

5.5 Accessory Buildings or Structures

5.5.1 Permitted Accessory Buildings or Structures

The following requirements shall apply to any accessory buildings or structures permitted in accordance with the Tables of Uses (Sections 5.3.1 and 5.3.2).

1. General Provisions:

- a. An accessory building or structure is not permitted within a Required Front Yard, with the exception of flagpoles and fences.
- b. Flagpoles of a height less than twenty (20) feet and fences shall be exempt from the front, side and rear yard requirements set forth in Section 6.0 of the Zoning Bylaw. A building permit is required for a flagpole exceeding twenty (20) feet or a fence exceeding six (6) feet in height.
- c. Accessory buildings may be used for Accessory Apartments only as permitted pursuant to Section 5.4.7 of the Zoning Bylaw.
- d. Any accessory ~~building or~~ structure that is less than 10 feet from ~~the a~~ principal ~~building structure~~ on the lot ~~shall be considered part of the principal structure, and is be~~ subject to the ~~same~~ dimensional ~~limits and~~ requirements ~~applicable to the of a~~ principal ~~building structure~~.
- e. Non-residential accessory structures, including vending machines, automated teller machines (ATMs), and electronic game kiosks shall be required to meet the front, side and rear yard requirements for a principal structure in the same zoning district, except as may be authorized by Special Permit from the Zoning Board of Appeals.
- f. An accessory structure or building may have a footprint that is either 600 square feet or twenty-five percent (25%) of the gross floor area of the principal structure, whichever is greater, with the following exception:
 - i. Home Recreational Facilities: a swimming pool and any related pool buildings or equipment, tennis court or similar home recreational facility shall be permitted at any size, provided that it conforms to the minimum side and rear yard setback requirements, as well as the lot coverage requirements, for a principal structure in the same zoning district.

Comment [JM1]: NS: How do we determine what counts as a pool building, especially if only part of it used for the pool?

2. Accessory Buildings or Structures Within Required Rear or Side Yards:

- a. Shall be limited to one story, or less than 12 feet in height
- b. Garages in residence districts or accessory to a single or two-family dwelling in a non-residence district may be located within a Required Side Yard, but must be no less than ten (10) feet from the nearest side lot line.
- c. Any accessory building or structure, aside from a garage, in a residence district or accessory to a single or two-family dwelling in a non-residence district may be located within a Required Rear or Side Yard, but must be no less than five (5) feet from the nearest rear or side lot line, and must occupy no more than twenty-five percent (25%) of the Required Rear or Side Yard area.

3. Accessory Buildings or Structures authorized by Special Permit from the Community Planning and Development Commission (CPDC):

- a. In all districts, provided that all front, side and rear yard setbacks are met, the CPDC may allow the following:
 - i. A truck trailer used for storage or advertising;
 - ii. A stand-alone shipping or storage container;
 - iii. A steel storage unit.
- b. In residence districts, provided that all front, side and rear yard setbacks are met, for a period not to exceed ninety (90) days, the CPDC may allow the following:
 - i. A temporary storage unit

Comment [JM2]: Ask Glen if this includes PODs

Accessory Apartment

5.4.7.3

b An Accessory Apartment shall occupy no more than one-third (1/3) of the gross floor area of the Principal Single-Family Dwelling on the lot, exclusive of any garage, unfinished basement, shed or other accessory structure(s) on the lot, and shall comprise a maximum gross floor area of seven hundred fifty (750) square feet.

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4.3 Community Planning and Development Commission

4.3.1 Powers

The Community Planning and Development Commission (CPDC) shall act on all matters within its jurisdiction under the Zoning Bylaw in the manner prescribed in Chapter 40A of the Massachusetts General Laws. It shall have the power:

