site analysis drawings at the same scale as the site plan, each on a separate sheet, indicating analysis of hydrologic considerations, vegetative cover, slope and land form, soils and geology, and such other characteristics as the applicant deems advisable.

(5) If involving more than ten dwelling units, a phasing schedule, to be acted upon under § 123-14. Phasing of Development. *[Added by ATM 5-27-08, Art. 19]*

B. Locational requirements.

(1) Multifamily dwellings must be so located as to allow connection to the municipal sewerage system at the time of construction.

(2) Multifamily dwellings must be so located that the traffic they are projected to generate will not increase average daily traffic by more than ten percent (10%) on any existing street.

(3) Egress from multifamily developments of twenty-four (24) or more dwelling units must be so located that there is at least two hundred fifty (250) feet visibility in each travel direction at the curb line.

C. Intensity of use requirement. The following shall apply to multifamily dwellings instead of the requirements of §123- 13.

(1) Minimum lot area per dwelling unit shall equal thirty percent (30%) of the required lot area for a single-family dwelling at that location plus ten percent (10%) of that required lot area per bedroom (e.g. a two-bedroom dwelling unit requires thirty percent (30%) + ten percent (10%) + ten percent (10%) or fifty percent (50%) of the lot area required for a single-family dwelling).

(2) Minimum lot frontage and maximum lot coverage shall be as required at §123-13.

(3) Front, side, and rear yards shall be as required at §123-13, except that front yard shall be not less than twice building height and side and rear yards shall be not less than building height, if more restrictive than the underlying requirement. No parking area for more than two (2) cars shall be located within a required yard unless that yard abuts a lot committed to multifamily use.

D. Site design requirements.

- (1) Requirements of §123-2C(3) shall apply.
- (2) Light intrusion shall be controlled by having no building floodlighting, and by having lighting for drives and parking areas employ shielded fixtures mounted not more than fifteen (15) feet high.

E. Building design requirements.

- (1) No structure shall contain more than twelve (12) dwelling units.
- (2) Not more than four (4) dwelling units shall be served from a single building entrance.
- (3) No building shall exceed two hundred (200) feet in length, thirty-two (32) feet in height, or have an unbroken roof area of more than two thousand (2,000) square feet.
- (4) No occupied floor shall be below grade at its entire perimeter.

F. Decision. In deciding on a special permit for multifamily dwellings, the following more detailed criteria shall be used rather than those of §123-4C. Such special permit shall be granted only if the Planning Board determines that the proposal would have beneficial effects which overbalance any adverse impacts on the neighborhood or the Town, considering the following:

- (1) Municipal costs and revenues.
- (2) Effect on the range of available housing choice.
- (3) Service to identified housing needs.
- (4) Support for local business activity and jobs.
- (5) Impact on the natural environment, especially on ground and surface water quality and level.
- (6) Impacts on traffic safety and congestion, adequacy of water service, and need for school facilities.
- (7) Impacts on the visual environment through preservation or displacement of visual assets, and consistency with existing development in area.
- (8) Architectural design compatible with the local area and the nature of the Town.

§ 123-23.1 Groundwater Protection District. *[Added 4-25-88 ATM, Art.7; Amended 4-29-91 ATM, Art. 33]*

- A. Purposes. The purposes of this Section are to protect public health from the contamination of existing and potential public and private water supplies and to protect the general welfare by preserving limited water supplies for present and future use.

- B. Delineation of Groundwater Protection District.
 - (1) For the purposes of this bylaw there is hereby established within the Town of Blackstone an overlay district consisting of certain groundwater protection areas, including aquifers and recharge areas, which are delineated on a map dated April, 1988 entitled “Groundwater Protection District Map, Town of Blackstone” and which shall be considered as superimposed over other districts established by the zoning bylaws of this town. This map, as it may be amended from time to time, is on file with the office of the Town Clerk, and, with any explanatory material thereon, is hereby made a part of this bylaw.

 - (2) Where the bounds of the Groundwater Protection District, as delineated on the Groundwater Protection District map, are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the Town may engage a professional hydro-geologist or soil scientist to determine more accurately the location and extent of an aquifer or recharge area and may charge the owner(s) for all or part of the cost of the investigation.

- C. Use Regulations. Within the Water Resource District, the use requirements of the underlying zoning districts continue to apply, except that uses are prohibited or require a special permit from the Planning Board as provided in subsections D and E below, even where the underlying district requirements are more permissive.

- D. Prohibited uses. Within the Groundwater Protection District, the following uses are prohibited.
 - (1) All uses required to be prohibited in wellhead protection zones by 310 CMR 22.21 (2)a. Generally, those are the following (see 310 CMR 22.21 (2)a, on file with the Building Inspector, for exact provisions):
 - (a) Landfills, open dumps, and sludge or septage landfills;

 - (b) Auto graveyards or junkyards;

- (c) Stockpiling and disposal of snow from outside of the District, if containing ice control chemicals;
 - (d) Individual sewage disposal systems designed to receive more than 110 gpd per 1/4 acre or 440 gpd on any one acre;
 - (e) Sewage Treatment Facilities subject to 314 CMR 5.00, until such time as that regulation may be amended to specifically allow them;
 - (f) Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.00, except:
 - [1] Very Small Quantity Generators as defined under 310 CMR 30.00;
 - [2] household hazardous waste centers and events under 310 CMR 30.390;
 - [3] waste oil retention facilities required by MGL C 21, 52A;
 - [4] remediation treatment works approved under 314 CMR 5.00.
- (2) All uses required to be prohibited in wellhead protection zones by 310 CMR 22.21 (2)b unless designed in accordance with specified performance standards. Generally, those are the following (see the 310 CMR 22.21 (2)b, on file with the Building Inspector, for exact provisions):
- (a) Storage of sludge and septage unless in accordance with 310 CMR 32.30 and 310 CMR 32.31;
 - (b) Storage of ice removal chemicals, commercial fertilizers and soil conditioners unless within a structure designed to prevent generation and escape of contaminated runoff or leachate;
 - (c) Storage of animal manure unless covered or contained.
 - (d) Storage of liquid hazardous materials as defined in MGL C.21E unless in a free standing container within a building or above ground with adequate secondary containment.
 - (e) Earth removal to within 4 feet of historical high groundwater unless re-graded to a higher level within 45 days, except for excavations for building foundations or utility works;
 - (f) Storage of liquid petroleum products, except:

- [1] normal household use, outdoor maintenance, and heating of a structure;
 - [2] waste oil retention facilities required by MGL C. 21 §52A;
 - [3] emergency generators required by statute, rule, or regulation;
 - [4] treatment works approved under 314 CMR 5.00 for treatment of contaminated ground or surface waters; provided that such storage is in a free standing container within a building or above ground with adequate secondary containment;
- (3) Industrial uses that discharge process wastewater on site;
 - (4) Animal feedlots;
 - (5) Dry cleaning establishments;
 - (6) Boat and motor vehicle service, washing and repair establishments;
 - (7) Mining of land except as incidental to a permitted use.

E. Special permit uses.

- (1) The following uses, unless prohibited by a specific provision of §123-23.1(D), may be permitted but only by a special permit from the Planning Board under such conditions as the Planning Board may require:
 - (a) Commercial and industrial activities permitted in the underlying district and involving the manufacture, storage, transportation or use of any hazardous material other than hazardous wastes as defined in MGL C. 21C.
 - (b) Rendering impervious more than 15% of lot area or 2,500 square feet, to be approved only if using a system for artificial recharge of stormwater that will not degrade groundwater quality.
- (2) Any application for a special permit shall be made, reviewed, and acted upon in accordance with the following procedures;
 - (a) Each application for a special permit shall be filed in writing with the Planning Board and shall contain a complete description of the proposed use together with any supporting information and plans

which the Planning Board may require.

