

# **ZONING BY-LAW**



**TOWN OF  
DEDHAM  
MASSACHUSETTS**

**Dedham Planning Board**

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**TOWN OF  
DEDHAM  
MASSACHUSETTS**

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# TOWN OF DEDHAM MASSAHUSETTS

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## SECTION I ESTABLISHMENT OF DISTRICTS

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### I-1.A TYPES OF DISTRICTS

For the purposes of this by-law, the Town of Dedham is divided into following types of zoning districts:

Single Residence A, which may be referred to as SRA districts;

Single Residence B, which may be referred to as SRB districts;

General Residence, which may be referred to as GR districts;

Administrative and Professional, which may be referred to as AP districts;

Limited Manufacturing, which may be referred to as LMA districts;

Limited Manufacturing Type B, which may be referred to as LMB districts,

Research Development & Office, which may be referred to as RDO districts;

General Business, which may be referred to as GB districts;

Highway Business, which may be referred to as HB districts;

Central Business, which may be referred to as CB district;

Local Business, which may be referred to as LB districts;

Flood Plain, which may be referred to as FP district and is an overlay district superimposed over other zoning districts or parts thereof, so that the provisions of this By-Law pertaining to such underlying districts remain in effect, except where Flood Plain District regulations impose different or additional, greater or more restrictive requirements;

An Aquifer Protection District is an overlay district superimposed over the above districts.

A use in a portion of one of the above districts which falls within the Aquifer Protection District must additionally comply with the requirements of Section II 6.

### I-1.B CHARACTER AND PURPOSE OF DISTRICTS

#### Residential Districts

Residential districts are intended to secure a pleasant living environment, free of activities incompatible with or disruptive to that setting and retaining as many natural features as possible.

Single Residence A (SRA) districts are intended to be areas of low density, relying, mostly upon on-site utilities, providing one-family residences in a semi-rural setting and allowing the use of some space in large homes for small subsidiary apartments. They are

also intended to accommodate appropriately regulated and designed Assisted Living Residences and public and institutional uses, which require large parcels of land and usually rely upon on-site utilities.

Single Residence B (SRB) districts are intended to be areas of medium density, served by municipal utilities, providing one-family homes for families and small households, including the use of small subsidiary apartments in large homes, and accommodating appropriately regulated and designed Assisted Living Residences and appropriate public and quasi-public uses.

General Residence (GR) districts are intended to allow residential use at a higher density and provide dwellings in one- or two-family and semidetached houses, including conversions from one- to two-family residence where appropriate, suitably regulated and designed Assisted Living Residences and apartments or row (town) houses containing three or more dwelling units for the elderly or veterans, as defined and authorized by General Laws Chapter 121B.

## **Business Districts**

Local Business (LB) districts are intended to be areas of low development density. They accommodate small establishments which provide a limited range of convenience goods and services to nearby neighborhoods and which do not encourage business beyond those neighborhoods. Accordingly, development should be small in scale and visually compatible with adjacent residential areas.

General Business (GB) districts are intended for retail and service establishments. Those include building and repair services developed to meet the needs of Town residents and small business. They also include local automotive services not compatible with the character and purpose of other districts. The pattern of development calls for individual establishments on separate lots, each with its own off-street parking, and regulation of frequent turns off and onto abutting major streets.

Highway Business (HB) districts are intended to provide a method for orderly positioning of commercial development on streets which abut, front on, or have access to a major highway (see definition). HB districts provide for commercial activities that may require large land areas for retail and service commercial facilities related to highway travel. The frequency, design, and location of new points of access should be controlled by maximum utilization of service roads already providing direct access. The fact that a proposed project complies with all specific requirements and purposes set forth herein shall not create a presumption that the project is in fact compatible with surrounding land uses, and in itself shall not be sufficient to justify the granting of any application.

Central Business (CB) district is intended to recognize and enhance the role of Dedham Square as the Town's focus of civic, cultural, retail, and service activity. It not only accommodates but encourages a higher density of small scale establishments offering a wide variety of goods and services. It also provides sites for government and institutional uses and for small apartments on upper floors of business buildings, mainly for persons not requiring a parking, space near residence. Intensive development oriented to pedestrians is anticipated, with most off-street parking centralized in a few large lots. While mixed-use-development is appropriate, any uses which interrupt pedestrian circulation and shopping patterns are discouraged.