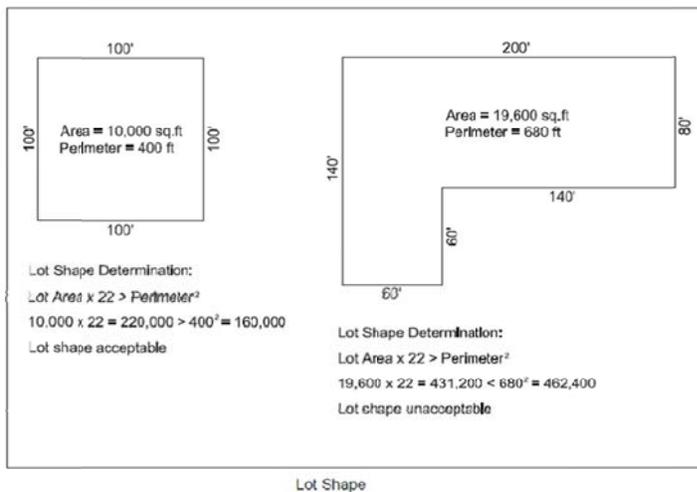
- 4.3.1.1 To hear and decide applications for Special Permits in accordance with Section 9 of Chapter 40A of the Massachusetts General Laws and Section 4.3 of the Zoning Bylaw.
- 4.3.1.2 To conduct Site Plan Reviews in accordance with Section 4.6 of the Zoning Bylaw.
- 4.3.1.3 To propose, review, hold hearings and make recommendations on text or map changes to the Zoning Bylaw in accordance with Section 5 of Chapter 40A of the Massachusetts General Laws.
- 4.3.1.4 To review and act on preliminary and definitive subdivision plans in accordance with Sections 81K-81GG of Chapter 41 of the Massachusetts General Laws.
- 4.3.1.5 To review applications for endorsement of plans as "Approval Not Required" in accordance with Section 81P of Chapter 41 of the Massachusetts General Laws.
- 4.3.1.6 To prepare a comprehensive/master plan in accordance with Section 81D of Chapter 41 of the Massachusetts General Laws.

6.3.1 Lot Shape

~~In all Residence Districts, no building or structure may be constructed on a lot unless the lot's buildable lot shall~~ satisfy the following requirements:

- a One side of the lot shall coincide with the street line of the lot for the entire length of the minimum required frontage; and
- b The square footage of the lot multiplied by twenty-two (22) shall be greater than the length of the perimeter of the lot squared.

Comment [JM3]: Glen only enforces this for new lots, not for existing lots. He indicated that he does not make homeowners do this calculation. I'm not sure where the confusion is coming from but we can update it to make it more straightforward if the Commission agrees it's a worthy undertaking.



Animal Kennel: A facility, other than an animal hospital, that is used for the boarding, breeding,

raising, grooming or training of two (2) or more dogs, cats, or other household pets of any age, but excluding premises where all of the pets are owned by the owner or occupant and no boarding, breeding, raising, grooming or training is conducted for a fee or other commercial gain.

Pet Grooming: the hygienic care and cleaning of any domesticated, non-exotic pet.

PRINCIPAL USES	BUS A	BUS B	BUS C	IND	PUD-B Overlay	PUD-I Overlay
Business and Service Uses						
Restaurant	Yes	Yes	No	Yes	SPP	Yes
Fast Food Restaurant	Yes	Yes	No	SPP	SPP	No
Restaurant with Drive-through Window	SPP	No	No	SPP	No	No
Bar or Tavern	No	No	No	No	No	No
Retail Store, up to 35,000 square feet	Yes	Yes	No	Yes	Yes	Yes
Retail Store, more than 35,000 square feet	No	No	No	No	SPP	SPP
Retail Store with Drive-through Window	SPP	No	No	SPP	SPP	No
Convenience Store	Yes	Yes	No	Yes	Yes	SPP
Office	Yes	Yes	Yes	Yes	SPP	No
Health, Exercise or Fitness Club	Yes	Yes	Yes	Yes	Yes	Yes
Place of Assembly	SPP	SPP	SPP	SPP	SPP	SPP
Retail Services	Yes	Yes	Yes	Yes	Yes	Yes
Consumer Service Retail Establishment	Yes	Yes	No	Yes	Yes	Yes
Professional Services	Yes	Yes	Yes	Yes	SPP	No
Facility for skilled trades	Yes ⁴	Yes ⁴	No ⁴	Yes ⁴	SPP	Yes
Financial Institution	Yes	Yes	Yes	Yes	SPP	Yes
Computer Services Facility	Yes	Yes	Yes	Yes	SPP	Yes
Hotel or Motel	SPP	Yes	Yes	Yes	Yes	Yes
Tourist or Trailer Camp	No	No	No	No	No	No
Funeral Establishment	Yes	Yes	No	Yes	SPP	No
Animal Hospital	Yes	Yes	No	Yes	SPP	No
Pet Grooming	Yes	Yes	Yes	Yes	Yes	Yes
Animal Kennel	SPP	No	No	SPP	SPP	SPP
Self-Service Storage Facility	No	No	No	Yes	No	SPP
Wholesale Business with No Warehouse	Yes	SPP	Yes	Yes	Yes	SPP
Wholesale Business with Warehouse	No	No	No	Yes	No	SPP
Junkyard	No	No	No	SPP	No	SPP