- (b) The Planning Board shall refer copies of the application to the Board of Health, Board of Selectmen, Conservation Commission and Department of Public Works, which shall review, either jointly or separately, the application and shall submit their recommendations to the Planning Board.
- (c) After notice and public hearing, and after due consideration of the reports and recommendations of the local boards departments, the Planning Board may grant such a special permit provided that it finds that the proposed use:
 - [1] Is in harmony with the purpose and intent of this bylaw and will promote the purposes of the Groundwater Protection District;
 - [2] Is appropriate to the natural topography, soils, and other characteristics of the site to be developed;
 - [3] Will not, during construction or thereafter, have an adverse environmental impact on the aquifer or recharge area; and
 - [4] Will not adversely affect an existing or potential water supply.

F. Design and operations guidelines. Within the Groundwater Protection District, the following design and operations guidelines shall be observed, except for single- and two-family dwellings:

- (1) Safeguards. Provision shall be made to protect against toxic or hazardous materials discharge or loss through corrosion, accidental damage, spillage or vandalism through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for toxic or hazardous materials and in door storage provisions for corrodible or dissolvable materials.
- (2) Locations. Where the premises are partially outside of the Groundwater Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the district.
- (3) Monitoring. Periodic monitoring may be required by the Building Inspector or by the Planning Board either in performing Site Plan Review or in acting on a special permit. That monitoring may include sampling of wastewater disposed to on-site systems or dry wells and sampling from ground water monitoring wells to be located and constructed as specified

by the Building Inspector or Planning Board, with reports to be submitted to the Building Inspector, the Planning Board, the Department of Public Works, and the Board of Health. The costs of monitoring, including sampling and analysis, shall be borne by the owner of the premises.

- G. Violations. Written notice of any violation shall be provided by the Building Inspector to the owner of the premises, specifying the nature of the violation and specifying a time for compliance, including cleanup of any spilled materials. The time allowed shall be reasonable in relation to the public health hazard involved and the difficulty of compliance, but in no event shall more than thirty (30) days be allowed for either compliance or finalization of a plan for longer-term compliance. The costs of achieving compliance shall be borne by the owner of the premises or, if uncollectible from the owner, by the responsible occupant.

§ 123-23.2 Village Overlay District. *[Added 4-25-94 ATM, Art. 22]*

- A. Purposes. The purposes of the Village Overlay District are to facilitate new investment within the District, to build pedestrian-scale convenience and amenity, to meet housing needs, to serve entrepreneurial interests of Blackstone residents, and to protect and enhance the Village heritage.
- B. Village-Compatible Development. *[Amended by Article 37 of the May 31, 2005 Annual Town Meeting.]* Applicants for development within the Village Overlay District may choose to develop subject to the alternative use and dimensional regulations of paragraphs C and D, rather than those normally applicable, provided that the Planning Board grants the development proposal a special permit for Village-Compatible Development upon its determination that the proposal is consistent with one or the other of the following:
- (1) The development proposed is an alteration or addition to an existing structure, increasing the total floor area by up to 50% above that existing on the premises as of January 1, 1994; or
 - (2) The Planning Board finds that the building as proposed would be compatible with development within a 'comparison area' consisting of all lots abutting the premises in question plus all lots in whole or part within 300 feet of the boundary of the premises. That determination is to be based upon compliance with the following, unless the Planning Board finds that owing to peculiarities of the location or of the proposed building but not found generally in the District, the proposal would on balance advance the purposes of the Village Overlay District despite non-compliance with one or more of the following standards, or conversely finds that despite compliance with these standards the proposal would not on balance advance the purposes of the Village Overlay District.
 - (a) Any proposed buildings are in scale with those existing within the

comparison area, which means

- The total floor area proposed to be on the premises is to be no more than one-quarter greater than the total floor area existing on at least one lot within the comparison area, and
- The ratio of total floor area (as proposed) to total lot area is to be no more than one-quarter greater than the ratio existing on at least one lot within the comparison area, and
- The maximum building height is to be no more than 10% greater than the tallest building existing within the comparison area, and no less than two-thirds that of the lowest building existing within that area.

(b) The site design is consistent with that of the comparison area and abutting premises, which means:

- The building is proposed not to be separated from the street line except by a landscaped yard and usual walks and drives; and
- If abutting properties to the left and right both have some physical definition of the street line (such as walls, fences, hedges, or building location at the street line) development on the premises in question is proposed to also provide some physical street line definition, and
- The location of parking facilities relative to the principal building is consistent with that found on the majority of developed lots within the comparison area.

C. Use Regulations. Within the Village Overlay District the use requirements of subsection §123-11 Use Schedule for the underlying districts shall continue to apply, except that multi-family dwellings may be allowed on special permit from the Planning Board, provided that the development is determined to be “Village-Compatible” as specified in sub-section B above.

D. Dimensional Regulations. *[Amended 5-31-06 ATM Article 22]*. For “Village-Compatible Development” as specified in sub-section B above the following dimensional regulations shall apply rather than those of subsection §123-13.

Minimum Lot Area	7,500 sq. ft. ^a
Minimum Lot Frontage	70 feet

Minimum Front Yard	20 feet ^b
Minimum Side or Rear Yard:	
At Village Overlay Boundary	15 feet
Elsewhere	8 feet
Maximum Lot Coverage	40 %

Notes:

- a. Except not less than 5,000 square feet per dwelling unit for two-family or multi-family dwellings.
- b. Except that the front yard need not be larger than the average of the front yards provided on lots adjoining it on the same street, with a vacant lot considered to have a front yard of 20 feet.

§ 123-23.3 Earth Removal *[Added 5-27-97 ATM, Article 9.]*

- A. Purpose. Earth removal must meet the requirements of Chapter 109 “Soil Removal” of the Code of the Town of Blackstone in addition to meeting the requirements of the Zoning Bylaw. The purpose of this Section is to provide a procedure for the determination of whether given locations are suitable for certain earth removal activities.
- B. Procedure. Upon their receipt by the Selectmen, a copy of earth removal special permit application materials shall be forwarded to the Planning Board. Within thirty-five (35) days of receiving the materials, the Planning Board shall review them and submit a report with recommendations to the Selectmen, as provided in Section 11 of Chapter 40A, M.G.L. If the decision of the Selectmen is inconsistent with the recommendation of the Planning Board, the Selectmen shall explain the reasons for the inconsistency to the Planning Board in writing.
- C. Criteria. Special permits are to be approved by the Board of Selectmen only if it finds that the criteria of §123-4C are met, and that the location of the proposed activity relative to dwellings, means of access, environmental resources likely to be displaced by the operation, and natural buffering through topography and vegetation assure that environmental and residential disturbance will meet the performance standards of §123-16 of the Zoning Bylaw and § 109 Soil Removal of the Code of the Town of Blackstone and that any other environmental or residential impacts will be small.

§ 123-23.4. Personal Wireless Service Facilities. *Added 5-31-05 ATM, Article 38].*

A. PURPOSE

This Section regulates personal wireless service facilities within the Town for the following purposes:

- (1) To protect the scenic, historic, environmental and natural or man-made resources of the Town;
- (2) To protect property values;
- (3) To minimize any adverse impacts on the residents of the Town (such as attractive nuisance, noise and falling objects) or on the general safety, welfare and quality of life in the community;
- (4) To minimize the total number and height of towers located within the community through, among other things,
 - Encouraging the use of existing structures and towers wherever appropriate; and
 - Requiring tower sharing and clustering of wireless communication facilities where they reinforce the other purposes and objectives in this Section;
- (5) To accomplish those purposes through:
 - Providing standards and requirements for regulation, placement, construction, monitoring, design, modification and removal of wireless communications facilities; and
 - Providing a procedural basis for action within a reasonable period of time for requests for authorization to place, construct, operate or modify wireless communication facilities; and
 - Acting consistent with the Federal Telecommunications Act of 1996.