## **Other Non-Residential Districts**

Research Development & Office (RDO) and Administrative and Professional (AP) districts are intended to provide employment centers for research and development facilities and company offices associated with high technology industries and business management. Appropriate locations for large scale organizations serving a wide geographic area, they are intended to contain park-like groupings of buildings and facilities. Zoning regulations have been established to provide a healthful operating environment for such industry. They include protection against encroachment of commercial or residential uses inimical to their operation and expansion, as well as protection from the adverse impact of incompatible uses both within and beyond the district. Zoning regulations are also intended to minimize the adverse impacts of RDO uses on nearby areas, to reduce traffic congestion, to protect the health and safety of residents and workers, and to promote the comfort and welfare of the residents of neighborhoods nearby. The fact that a proposed project complies with all specific requirements and purposes set forth herein shall not create a presumption that any proposal is, in fact, compatible with surrounding uses and, in itself, shall not be sufficient for the granting of approval of any project or part thereof.

Limited Manufacturing A (LMA) districts are intended to establish and preserve areas for industrial and related uses compatible with others nearby. It is also envisioned that LMA uses are those necessary to serve the immediate needs of LMA residents and neighbors.

Limited Manufacturing B (LMB) districts are intended to have purposes identical to those for LMA but in locations where certain additional uses may be appropriate and permitted.

## **Planned Development Districts**

Planned Residential Development is intended to be a well-defined area of higher development density than other residential districts. It is intended to accommodate dwelling units for small households in a variety of dwelling types, all in a planned setting. In order to establish such a district, a comprehensive concept plan must be reviewed and recommended to Town Meeting by the Planning Board, including revisions recommended for approval by Town Meeting. Upon Town Meeting approval, the Planning Board will monitor conformance to the concept plan and Town approval.

Planned Commercial Development is a special permit option for land in the HB, GB, CB, or RDO districts. Intended to provide flexibility for commercial or mixed-use development in accordance with a concept site plan approved by the Planning Board. The Special Permit Granting Authority for Planned Commercial Development is the Board of Selectmen, which may approve development standards unique to a particular location and not necessarily applicable to other locations. The Planning Board will conduct a site plan review and make recommendations prior to the Board of Selectmen action on special permit application, and monitor conformance to the concept plan and the special permit.

## **I-2 LOCATIONS OF DISTRICTS**

Said districts hereinbefore referred to are located as shown on a map of the Town of Dedham, Mass., 1997, Scale 1" = 800', prepared for the Dedham Planning Board, signed by the Planning Board and filed in the office of the Town Clerk, which map, together with detailed sketches, Appendix A, and all notations thereon, is hereby incorporated in and made a part of this By-Law. A vote of the Town adding or deleting zoning districts or changing their boundaries made in the form of a verbal description shall be incorporated in this By-Law in graphic form by addition to or alteration of the Zoning Map, but any delay or error in the revision of the Zoning Map shall not postpone or otherwise affect the effectiveness of any amendment. The Planning Board may from time to time add new streets and other geographical features to the Zoning Map to keep it reasonably current and to facilitate orientation, but no changes shall be made of the zoning districts, except pursuant to a vote of the Town.

## **I-3 LOCATION OF BOUNDARIES**

The location of the boundary lines of the districts shown upon the aforesaid zoning map shall be determined as follows:

1. Where a boundary line is shown approximately on the location of a property or lot line and the exact location of the boundary line is not indicated by means of a figure or otherwise, then the property or lot line shall be the boundary line.
2. Where a boundary line is shown outside of the lines of a street and approximately parallel thereto, it shall be deemed parallel to the nearest exterior line thereof, and a figure placed upon the zoning map between such boundary line and such exterior line indicates the distance in feet between the two lines, measured at right angles to the exterior street line unless otherwise indicated.
3. Where a zoning district boundary divides a lot, the entire lot area may be counted to meet the area requirements of the district in which the principal use of the lot is located. The active use, including buildings, access ways, parking, and storage, where permitted, may extend not more than 10 feet into the district in which such use is not permitted, provided that a special permit shall be required to extend such uses into any part of the lot located in a residence district SRA, SRB, or GR.
4. In any case not covered by the other provisions of this paragraph, the location of a boundary shall be determined by the distance in feet, if given, from other lines upon the zoning map, or, if distances are not given, then by the scale of the map.

## **I-4 DEFINITIONS**

For the purposes of this By-law, the following terms and words are hereby defined, explained, or limited, except where the context clearly indicates a different meaning. The word "shall" is mandatory, the word "may" is permissive. The singular includes the plural, and the plural includes the singular, and the present tense includes the future tense. Unless these definitions or the context clearly shows a different meaning, the meaning assigned to them in section 201 of the State Building Code, and in the Zoning Act (Ch. 40A M.G.L.) and the Subdivision Control Law (Ch. 41 M. G.L., ss. 81-L to 81-GG, inclusive) may also be used.

**Accessory Dwelling Unit –**

A separate dwelling unit located in a building originally constructed as a single-family dwelling or in a detached building located on the same lot as the single-family dwelling provided that such separate unit has been established pursuant to the provisions of Section II-2.J.11. of this By-Law.