Home Occupation: A business use conducted within a dwelling unit that is accessory to the primary residential use and carried on only by a resident or residents of the dwelling unit.

Special Home Occupation: A business use conducted within a dwelling unit, an accessory structure, or on a residential property, that is accessory to the primary residential use, but may be carried on by 1 non-resident of the dwelling unit in addition to a resident or residents of the dwelling unit. Uses that may be considered Special Home Occupations include, but are not limited to: contractor's yards, pet grooming (?), massage therapy (?), catering (?), music lessons, information technology consulting, etc.

The CPDC may, by Special Permit, authorize a Special Home Occupation in a dwelling unit, in an accessory structure, or on a residential property provided that:

- a. Not more than one (1) full-time employee, exclusive of residents of the dwelling unit, is employed on the premises;
- b. Except for signs, commercial vehicles, and related equipment as may be approved by the

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CPDC, there is no exterior indication that the dwelling is used for anything other than residential purposes;

There is no exterior indication that the dwelling is used for anything other than residential purposes, except for signs, commercial vehicles and related equipment as may be approved by the CPDC.

- c. Off-street parking for the dwelling and home occupation is provided and the CPDC finds the number of vehicles on the premises at any one time and number of vehicle trips per day, exclusive of the residents' vehicles and trips per day, are consistent with the residential character of the property;
- d. The home occupation is clearly secondary and incidental to the principal use of the premises; and
- e. As determined by the CPDC, additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties and areas viewed from the public way.

The CPDC reserves the right to issue a Special Permit for a Special Home Occupation for (one) year, and to deny renewal of such Special Permit if substantiated complaints are made regarding the use to the Public Safety Officer or Public Services Office within that one (1) year period.

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Comment [JM4]: DT: Does this make it more clear?

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Comment [JM5]: DT: Separate into a new paragraph?

ACCESSORY USES	RES S-15 S-20 S-40	RES A-40	RES A-80	PRD-G PRD-M	PUD-R
Structures Accessory to Permitted Agriculture Use	Yes	Yes	Yes	Yes	Yes
Roadside Stand	Yes	Yes	Yes	Yes	Yes
Attached Accessory Apartment Contained Within an Existing Single family Dwelling	Yes	No	No	No	No
Detached Accessory Apartment Associated with an Existing Single Family Dwelling	SPA	No	No	No	No
Preservation of a Carriage House, Stable, or Barn for Use as a Detached Accessory Apartment	SPA	SPA	SPA	No	No
Detached Accessory Apartment Associated with New Construction of a Single family Dwelling	SPA	No	No	No	No
Attached Accessory Apartment Contained Within New Construction of a Single family Dwelling	SPA	No	No	No	No
Parking/Garaging of more than 1 commercial vehicle	SPA	SPA	SPA	SPA	SPA
Home Occupation	Yes	Yes	Yes	Yes	Yes
Special Home Occupation	SPP	SPP	SPP	SPP	SPP
Bed and Breakfast	SPP	SPP	SPP	SPP	SPP
Family Child Care Home ²	Yes	Yes	Yes	Yes	Yes
Service Facility or Accessory Building Providing Enclosed Storage	Yes	Yes	Yes	Yes	Yes
Storage of commercial building materials, equipment, or vehicles over 10,000 pounds ³	No	No	No	No	No
Storage of commercial landscaping equipment, materials, supplies, and/or commercial vehicles over 10,000 pounds	No	No	No	No	No
Accessory Convenience Store	No	No	No	No	SPP
Commercial Automotive Repair or Service Station	No	No	No	No	No
Accessory Retail Services or Retail Store	No	No	No	No	SPP
Animal Kennel	No	No	No	No	No