B. APPLICABILITY

Special permits may be granted for personal wireless service facilities as defined in Section 123-24 only in accordance with the standards and criteria below. However, facilities erected and maintained by the Town of Blackstone for the exclusive use of schools, public works, emergency and safety services, and facilities, such as satellite dishes of less than one meter diameter, preempted from local control by the Federal Telecommunications Act, do not require special permits and are not subject to the following restrictions.

C. SITE LOCATION

The Town's priorities for siting wireless communication facilities are as follows, in descending order. Applicants shall document that they have investigated locations higher in priority ranking than the one for which they are applying, indicating whether sites are available within those higher-ranked categories and, if so, under what conditions.

- (1) Concealed within an existing structure so as not to be visible from outside the structure, achieved without damage to historic features of the structure or its context;
- (2) On an existing building but not damaging important historic features of it, or on an existing structure such as an electric transmission tower or water tower, in either case camouflaged through location, design, color, or other means to resemble a compatible architectural feature or other element of the primary structure;
- (3) Co-located with existing wireless communication facilities;
- (4) On other sites so located that the following are satisfied for the area within a radius equal to four times the height of the tower.
 - (a) No portion of an historic district established under Chapter 41-C, M.G.L. or a district on or eligible to be on the National or State Register of Historic Places lies within that area;
 - (b) No portion of a Town-designated scenic road passes through that area;
 - (c) The area is not a densely settled residential or mixed-use one, evidenced by having no more than five existing principal buildings used as dwellings, churches, schools, or similar non-business uses located in whole or in part within that area.
 - (d) The area is a low visibility one, meaning that no Major Arterial, Arterial, or Collector street (as classified in the *Blackstone Municipal Plan* as most recently approved by the Planning Board) passes within it.

D. DESIGN REQUIREMENTS

- (1) Height.

The height of personal wireless service facilities shall comply with the following.

- (a) Ground-Mounted Facilities. The height of ground-mounted personal wireless service facilities (towers or other facilities attached directly to the ground rather than onto a building or other structure) measured above average grade at the base of the tower shall be less than 200 feet or, if

smaller, a height equal to 40% of the distance from the tower center to the nearest point of an existing dwelling. For example, if the nearest portion of a dwelling were 300 feet from the proposed tower base then the maximum allowable height would be 40% of 300 feet or 120 feet.

- (b) **Building-Mounted Facilities.** Building mounted personal wireless service facilities shall comply with the height limitations of Zoning § 123-13.3(a). Personal wireless service facilities may be located on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.
- (c) **Location on Existing Structures.** New antennas located on a water tower or personal wireless service facility existing on the effective date of this bylaw shall be exempt from the height restrictions of this Section provided that they do not increase the height of the existing structure. New antennas located on electric transmission and distribution towers, telephone poles and similar existing utility structures shall be exempt from the height restrictions of this bylaw provided that there is no more than a twenty foot (20') increase in the height of the existing structure as a result of the installation of a personal wireless service facility.

(2) Setbacks

- (a) All personal wireless service structures and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the minimum distance from the center of the base of any ground-mounted personal wireless service facility to any property line shall be the height of the facility, including any antennas or other appurtenances.
- (b) In reviewing a Special Permit application for a personal wireless service facility, the Planning Board may reduce the required setback distance by as much as 50% if it finds that on balance visual and safety impacts will be improved through such reduction.

(3) Security and signs

Ground mounted communication towers shall be secured from trespass or vandalism by eight-foot high fencing or other means approved by the Planning Board, but fencing shall not include barbed or razor wire. A sign not larger than one square foot shall be posted adjacent to the entry gate indicating the name of the facility owner(s) and a 24-hour emergency telephone number, along with any other signs or notices required by State or Federal agencies. Advertising on any antenna, tower, fencing, accessory building or communication equipment shelter is prohibited.

(4) Buffering

Existing on-site vegetation shall be preserved to the degree feasible, supplemented to the extent necessary to provide dense buffering from adjacent premises and streets by both trees and understory growth. Security fencing shall be screened by a landscaped buffer of evergreen plantings having mature height at least equal to the fence height.

(5) Tower design

New towers are to be monopole (single shaft without guy wires) type unless the applicant documents to the satisfaction of the Planning Board that an alternative would better serve the objectives of minimizing visual intrusion and adequately protecting safety.

(6) Co-location capacity

New towers are to be designed to accommodate facilities for at least six wireless communications carriers, and the owner/applicant shall allow co-location for such carriers under fair-market leases without discrimination against other wireless service providers.

(7) Accessory buildings

Shelters and other accessory buildings shall be located and designed to minimally intrude into or depart from the character of the environs, including use of underground facilities where feasible. Consistency with the appearance of buildings in the vicinity shall include use of gable roofs with eave heights averaging not more than twenty (20) feet above grade, and exterior wall appearance being that of wood.

(8) Interconnections

To the extent technologically feasible, all network interconnections from the facility shall be via land lines.

(9) Noise impact

Noise levels shall not exceed eight (8) db (A) above ambient L_{90} levels measured at any property line or the nearest residence, exclusive of noise from construction, maintenance, and emergency alarms, and shall not result in tonal sounds (sounds in an octave band level exceeding the levels in adjacent bands by 3 db (A) or more) or in impulsive noise (noise which repetitively varies more than 5 db (A) more than ten times in an hour).

E. PROCEDURE

Special permits for personal wireless service facilities shall require (1) justification of need for the facility, (2) approval of the location, and (3) approval of the project design and other provisions.

(1) Justification of need. In applying for determination of justification of need the applicant shall submit the following.

- (a) A map of the geographic area in which the proposed facility will provide coverage that is “adequate” as expected by the FCC, locating existing or pending facilities in and abutting the Town, indicating those in which the applicant has a legal or equitable interest, whether by ownership, leasehold or otherwise.
- (b) Written documentation of any facility sites in the Town and in abutting towns in which the applicant has a legal or equitable interest, whether by ownership, leasehold or otherwise. Said documentation shall demonstrate that these facility sites do not already provide adequate coverage, or do not have the potential to do so by site adjustment.
- (c) Written documentation that the applicant has investigated all facility sites located in the Town and in abutting towns in which the applicant has no legal or equitable interest to determine whether those existing facility sites can be used to provide adequate coverage.
- (d) Written documentation that the proposed facility uses the least disruptive technology (through the use of repeaters or other similar technology as it may be developed subsequent to adoption of this Bylaw) in which it can provide adequate coverage in conjunction with all facility sites listed above.

(2) Location approval. In applying for location approval the applicant shall submit the following.

- (a) Mapping and other graphic material documenting justification for the location selection in light of the Town’s location priorities outlined at Section 123-23.4.C, and illustrating coverage adequacy.
- (b) Visual evidence of the visibility and appearance of any proposed tower through photo simulation from locations selected by the Planning Board.
- (c) Technical reports from qualified professional engineers describing:
 - The technical, economic and other reasons for the facility height and location;

- The capacity of the facility, including the number and types of transmitters and receivers it can accommodate and the basis for the calculations of the capacity;
 - The basis for determining that the proposed facility location and design uses the least disruptive technology in which it can reasonably provide adequate coverage.
 - The basis for determining that the proposed technology and location are the safest and least intrusive to the vicinity that is currently feasible;
 - How the proposed facility complies with all applicable Federal and State standards;
- (3) Project design. In applying for project design approval the applicant shall submit the following.
- (a) All information required under the site plan requirements of Zoning Section 123-2.C.
 - (b) Written statements of compliance with, or exemption from, the regulations of all federal and state agencies governing personal wireless facilities or uses, including but not limited to: the FAA, FCC, Massachusetts Aeronautics Commission, and Massachusetts Department of Health.
 - (c) A report certified by an acoustical engineer documenting that the projected impact upon noise levels will meet the standard of Section 123-23.4.D.9.
 - (d) For proposed ground-mounted towers, a report prepared by a Certified General Appraiser documenting the projected difference in real estate values resulting between these two scenarios for any existing dwellings within the six-times tower height area specified at 123-23.4.C.5:
 - Development of that area with the proposed communications facility plus nothing else; or
 - Development of that area with the maximum amount of residential development feasible under current zoning and other regulations.
- (4) Approval criteria.