**An "Accessory Use" –**

within the meaning of this by-law is either a subordinate use of a building, or other structure or tract of land, or a subordinate building or other structure:

1. Whose use is customary in connection with the principal building, or other structure or use of land, and
2. Whose use is clearly incidental to the use of the principal building, other structure or use of land, and
3. Which is located on the same lot with the principal building, other structure or use of land, or on a lot adjacent to such lot if in the same ownership or part of the same establishment, and
4. Which does not constitute, in effect, conversion of the principal use of the premises to one not permitted.

**Accessory Wireless Communications Link –**

Any wireless communication link located on the same lot with and customary and incidental to a use permitted as of right, by special permit, by variance, or as a preexisting nonconforming use including without limitation, any home-mounted wireless transmission/reception box and any fixtures and equipment customary and incidental to a private business exchange also known as a "PBX Wireless Campus."

**Adult Stores –**

establishments subject to section nine-A of chapter forty-A of the General Laws, including but not limited to adult bookstores, adult motion picture theaters, adult paraphernalia stores, adult video stores and establishments which display live nudity for its patrons, and any retail stores disseminating or offering to disseminate to adults books, magazines, videotapes, pictures, copies, implements, and other matter or paraphernalia which are related to sexual conduct or sexual excitement or are harmful to minors, as these terms are used in section thirty-one of chapter two hundred and seventy-two of the General Laws. Adult stores may be located only in specified districts by special permit of the Board of Appeals and are not included within the definition of retail sales and services or of "any other lawful business" permitted as of right or by special permit in any other zoning districts.

**Assisted Living Residence –**

Any residential development owned and operated by an entity, whether conducted for profit or not for profit, which meets all of the following criteria:

1. Provides room and board; and
2. Provides directly by employees of the entity or through arrangements with another organization, which the entity may or may not control or own, assistance with activities of daily living for three (3) or more adult residents who are not related by consanguinity or affinity to the care provider; and

3. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance with the activities of daily living or arranges for the same, and
4. Is eligible for certification as an Assisted Living Residence by the Executive Office of Elderly Affairs pursuant to M.G.L. Chapter 19D and all of applicable requirements.

This definition shall not include any other forms of group living quarters such as group foster care, group homes, single room occupancy residences, rooming or lodging houses, and other facilities as listed in Commonwealth of Massachusetts Regulations (651 CMR 12.01).

**Buffer Zone –**

Areas of land maintained in a landscaped fashion or in a natural state that are open, unpaved, unbuilt upon, and not used for buildings, parking areas, or storage of any kind.

**Building –**

a structure having a roof and designed, intended, or used as a shelter for occupancy by persons, animals or things, provided that any other building, structure, or part thereof sharing a wall with, touching, or having a permanent above-ground structural connection to a building shall be considered to be part of such building.

**Building -**

Mounted Wireless Communications Link - Any out-of-doors Wireless Communications Link mounted on, erected on, or supported in whole or in part by an existing building or structure (including without limitation, buildings, water towers, smoke stacks, and the like) occupied and/or used primarily for other purposes.

**Drive Through Facilities –**

Business establishments that are designed to allow customers to access sales or services without leaving their motor vehicles in so-called drive-through or drive-up facilities, including but not limited to banking, dry cleaning, pharmacies, photo processing or similar customer services.

**Dwelling Unit –**

one or more rooms constituting independent living quarters for a single family, including cooking, sleeping, and bathroom facilities, and physically separated from any use not accessory to such dwelling, and from any other dwelling unit by open space, party wall, or hallway.

**Exterior Street Line –**

the boundary of street right-of-way or layout, or, where the boundaries are not a matter of record, a line parallel to and 25 feet distant from the center line of pavement or vehicular traveled way.

**Family –**

one person or several individuals living together as a single and separate housekeeping unit and related by blood, marriage, or adoption, and not more than three individuals not so related (including domestic employees), provided that for the purposes of this by-law, a single and separate housekeeping unit comprising one of the following shall be deemed a family:

- a. A congregate housing unit consisting of persons with disabilities or persons 60 years of age or older, sharing cooking and living facilities, and not more than one other person performing housekeeping, nursing, or other care and assistance functions.
- b. A family day care home or a family and not more than six foster children.

**Floor Area Ratio –**

the ratio of the aggregate floor area of all floors of a building, other than basement and attic not designed or used for human occupancy and floor areas used for the parking of motor vehicles, to the gross area of the lot on which such building is located, exclusive of land in Flood Plain districts or wetlands subject to General Laws Chapter 131, Section 40 (may be abbreviated as FAR).

**Free-Standing, Exterior Wireless Communications Link –**

Any out-of-doors Wireless Communications Link mounted on, erected on, or supported by any free-standing monopole, lattice tower, or any other similar free-standing structure.

**Frontage –**

a continuous segment of the exterior street line between intersections with lot sidelines or other lot boundaries, including an intersection of street lines or street lines extended with an interior angle of 135 degrees or less. If a lot is bounded by more than one street, as defined herein, the lot owner may designate any of them as the frontage street, if it provides legal and physical access to the lot for the requisite distance and if the building on the lot is numbered on that street.

**Indoor Wireless Communications Links –**

Any indoor Wireless Communications Link mounted inside, erected inside or supported within an existing building or structure (including without limitation, buildings, cupolas, church spires, inactive smoke stacks, and the like) occupied and/or used primarily for other purposes.

**Limited Manufacturing –**

Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disruptive to neighborhoods. Such agents include, but are not limited to air or water pollution, odors, gas fumes, smoke, cinders, flashing or excessively bright lights, discharge or accumulation of refuse, electromagnetic radiation, heat, or vibration.

**Lot –**

an area of land in single ownership with definite boundaries, established by a recorded plan or deed, including a lot created by combining several previously recorded lots, and used or available for use as the site of one or more buildings or for any other purpose.

**Major Highway –**

Route 1A, Providence Highway, or any other street designated as a numbered highway by the Commonwealth if having at least two travel lanes in each travel direction.

**Multi-Family Residential Complex –**

buildings and structures or a group of buildings and structures containing three or more dwelling units and the lots upon which the same are located authorized by a Special Permit issued by the Zoning Board of Appeals under Section II-2.C.8 of the Use Regulation Table.

**Nonconforming Building, Structure, or Use –**

an existing, legally established or erected building structure, lot, or use which predates and does not conform to the current requirements of the district in which it is situated as regards the size, dimensions, location, or use of building or land.

**Parking Lot –**

an area dedicated and exclusively used, in whole or in part, for parking of motor vehicles on a lot, in a garage, or on a parking deck, including aisles, accessory structures, and landscaping; provided that the horizontal area on the lot available for parking, whether paved or not, and the parking layout meet the provisions of this by-law applicable at the time of approval and further provided that any increase in the required parking due to a change in use or to an increase in building floor area or outdoor area served by such parking shall require approval of a revised parking or site plan.

**Rear Line –**

a lot boundary separating it from other lots and located most nearly parallel to and opposite lot frontage; provided that a triangular or wedge-shaped lot may have no rear line.

**Row House or Town House –**

a dwelling unit in a multi-unit building containing three to eight such units side-by-side, separated by party walls, with each unit not more than two rooms deep front to back and, unlike apartments, with separate entrances and stairways serving each unit exclusively.

**Side Line –**

a lot boundary separating it from other lots that is not a frontage or a rear lot line.

**Street or Way –**

a town way, a way laid out by county or state, a way shown on a definitive subdivision plan approved in accordance with the Subdivision Control Law and constructed or with construction secured as provided in said Law, or a way in existence when the Subdivision Control Law became effective in Dedham which has in the opinion of the Planning Board sufficient width, suitable grades, and adequate construction for the needs of vehicular traffic in relation to the proposed use of land and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

The naming of a private right-of-way, easement or driveway serving one or more lots for the purpose of facilitating emergency access or for any other purpose shall not confer upon it the legal status of a street or way for frontage and zoning purposes. No more than two lots meeting street frontage requirements may share an access driveway.

**Structure –**

a combination of materials constructed or erected so as to be permanently attached to and have a fixed location on the ground and including buildings, mobile homes, in-ground

pools, billboards, and the like, but excluding for the purposes of this By-Law boundary walls and fences less than six feet in height, mail boxes, and similar minor structures.

**Width –**

the distance between lot lines, measured along a straight line connecting the front corners of the lot for the depth equal to the required minimum frontage.

**Wireless Communications Link –**

A Wireless Communications Link consisting exclusively of fixtures and equipment used by a public utility or FCC licensed commercial entity for the wireless transmission and reception of radio signals including (1) reception and transmission equipment and fixtures such as antennae, communication dishes and similar devices, (2) structures that are erected and used primarily to support such reception and transmission equipment including, without limitation, monopoles and lattice towers, and (3) any accessory mechanical, electronic, or telephonic equipment, fixtures, wiring and protective covering customary and necessary to operate such wireless communications equipment. A Wireless Communication Link is a transmission and reception substation, not a principal facility for conducting a communications business. Wireless Communications Link shall not include television and radio station transmission antennae.

**Yard, Required Minimum –**

a strip of uniform depth specified by this By-Law along and contiguous to lot frontage, side, and rear lines, measured at right angles or radially to said lines. Within the required minimum yards there shall be no buildings or structures, except for building projections and minor structures allowed by the By-Law, including buildings accessory to residences in side and rear yards and subject to yard requirements for such accessory buildings.