A special permit shall be granted under this section only if the Planning Board finds that the project is in harmony with the general purpose and intent of this Bylaw. In addition, the Planning Board shall make all the applicable findings before granting

the special permit, as follows:

- (a) That the applicant is not already providing adequate coverage or is unable to maintain adequate coverage without the special permit;
- (b) That the applicant is not able to use existing facility sites either with or without the use of repeaters to provide adequate coverage;
- (c) That the proposed wireless service facility minimizes any adverse impact on historic resources, scenic views, residential property values, and natural or man-made resources;
- (d) That the applicant has agreed to implement all reasonable measures to mitigate the potential adverse impacts of the facilities;
- (e) That the applicant has agreed to rent or lease available space on any tower it controls within Blackstone, under the terms of a fair-market lease, without discrimination to other wireless service providers.

In granting a special permit the Planning Board may, in addition to such terms and conditions as may be specified above, impose such additional conditions and safeguards as public safety, welfare and convenience may reasonably require.

All special permit decisions by the Planning Board under this section shall be in writing and supported by substantial evidence contained in a written record, as required by the Federal Telecommunications Act and by Chapter 40A, MGL.

(5) Term of Permit.

Each Special Permit shall be valid for a fixed or conditional period of time as determined by the Planning Board, but not to exceed twenty-five years. At the end of the approved time period, the carrier shall remove the facility unless a new special permit has been approved.

(6) Monitoring and Reporting.

Each carrier utilizing wireless communications facilities authorized under these provisions shall file a report with the Town every year on operational aspects of the facility including: power consumption, power radiation, frequency transmission, the number, location, and orientation of antennas; and types of services provided. With the report the applicant shall file a \$1,000.00 fee per carrier for compliance monitoring.

(7) Expert Testimony and Review.

- (a) To ensure a well-informed process, the Planning Board will place important reliance on the written submittals required above. Those submittals shall be prepared by professionals who are expert on the topics which they are addressing and who, if requested by the Planning Board, will be available to provide oral testimony as well.
- (b) The applicant shall pay the reasonable costs for the Planning Board to engage independent consultants to review the application submittals.

F. REMOVAL REQUIREMENTS

Any personal wireless service facility that ceases to perform the normal functions associated with the wireless service facility and its equipment on a continuous and ongoing basis for a period of one year shall be removed. At the time of removal, the facility owner shall remediate the site such that all wireless communication facilities that have ceased to operate are removed. If all facilities on a tower have ceased to operate, the owner shall also remove the tower (including the foundation). Existing trees shall only be removed if necessary to complete the required removal. The applicant shall, as a condition of the special permit, provide a bond or other form of financial guarantee acceptable to the Planning Board to cover the cost of removal of the facility and the remediation of the landscape.

ARTICLE V

Definitions and Word Usage

§ 123-24. Definitions and word usage.

- A. Words used in the present tense include the future, and the plural includes the singular; the word “shall” is intended to be mandatory; “occupied” or “used” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied”. The word “person” includes a corporation as well as an individual.
- B. In this chapter, the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

ACCESSORY APARTMENT – A second dwelling unit subordinate in size to a single-family dwelling unit on the lot and having separate cooking, sleeping and bathroom facilities, located either in the principal building or in an existing accessory structure.

ACCESSORY USE OR BUILDING - A use or building customarily incidental to and located on the same lot with the use or building to which it is accessory and not detrimental to the neighborhood.

ANIMAL FEEDLOT - Means a plot of land on which twenty-five (25) or more livestock per acre are kept for the purpose of feeding. *[Amended by 4-25-88 ATM, Art. 7]*

ANIMAL KENNEL OR HOSPITAL - A structure used for the harboring and/or care of more than three (3) dogs that are more than six (6) months old, whether commercially operated or not.

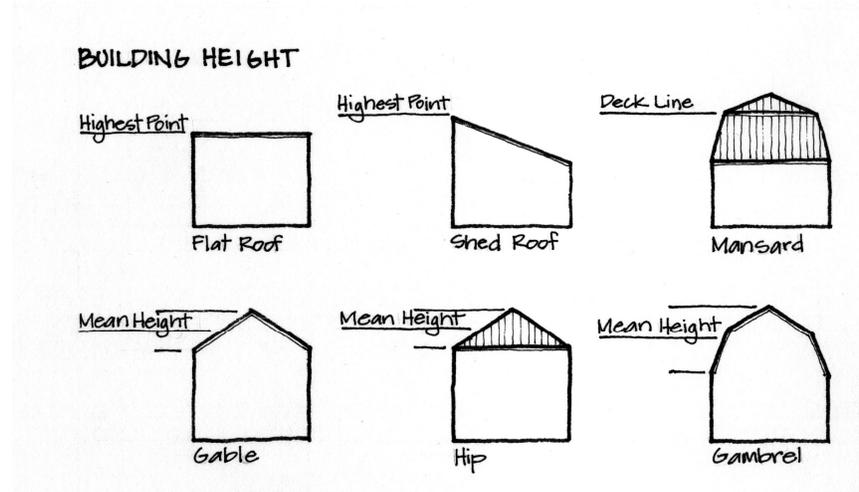
AQUIFER - Means a geologic formation, group of formations or part of a formation which contains sufficient saturated permeable material to yield significant quantities of potable groundwater to public or private wells. *[Amended 4-25-88 ATM, Art.7]*

BEDROOM - Any inhabitable room in a dwelling, other than a living room, dining room, kitchen, utility room, or bath if such room exceeds sixty (60) square feet. Any dwelling unit in which no such room exists shall be construed to contain one (1) bedroom. *[Added by 9-24-84 STM, Art.1; amended by 11-19-84 STM, Art.1]*

BUILDING - A structure enclosing useful space.

BUILDING HEIGHT - The vertical distance from the mean finished grade of the ground adjoining the building to the highest point of the roof for flat or shed roofs, to

the deck line for mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs. [Amended by 11-8-99 STM, Art 19.



BULK STORAGE - Exposed outside storage of sand, lumber, coal, or other bulk materials, and bulk storage of liquids in tanks except underground as an accessory use.

CAMPER - A portable dwelling, eligible to be registered and insured for highway use, designed to be used for travel, recreational and vacation uses, but not for permanent residence. Included devices commonly called “travel trailers”, “pick-up campers”, “motorized campers”, and “tent trailers”.

CAMP GROUND - Premises operated with written permission of the Board of Health, used for travel trailers, campers, tenting, or temporary overnight facilities of any kind where a fee is charged.

CAMPING, SUPERVISED - Facilities operated on a seasonal basis for a continuing supervised recreational, health, educational, religious, and/or athletic program, with persons enrolled for periods of not less than one (1) week.

CLUB or LODGE - Premises or buildings or a non-profit organization exclusively servicing members and their guests for recreational athletic, or civic purposes, but not including any vending stands, merchandising, or commercial activities except as required generally for the membership and purposes of such club. Does not include golf clubs or sportsmen’s clubs as elsewhere defined, or clubs or organizations whose chief activity is a service customarily carried on as a business.¹⁰

CONTRACTOR’S YARD - Premises used by a building contractor or

¹⁰ Editor’s Note: The definition of “commercial schools,” which originally had immediately followed this definition, was repealed by 1-9-78 STM, Article 5.

subcontractor for storage of equipment and supplies, fabrication of sub-assemblies, and parking of wheeled equipment.

DETACHED STRUCTURE - One having no common or party walls.

DISPOSAL - Means the deposit, injection, dumping, spilling, leaking, incineration or placing of any hazardous material into or on any land or water so that such hazardous material or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

[Amended by 4-25-88 ATM, Art.7]

DWELLING, MULTIFAMILY - Three (3) or more dwelling units on a single lot, or in a single structure or set of contiguous structures, irrespective of ownership or tenure. *[Added by 9-24-84 STM, Art. 1; amended by 11-19-84 STM, Art.1]*

DWELLING UNIT - Living quarters for a single family.

DWELLING, SINGLE-FAMILY - A detached residential building intended and designed to be occupied exclusively by a single family.

DWELLING, TWO-FAMILY - A detached residential building intended and designed to be occupied exclusively by two (2) families.

EARTH REMOVAL - Removal of soil, loam, sand, gravel, clay, peat or other organic materials, stone, or other earth products from premises not in public use, except those removal activities categorized as “Limited Operations” under subsection 109-4 of the Code of the Town of Blackstone (removal incidental to building construction, or incidental to grading ways within subdivisions) if involving quantities of less than 1,000 cubic yards per applicant per year. *[Added by 5/27/97 ATM]*

ERECTED - The word “erected” shall include the words “built”, “constructed”, “reconstructed”, “altered”, “enlarged”, and “moved”.

EXTENSIVE RESORT - Premises comprising at least two hundred (200) acres contiguous except for intervening roads, with no buildings within one hundred (100) feet of a public way, used principally for skiing, snowmobile trails, riding trails, or similar extensive recreation, and optionally including restaurant, sporting goods shop, or lodging in conjunction with the above. *[Added by 6-5-72 STM, Art. 8]*

FAMILY - Any number of individuals living and cooking together in a single housekeeping unit.

FLEA MARKET - Flea market, swap shop, or similar activity by whatever name involving the temporary setting up of ten (10) or more booths, tables, platforms,

racks, or similar display areas for sales by three (3) or more vendors.

FLEXIBLE RESIDENTIAL DEVELOPMENT - An alternative form of land development involving the division of a parcel into building lots, using flexible intensity regulations, as provided at subsection 123-13.1 of this Bylaw. *[Added 04/25/94 ATM, Art. 24(A)]*

FLOOR AREA, LEASABLE - The sum of the area on the several floors of a building which is or could be leased, including leasable basements.

GOLF COURSE, STANDARD OR PAR THREE - Course, including customary accessory buildings, where tee to hole distance averages not less than eighty (80) yards.

GROUNDWATER - Means all the water beneath the surface of the ground. *[Amended by 4-25-88 ATM, Art.7]*

HAZARDOUS MATERIALS - Means any substance or combination of substances, not including any liquid petroleum product, that, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed of into or on any land or water in this town. Any substance deemed a "hazardous material" in MGL C. 21C shall also be deemed a hazardous material for purposes of this bylaw. *[Amended by 4-25-88 ATM, Art.7]*

HOME OCCUPATION - Certain occupations engaged in within an existing dwelling or building accessory thereto by a resident thereof. Such occupations include the professions of medicine, dentistry, law, architecture, and engineering; machine, woodworking, metals, art, or photo shop; domestic work such as dressmaking, millinery, and clothes washing; teaching and exercise of professional skills in music, dramatics, arts and crafts, and academic pursuits; real estate and insurance offices; inside storage of tradesman's materials and equipment.

HOTEL or MOTEL - A structure providing sleeping rooms for resident or transient guests, and where public eating facilities are provided; but not including buildings of charitable, educational or philanthropic institutions.

IMPERVIOUS - Means impenetrable by water. *[Amended by 4-25-88 ATM, Art.7]*

LEACHABLE WASTES - Means waste materials, including solid wastes, sewages, sludge and agricultural wastes, that are capable of releasing water-borne contaminants to the surrounding environment. *[Amended by 4-25-88 ATM, Art. 7]*

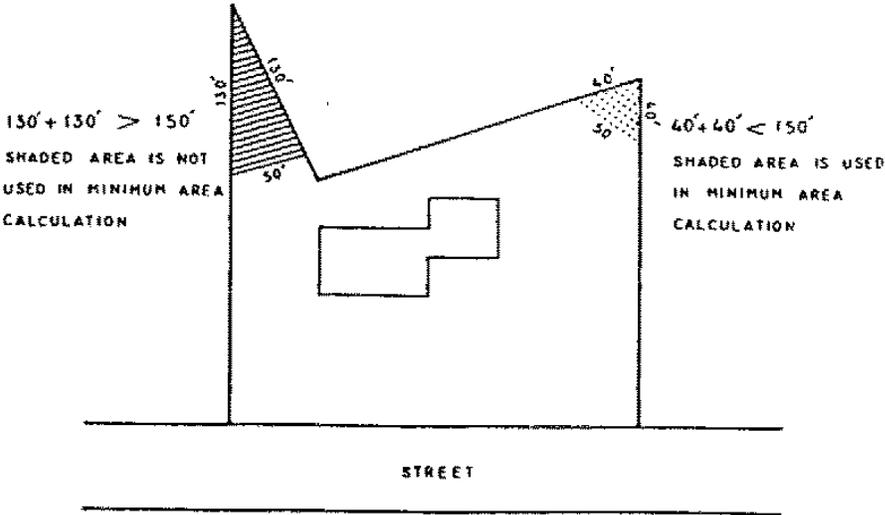
LIGHT MANUFACTURING - Fabrication, processing or assembly such that the

provisions of 123-16 are complied with.

LIVESTOCK RAISING - The keeping or raising of any number of pigs, animals raised for pelts, or animals for hire; or more than three (3) horses, cows, goats, and/or sheep; or more than ten (10) poultry; or a number of other animals equivalent to the above in waste production.

LOT - An area of land in one (1) ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one (1) or more buildings or for any other definite purpose.

LOT AREA - The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least ninety percent (90%) of the lot area required for compliance shall also be exclusive of areas subject to protection under the Wetlands Protection Act, MGL C. 131 40 for reasons other than being subject to flooding, and exclusive of areas included within easements for surface drainage elements, such as retention or detention ponds. If the distance between any two points on lot line is less than fifty (50) feet, as measured in a straight line, the smaller portion of the lot as divided by that line shall not be included in lot area unless the two (2) points are separated by less than one hundred fifty (150) feet measured along lot lines. *[Amended 4-25- 88 ATM, Art. 34]*



LOT, CORNER - A lot which has an interior angle of less than one hundred thirty-five degrees (135) degrees at the intersection of two (2) street lines. A lot abutting a curved street shall be considered a corner lot if the tangents to the curve at the point of intersection of the side lot lines intersect with an interior angle of less than one hundred thirty-five degrees (135) degrees.

LOT COVERAGE - Percentage of total lot area covered by structures or roofed.

LOT FRONTAGE - The boundary of a lot coinciding with a street line if there are

both rights of access and potential vehicular access across that boundary to a potential building site, and the street has been determined by the Planning Board to provide adequate access to the premises under the provisions of the Subdivision Control Law and the Blackstone Subdivision Regulations. To be measured continuously along one (1) street line between side lot lines, or in the case of corner lots, between one (1) side and the mid-point of the corner radius. *[Amended 4-25-88 ATM, Art.34]*

MAJOR SPECTATOR CENTER - Premises comprising at least thirty-five (35) contiguous acres containing facilities for engaging in and watching athletics, racing, concerts, or other spectator events, having an audience seating capacity of five thousand (5,000) or more, and optionally including restaurant, retail sales or services, and motel or hotel in conjunction with the above. *[Added by 2-15-75 STM, Art. 1; amended by 5-14-75 STM, Art.2]*

MINING OF LAND - Means the removal or relocation of geologic materials such as topsoil, sand and gravel, metallic ores, and bedrock. *[Amended by 4-25-88 ATM, Art.7]*

MOBILE HOME - A dwelling unit built on a chassis, containing complete electrical, plumbing and sanitary facilities, and designed to be installed on a temporary or permanent foundation for either temporary or permanent living quarters.

MUNICIPAL USE - Premises used for any operation by the Town government except as elsewhere more specifically defined.

NON-CONFORMING USE OR BUILDING - A lawfully existing use or building which does not conform to the regulations for the district in which such use or building exists.