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## **SECTION II USE REGULATIONS**

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### **II-1 APPLICATION OF USE REGULATIONS**

No new building or structure shall be constructed or used, in whole or in part and no building or structure, or part thereof, shall be altered, enlarged, reconstructed or used, and no land shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted herein.

Provided that nothing in these use regulations shall be construed to prohibit agricultural, horticultural and floricultural uses or the expansion or reconstruction of existing structures on parcels which are more than five acres in area and further provided that no section of this by-law shall be construed to restrict or regulate the use of materials or methods of construction specifically regulated by the state building code.

(SECTION II-1.A DEALING WITH 1986-1988 BUILDING MORATORIUM OMITTED)

### **II-2 USE REGULATION TABLE**

In the following Use Regulation Table, the headings on each page shall denote the various zoning districts, and the symbols employed opposite each use listed shall have the following meanings:

- YES - use permitted as of right
- NO - use prohibited
- SP - use permitted only upon issuance of a special permit by the special permit granting authority and subject to any terms and conditions of such special permit
- (blank) - use not allowed under this definition, but may be permitted if covered by another definition

Where any activity or use may be classified under more than one use designation in the Use Regulation Table, the more specific designation shall determine permissibility, if equally specific. the more restrictive shall govern. Additional restrictions on use may apply if located in an overlay flood plain or aquifer protection zoning district, and a use shown as permitted in the Use Regulation Table is not exempt thereby from compliance with all other applicable provisions of the Zoning By-Law and with other laws, by-laws, regulations, and permitting or licensing requirements.







**USE REGULATION TABLE**  
**USES:**

**ZONING DISTRICT:**

		<b>SRA</b>											
		<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
<b>D.</b>	<b>OFFICE USES:</b>												
1.	Office of a doctor or a dentist.	NO	SP <sup>9</sup>	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
2.	Office uses primarily for the following activities: accounting, architecture, design, data processing, editing, engineering, law, landscape architecture, research and science, and administrative offices which do not regularly render services to patrons, clients, customers, or members on the premises.	NO	NO	NO	YES	YES	YES	YES	YES	YES	YES	YES	YES
3.	Banks and monetary institutions, freestanding automatic teller machines business and professional offices other than those listed in D.1 or D.2.	NO	NO	NO	YES	NO <sup>26</sup>	NO	SP	SP	YES	YES <sup>11</sup>	YES	YES
<b>E.</b>	<b>RETAIL, TRADE AND SERVICE USES:</b>												
1.	The following retail businesses: bookstore, delicatessen, dry goods store, drugstore, florist, gift shop, grocery or fruit store, hardware store, jewelry store, news dealer, meat market, stationery store, tobacconist, variety store, or wearing apparel store.	YES	YES	YES	SP	SP	NO	NO	NO	NO	YES	YES	NO
2.	Adult store <sup>12</sup> (see definition), Tattoo Parlor	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
3.	Salesroom for automobiles, automotive uses	NO	NO	NO	NO	NO <sup>27</sup>	NO	YES	YES	YES	YES	YES	YES

**USE REGULATION TABLE**

**USES:**

**ZONING DISTRICT:**

		<b>SRA SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
4.	Salesrooms and stands for the display and sales of agricultural and horticultural products the major portion of which are grown on the premises. <sup>13</sup>	SP	SP	NO	SP	NO	NO	SP	SP	NO	NO	NO	NO
5.	Stores for sale of goods at retail, other than those listed under E.1, E.2, E.3 or E.4	NO	NO	NO	YES	NO <sup>26</sup>	NO	SP	SP	YES	SP <sup>14</sup>	YES	YES
6.	Personal or consumer service establishments as follows: a barber or beauty shop, self-service laundry and/or a collection station for laundry or dry cleaning not done on the premises, photographic studio, shoe or hat repair shop, shop for custom work by a dressmaker, furrier, milliner, or tailor, frozen food locker, news dealer, tanning salon.	NO	NO	NO	YES	SP <sup>24,27</sup>	NO	YES	YES	YES	YES	YES	YES
7.	The following consumer, professional, or commercial service establishments: a business or trade school, blueprinting or copying establishment, catering service, clothing rental establishment, dancing or music school, meeting hall for hire, funeral home, and repair shops for bicycles, typewriters, television, electronic and household appliances.	NO	NO	NO	SP	NO <sup>27</sup>	NO	YES	YES	YES	NO	YES	YES
8.	Shop of a cabinetmaker, carpenter, electrician, painter, plumber, paperhanger, sign painter or upholsterer.	NO	NO	NO	NO	NO <sup>27</sup>	NO	YES	YES	SP	NO	YES <sup>15</sup>	SP