NURSING, CONVALESCENT, OR REST HOME - Premises for the care of three (3) or more persons, as licensed by the Massachusetts Department of Public Health.

PARKING SPACE - An area intended for parking one (1) automobile, provided that the area's dimensions and access meet standards adopted and from time to time amended by the Planning Board. *[Amended 4-25-88 ATM, Art 33]*

PARTY WALL - A building wall erected on a lot sideline for shared use of adjoining properties.

PERSONAL WIRELESS SERVICE FACILITIES - Antennas used by wireless communication service carriers to broadcast or receive the radio-frequency waves which carry their services, the mounting structures (including towers) upon which such antennas are placed, the equipment shelters ancillary to those facilities, and

the premises upon which those facilities are located in providing personal wireless service, as defined under the Federal Telecommunications Act of 1996 (47 USC 332(c)). *[Added by Article 38 of the May 31, 2005 Annual Town Meeting.]*

PHILANTHROPIC INSTITUTION - An endowed or charitably supported non-profit religious or non-sectarian activity maintained for a public or semi-public use.

PUBLIC HOUSING - Housing operated by a public body created pursuant to MGL C. 121, 26K or corresponding provisions of earlier laws.

PUBLIC STABLE - Premises where two (2) or more horses are kept for remuneration, hire or sale.

RECHARGE AREA - Means any area of porous, permeable geologic deposits, especially, but not exclusively, deposits of stratified sand and gravel, through which water from any source drains into an aquifer, and includes any wetland or body of surface water surrounded by or adjacent to such area, together with the watershed of any wetland or body of surface water adjacent to such area.
[Amended by 4-25-88 ATM, Art.7]

ROADSIDE STAND - Premises for the sale of agricultural products, the major portion of which were raised on the premises.

SIGN - *[Added by 6-26-69 STM, Art. 1]* Any device designed to inform or attract the attention of persons not on the premises on which the sign is located, provided, however, that the following shall not be included in the application of the regulations of this Bylaw:

- (1) Signs not exceeding one (1) square foot in area and bearing only property numbers, names of occupants of premises, or other identification of premises not having commercial connotations;
- (2) Flags and insignia of any government except when displayed in connection with commercial promotion;
- (3) Legal notices, identification, informational or directional signs erected or required by governmental bodies;
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;
- (5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter;
- (6) Standard gasoline pumps bearing thereon in usual size and form the name, type, and price of gasoline.

SIGN, ACCESSORY - A sign whose subject matter relates to the premises on which it is located, or to products, accommodations, services, or activities on the premises. *[Added by 6-26-69 STM, Art. 1]*

SIGN, AREA OF - The area within a regular geometric form or forms comprising all the display area of the sign, including intermediary removable surfaces, but not including structural members not bearing advertising matter. *[Added by 6-26-69 STM, Art. 1]*

SIGN, FREESTANDING - A sign erected or affixed to the land, and not attached to a building. *[Added by 6-26-69 STM, Art. 1]*

SIGN, TEMPORARY - A sign, which by its inherent nature, can be expected to remain in place for less than a year, as real estate signs, or signs inside display windows. *[Added by 6-26-69 STM, Art. 1]*

SOLID WASTES - Means useless, unwanted or discarded solid materials with insufficient liquid content to be free flowing, including, for example, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse. *[Amended by 4-25-88 ATM, Art.7]*

SPORTSMEN'S CLUB - A club whose primary purposes are conservation, hunting or fishing.

STREET - Either:

- (1) A public way or a way which the Town Clerk certifies is maintained and used as a public way, or
- (2) A way shown on a plan approved in accordance with the subdivision control law, or
- (3) A way in existence when the subdivision control became effective in Blackstone, 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 to serve such land and the buildings erected or to be erected thereon.

STRUCTURE - Anything constructed or erected, the use of which requires location on the ground, including buildings, mobile homes, billboards, swimming pools, tanks, or the like, or part thereof.

SWIMMING POOL - Any constructed pool, located above or below the ground, whether portable or fixed, used or capable of being used for swimming, wading or bathing purposes. Pools having a depth of two (2) feet or more and having a

capacity of two hundred (200) cubic feet or more in volume shall be considered structures.

TEMPORARY STRUCTURE - Tent, construction shanty, or similarly portable or demountable structure intended for continuous use for not longer than one (1) year.

TRAILER - A towed vehicle for transportation of goods or animals, but not intended for human occupancy.

TRANSPORTATION TERMINAL - premises for the parking and/or servicing of commercial vehicles.

VEHICLE, HEAVY COMMERCIAL - A bus or truck having capacity in excess of the limits for a light commercial vehicle, or motorized construction equipment other than trucks.

VEHICLE, LIGHT COMMERCIAL - A taxi; a bus with capacity not exceeding ten (10) passengers; or a truck with GVW rating not exceeding fourteen thousand (14,000) pounds and enclosed cargo area not exceeding eight hundred (800) cubic feet. *[Amended by 1-9-78 STM, Art. 4]*

YARD - A required open space, unoccupied and unobstructed by any structure or portion of a structure, except the following:

- (1) Fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture;
- (2) In front yards only, eaves, steps, and non-covered porches.

YARD, FRONT - A yard extending between side lot lines across the front of a lot on each street it adjoins. Depth shall be measured perpendicular to a line connecting the foremost points of the side lot lines.

YARD, REAR - A yard extending across the rear of the lot between inner side yard lines.

YARD SALE - Sale or offering for sale of ten (10) or more items of personal property outdoors at any one residential premises at any one (1) time, but not including a flea market. *[Added by 4-25-81 ATM, Art.2]*

YARD, SIDE - A yard extending from the rear line of the required front yard to the rear lot line.

TABLE OF ZONING MAP AMENDMENTS

The following is an enumeration and brief description of amendments to the Zoning Map adopted by 6-26-68 STM, Art. 10. The complete text of each amendment is on file in the office of the Town Clerk.

Town Meeting/ Article Number	Change
6-26-69 STM, Art. 2:	Revising within existing General District as indicated on map prepared for Planning Board, labeled "Proposed General District Rezoning," dated 12-5-68.
6-26-69 STM, Art. 3:	All land zoned in R-1 and lying northeast of a line parallel to and 200 feet northeast of the northeast side line of Elm Street, from R-1 to R-2.
5-14-75 STM, Art. 2:	An area of land bounded on the north by the Mendon town line, on the east by the western boundary of the currently zoned R-3 District, on the south by a line 2,000 feet south of and parallel to Mendon town line, and on the west by the eastern boundary of the currently zoned R-3 District, from R-2 to R-3 zoned R-3 District, from R-2 to R-3.
9-25-75 STM, Art. 11:	A portion of land in Residential Districts R-2 and R-3, to be included in the Industrial District.
4-30-77 ATM, Art. 19:	An area bounded on the north by a line parallel to and 200 feet southerly of the southern side line of Lincoln Street and by the Western boundary of Parcel 17 on Assessors Plat 11 and the Northern boundary of Parcel 24 on Assessors Plat 11, on the east by a line 600 feet westerly of the western side line of Mendon Street, on the south by a line following the northern side line of Main Street from the Millville town line to the north bank of the Blackstone River, then by that north bank, and on the west by the Millville town line from R-1 to I.
12-10-79 STM, Art. 9:	An area bounded by a line beginning on the existing R-2 boundary north of the Summer Street 1,500 feet west of the Mill River, then southerly paralleling the River 1,500 feet west of its west bank to the existing Industrial District, then following that Industrial District boundary northeasterly and the western side of Harris Pond southerly to the abandoned NY. NH & H Railroad right-of-way easterly to the Bellingham town line, then following that town line northerly to the existing R-2 District north of Elm Street, then following that district boundary to the point of beginning from R-1

to R-2.