**USE REGULATION TABLE**

**USES:**

**ZONING DISTRICT:**

		<b>SRA</b>											
		<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
9.	Any other retail, personal, or professional service establishment similar to permitted uses listed in E.6, E.7, or E.8 in the general character and effect on adjacent property and improvements.	NO	NO	NO	SP	NO <sup>26</sup>	NO	SP	SP	SP	SP <sup>16</sup>	SP	SP
10.	Any use requiring a common victualler license, but not an inn holder's license, under section 2 of Chapter 140 of the General Laws.	NO	NO	NO	SP	NO <sup>26</sup>	NO	SP	SP	SP	SP <sup>17</sup>	SP <sup>18</sup>	SP <sup>18</sup>
11.	Animal or veterinary hospital, with overnight facilities for patients only.	NO	NO	NO	NO	NO <sup>27</sup>	NO	YES	YES	SP	SP	SP	NO
12.	Hotel or motel.	NO	NO	NO	YES	SP	NO	YES	YES	SP	NO	NO	SP
13.	Convention or conference center, trade exhibit facility, theater or motion picture theater.	NO	NO	NO	YES	SP	NO	SP	SP	SP	NO	SP	SP
14.	Commercial boat rental or limousine livery.	NO	NO	NO	YES	SP	NO	YES	YES	YES	NO	YES	NO
15.	Kennel.	NO	NO	NO	NO	NO <sup>27</sup>	NO	YES	YES	SP	NO	NO	NO
16.	Drive-through facilities.	NO	NO	NO	SP	SP	NO	NO	NO	SP	NO	NO	NO
<b>F.</b>	<b>WHOLESALE, STORAGE, AND SHOWROOMS:</b>												
1.	Wholesale office or showroom, including but not limited to showroom for building supplies, plumbing, heating, and ventilating equipment, with storage limited to floor samples only.	NO	NO	NO	YES	YES	NO	YES	YES	YES	NO	YES	SP

**USE REGULATION TABLE**  
**USES:**

**ZONING DISTRICT:**

		<b>SRA SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
2.	Storage in a warehouse or building of contractor's equipment and building supplies hardware, metal, pipe, furniture, shop supplies, wood, paper, tools, tobacco, or any product of manufacturing activities permitted in the district, whether or not produced on the premises, but no retail sales or services on the premises.	NO	NO	NO	SP	SP	NO	YES	YES	NO	NO	NO	NO
3.	Warehouse or plant for storage and distribution of all items, excluding paint and alcoholic beverages, which are sold and/or used in retail stores, including supermarkets, department and drug stores, toy, hardware, ice cream, tobacco, and gift stores.	NO	NO	NO	NO	NO	NO	NO	YES	SP	NO	NO	NO
<b>G.</b>	<b>VEHICULAR AND AUTOMOTIVE SERVICES &amp; USES:</b>												
1.	Full-service, self-service or split island gasoline service stations with automotive repair bays but not performing body work. <sup>30</sup>	NO	NO	NO	NO	NO	NO	YES	YES	SP <sup>19</sup>	NO	SP <sup>19</sup>	SP <sup>19</sup>
2.	Garage for servicing trucks and trailers.	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
3.	Auto body and paint shop, soldering or welding shop, and automotive repair garages.	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
4.	Parking lot, as defined in Section I-4, as a principal use, which is approved pursuant to Section VIII of this bylaw.	NO	NO	NO	YES	SP	NO	YES	YES	YES	NO	SP	YES

**USE REGULATION TABLE  
USES:**

**ZONING DISTRICT:**

		<b>SRA</b>											
		<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
<b>H.</b>	<b>MANUFACTURING AND PROCESSING USES:</b>												
1.	Printing or publishing establishment with not more than 5,000 sq. ft. of floor area used for production.	NO	NO	NO	SP	YES	NO	YES	YES	YES	NO	NO	NO
2.	The assembly, repair, and tune-up of turbine or jet engines.	NO	NO	NO	NO	NO	NO	SP	SP	NO	NO	NO	NO
3.	Research, experimental or testing laboratory	NO	NO	NO	YES <sup>25</sup>	YES <sup>25</sup>	NO	YES	YES	SP <sup>25</sup>	NO	SP <sup>25</sup>	SP <sup>25</sup>
4.	Plant for packaging of food products, but not including meat and fish products.	NO	NO	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
5.	Plant for the preparation, baking, processing, and packaging of food and food products.	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
6.	Plant for light metal fabrication or finishing not using heavy punch presses or drop hammers.	NO	NO	NO	YES	YES	NO	YES	YES	NO	NO	NO	NO
7.	Plant for manufacture of medical, dental, drafting or other precision instruments, optical goods, watched, electronic or electrical devices, appliances, apparatus, or parts.	NO	NO	NO	YES	YES	NO	YES	YES	NO	NO	NO	NO
8.	Plant for molding of plastic containers and plastic house wares, the plant not to exceed 20,000 square feet floor area.	NO	NO	NO	SP	SP	NO	NO	YES	NO	NO	NO	NO
9.	Bottling works for beverages and liquids of every kind (excluding alcoholic beverages).	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO

**USE REGULATION TABLE**  
**USES:**

**ZONING DISTRICT:**

		<b>SRA</b>											
		<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
10.	Plant for packaging of deodorizers, bleaches, soap powders, waxes, detergents, and other household cleaning materials.	NO	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
11.	Plant for the processing and packaging of health and beauty aids, drugs, pharmaceuticals, patent and proprietary medicines.	NO	NO	NO	SP	SP	NO	NO	YES	NO	NO	NO	NO
12.	Any service, storage, or limited manufacturing use not listed previously and which is not hazardous to the vicinity because of danger of fire, explosion, emission of harmful wastes, or other causes, and not likely to cause more noise, traffic, fumes, vibration, dust, heat, smoke, odor, or glare than the minimum amount normally resulting for any use permitted in the district	NO	NO	NO	SP	SP	NO	SP	SP	SP	NO	NO	NO
<b>J.</b>	<b>ACCESSORY USES (AS DEFINED IN I-4)</b>												
1.	Parking of motor vehicles incidental to the permitted principal use and subject to requirements of Section VIII of this bylaw.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
2.	Outdoor dining area accessory to a permitted restaurant, but not including drive-in area for food consumption in automobiles.	NO	NO	NO	YES	YES	NO	NO	NO	YES	YES	YES	YES
3.	Dwelling accessory to the principal permitted use (such as the residence of a watchman, caretaker, or operator of	NO	NO	NO	YES	YES	NO	YES	YES	YES	YES	YES	YES

**USE REGULATION TABLE**  
**USES:**

**ZONING DISTRICT:**

		<b>SRA</b>											
		<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
	a business or manufacturing establishment), if the dwelling conforms to the requirements applicable if it were located in a General Residence (GR) district.												
4.	Other accessory uses identified in Section III of this bylaw or customarily incidental and necessary to principal permitted use.	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
5.	Dining facility accessory to and serving solely the residents of a planned residential development.	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
6.	Private garage for more than three automobiles, or for more than one commercial vehicle, or for a commercial vehicle exceeding 2.5 tons in gross weight, provided that such garage is accessory to a permitted use and is not less than fifty (50) feet from side and rear lot lines.	SP	SP	YES	YES	YES	SP	YES	YES	YES	SP	YES	YES





**USE REGULATION TABLE**

**USES:**

**ZONING DISTRICT:**

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<b>SRA</b>	<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
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- f) The special permit, if granted, shall clearly state that it is not transferable to a purchaser of the lot and shall require, as a condition of its validity, that a certified copy of the permit be filed with the Registry of Deeds by the applicant.
- g) Exterior alterations required to meet applicable building, fire or health codes are permitted and must be designed to conform to the architectural integrity of the structure and the residential character of the neighborhood.
- h) The accessory dwelling unit created shall be a minimum of 350 square feet and a maximum of 1,000 square feet or 33 per cent of the total building size in the dwelling structure, whichever is less.
- i) One parking space shall be provided and designated for each accessory apartment established in addition to the prior requirements for the property. Such parking space shall be created in conformance with all applicable dimensional requirements and screened appropriately from abutting properties.
- j) Alterations to the dwelling unit shall be designed to be compatible with the surrounding residential district and shall not create a second entrance in the front of the building.

**USE REGULATION TABLE**

**USES:**

**ZONING DISTRICT:**

	<b>SRA</b>											
	<b>SRB</b>	<b>GR</b>	<b>PR</b>	<b>PC<sup>23</sup></b>	<b>RDO</b>	<b>AP</b>	<b>LMA</b>	<b>LMB</b>	<b>HB</b>	<b>LB<sup>20</sup></b>	<b>GB</b>	<b>CB</b>
k) The Board of Health shall review and approve the septic system on site as part of the approval process. l) Any special permit granted pursuant to this section shall require that the applicant request recertification of the permit every three years, and failure to request such certification shall cause the permit to lapse.												
12.	Such industry or light manufacturing (including processing, assembling and repairs) as is usual in connection with the permitted principal use, provided that:	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
a) Such accessory use does not occupy an area exceeding twenty-five percent of the total floor area occupied by the principal use, and b) The major portion of any products manufactured are sold at retail on the premises, and c) Not more than five (5) operatives are regularly employed in such accessory use.												
13.	Preparation and service of take out food as an accessory use incidental to the operation of a grocery store.	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES	YES
14.	The use of a room or rooms in a dwelling or building accessory thereto as an office, studio, or workroom for a lawful home occupation by a person resident on the premises provided that:	YES	YES	NO	NO	NO	NO	NO	YES	YES	YES	YES