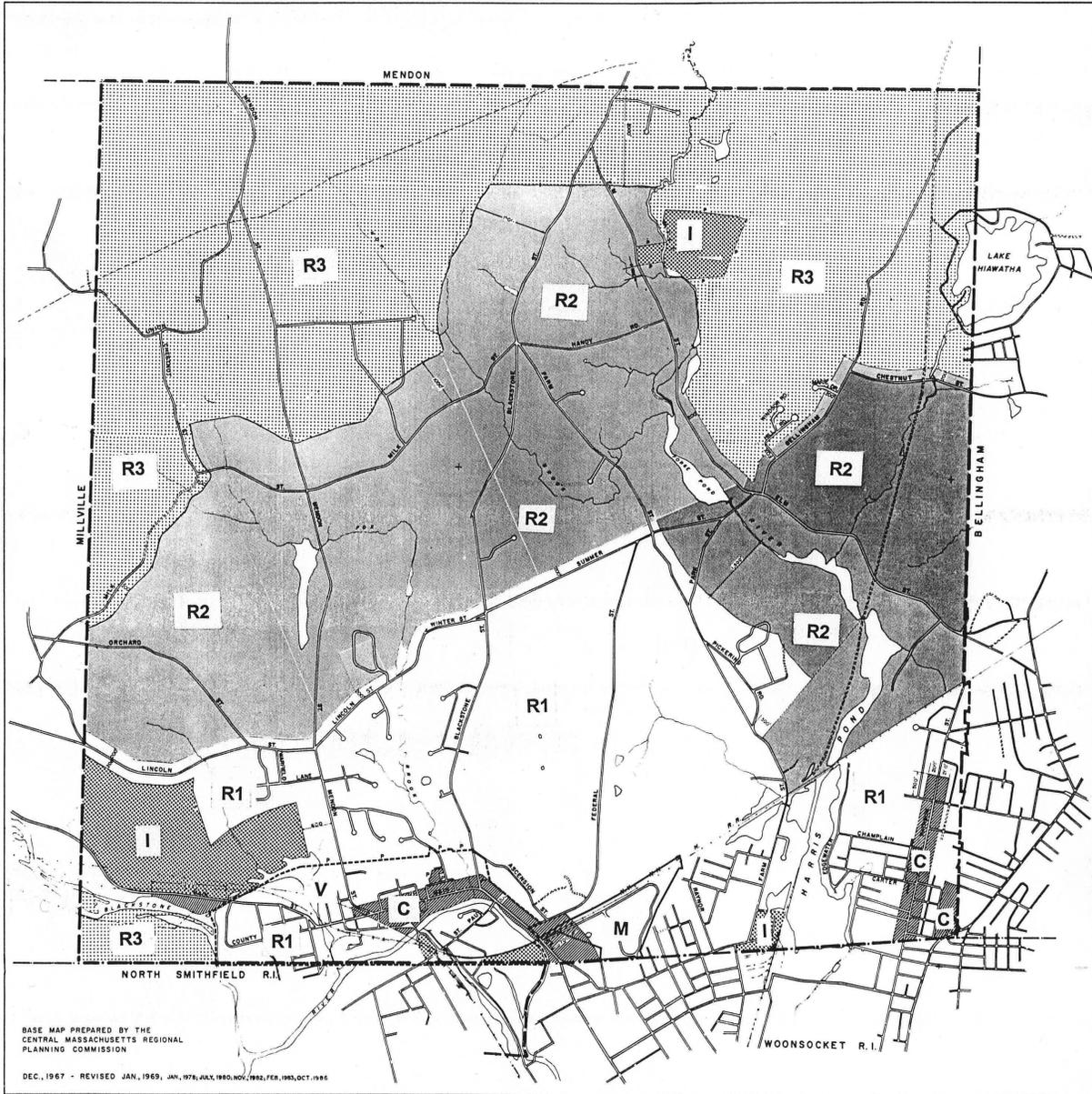
- 12-10-79 STM, Art. 9: An area bounded by a line beginning on the existing R-2 boundary north of Summer Street 1,500 feet west of the Mill River, then southerly paralleling the River 1,500 feet west of its west bank to existing Industrial District, then following that Industrial District boundary northeasterly and the western side of Harris Pond southerly to the abandoned NY, NH & H Railroad right-of-way easterly to the Bellingham town line, then following that town line northerly to the existing R-2 District north of Elm Street, then following that district boundary to the point of beginning from R-1 to R-2.
- 9-20-82 STM, Art. 6: Lot 145 (the former Blackstone Fire Station near Mendon Street), Lot 147 (the former railroad right-of-way north of Main Street below Main Street), and portion of Old Mendon Street between Main Street and Mendon Street, all as shown on Assessor's Plat 10, totaling less than 1 acre, from R-1 to C.
- 9-24-84 STM, Art. 2: Revision creating a 50.45-acre Multifamily Overlay District in the vicinity of Main Street and Federal Street, more particularly comprising Lot 113 on Assessor's Plat 6 and Lots 62 and 92 on Assessor's Map Plat 7.
- 04-25-94 ATM, Art. 22: Revision placing in the Village Overlay District land as shown on the map "Village Overlay District", May 17, 1993, generally being land from the Rhode Island line to a line roughly 1,000 feet north of Main Street, from Federal Street to the west end of High Rocks.
- 04-25-94 ATM, Art. 24: Rezoning on the north side of Austin Street, from Commercial to R1 the portion of lot 42 on Assessor's Plat 9 now zoned Commercial, and rezoning from R1 to Commercial the portion of lot 38 on Assessor's Plat 9 now zoned R1.
- 05-28-02 ATM, Art. 17: Rezoning from Industrial district to Residence district the entire existing Industrial District bounded on the southwest by Farm Street, on the southeast by a former railroad right-of-way, on the east by Harris Pond, and on the northwest by R2 and R3 districts.

ZONING MAP

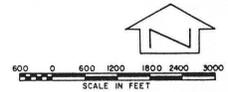
ADOPTED: ARTICLE 10, 26 JUNE, 1968
 REVISED: ARTICLES 1 & 2, ADOPTED 26 JUNE, 1969
 ARTICLE 2, ADOPTED 14 MAY, 1975
 ARTICLE 11, ADOPTED 25 SEPTEMBER, 1975
 ARTICLE 19, ADOPTED 2 MAY, 1977
 ARTICLE 9, ADOPTED 10 DECEMBER, 1979
 ARTICLE 6, ADOPTED 20 SEPTEMBER, 1982

ARTICLE 2, 24 SEPTEMBER 1984
 ARTICLES 22, 24 25 APRIL, 1994
 ARTICLE 17, 28 MAY 2002

VILLAGE	MULTIFAMILY M	
	RESIDENCE R1	
	RESIDENCE R2	
	RESIDENCE R3	
	COMMERCIAL C	
	INDUSTRIAL I	
	PROPERTY LINE	P

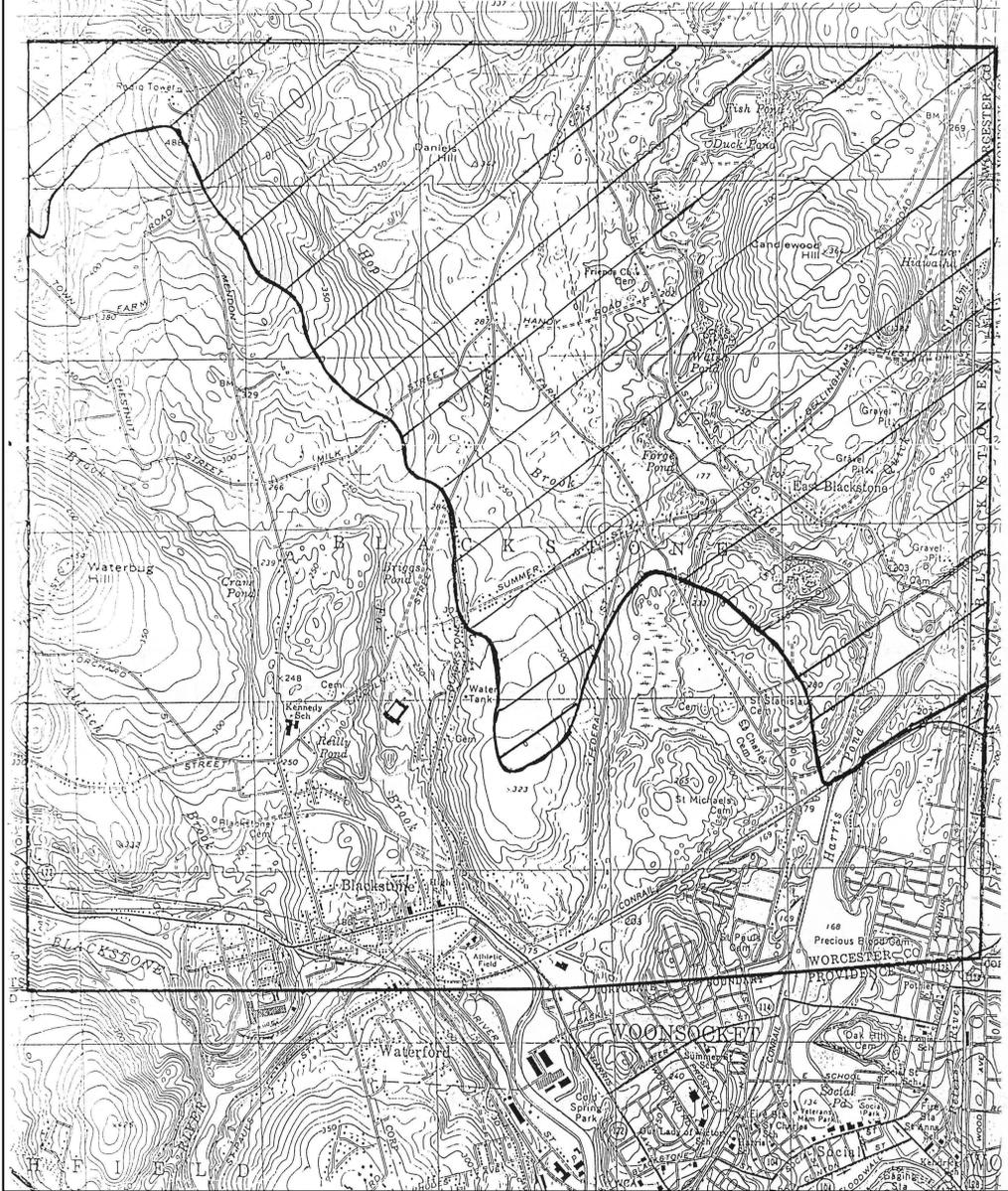


BLACKSTONE PLANNING BOARD
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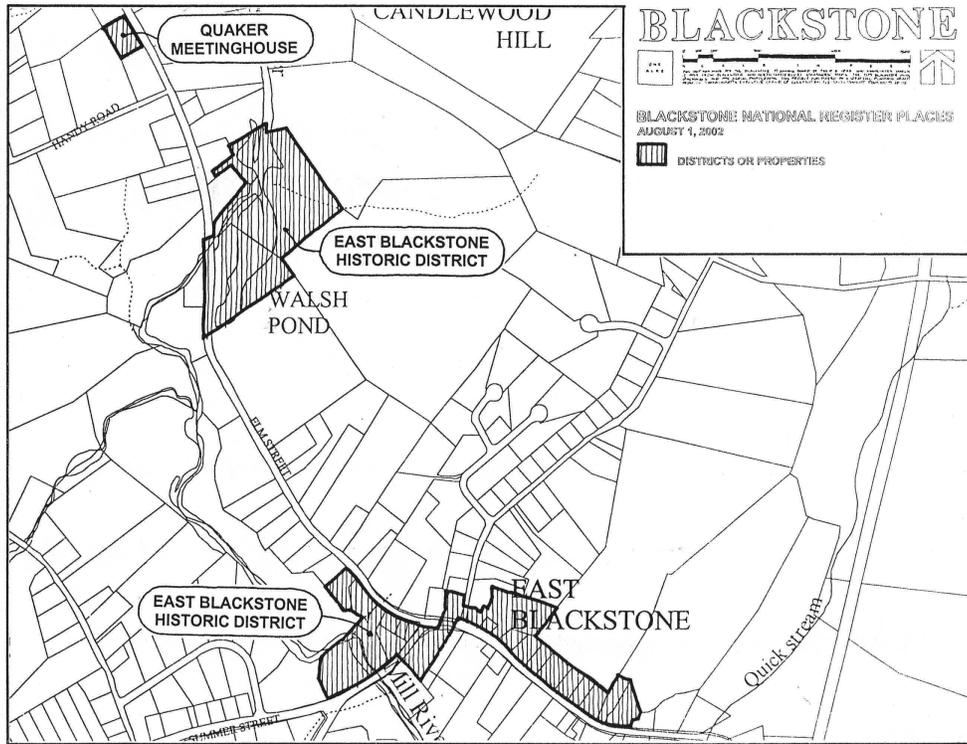
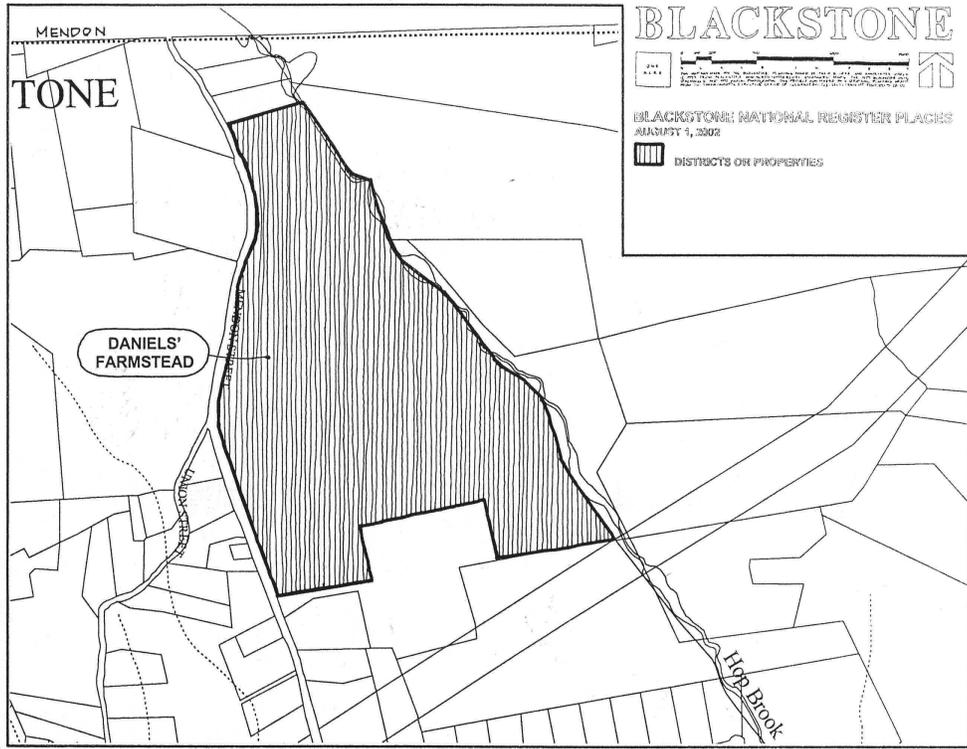
GROUNDWATER PROTECTION DISTRICT MAP

Town of Blackstone
April, 1988









FOR INFORMATION: NOT OFFICIALLY ADOPTED AS PART OF THE ZONING BYLAW

RURAL/SUBURBAN ACCESS

ROADS DETERMINED NOT TO PROVIDE "SUBURBAN" ACCESS
Planning Board determination 3/4/04 based on CMRPC survey 1992 and updates.



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