- a) Such use is clearly incidental and secondary to the use of the premises as a dwelling, and
- b) Not more than one person other than residents of the premises regularly provided paid services in connection with such use, and
- c) No commodity or service is sold or provided to another person who is on the premises in the usual course of business, and
- d) The public is not invited onto the premises in the usual course of business, and
- e) No offensive noise, traffic, vibration, smoke, dust, odor, heat, or glare is produced as a result of the home occupation, and
- f) There is no exterior storage of materials or equipment (including the exterior parking of more than one commercial vehicle), and no other exterior indication of such use or variation from the residential character of the premises, and
- g) There is no exterior storage of materials or equipment (including the exterior parking of more than one commercial vehicle), and no other exterior indication of such use or variation from the residential character of the premises, and
- h) All parking for such home occupation, other than for residents of the premises, shall be provided off the street. Adequate off-street parking shall be provided in accordance with the provisions of the Zoning By-Laws, and
- i) Such use has been approved in writing by the Building Commissioner.

## FOOTNOTES TO USE REGULATION TABLE

1. Any greenhouse, heating plant accessory thereto, and any building or structure in which poultry, livestock, or horses are housed, and any storage or use of odor-or-dust producing material shall be located not less than 100 feet from side and rear lot lines.
2. Any building, structure, or ground area used therefor is located not less than 50 feet from side and rear lot lines, and further provided that any lot used as a riding academy shall have an area of not less than three (3) acres.
3. For facilities with more than six (6) children, any outdoor activity area located within 50 feet of side or rear lot lines shall be separated therefrom by a solid fence or dense evergreen planting at least five feet in height.
4. The public use may include public utilities or communications uses and is necessary for service to the neighborhood or require a location in that vicinity for reasons of space or function.
5. Provided that:
  - (a) Such house is located on a lot, which has an area at least 50 percent larger than required for the construction of a single family home in that district;
  - (b) No exterior enlargement is made which, together with any changes made during the preceding five years, increase the cubic content of the house by 20 percent or more;
  - (c) No exterior change is made which, in the opinion of the Board of Appeals, alters the single family character of the dwelling
6. Such apartment or row house shall constitute housing for the elderly or veterans housing, as they are defined in General Laws, Chapter 121 B, Section 1, and shall be approved under the provisions of said General Laws Ch. 121 B.
7. In Local Business, General Business or Central Business districts not more than two dwelling units may be located in a non-residential building.
8. See subsection J. ACCESSORY USES, paragraph J.4.
9. If the physician or dentist is not a resident of the premises, the floor area so used on one lot or several lots used as one establishment shall not exceed 2,000 square feet.
10. Provided that not more than five persons are regularly employed therein.
11. Must be of a size no greater than needed to serve the neighborhood in which the store is located; shall not have more than 1,500 square feet of selling and public use space, except by special permit from the Board of Appeals.
12. Any special permit shall be subject to the following findings and conditions, and to such additional terms and conditions as the Board of Appeals may impose in granting the special permit.
  - (a) No merchandise or services prohibited as obscene or indecent under any federal or Massachusetts law or regulation or found to be obscene by any superior or higher court in New England shall be disseminated or available therein;
  - (b) No, pictures, publications, videotape covers, or other implements, items or advertising that fall within the definition of adult stores merchandise or are erotic, prurient or related to violence, sadism, or sexual exploitation shall be displayed in store windows or be visible from areas usable by the general public;

- (c) The permitted uses specifically exclude disseminating or offering to disseminate adult matter to minors, and suffering minors to view displays or linger in the store shall be deemed evidence of zoning violation;
  - (d) No adult store shall be located within the same block nor within 500 feet from a school, place of worship, another adult store, or any establishment licensed under the provisions of section twelve of chapter one hundred and thirty-eight of the General Laws, nor within 1000 feet from any district designated by this by-law for any residential use;
  - (e) No special permit shall be issued to any person convicted of violating the provisions of section sixty-three of chapter one hundred and nineteen or section twenty-eight of chapter two hundred and seventy-two of the General Laws.
13. Provided that any display, whether open or enclosed, is not less than 50 feet from side and rear lot lines, and not nearer the exterior line of any street than the front yard depth required for a building in the district in which said display is located.
  14. Provided that the store is similar to those listed in E.1 in general character, hours of business, numbers of persons or cars attracted, and the effect on adjacent property and improvements, and that its stock in trade does not consist primarily of large bulky objects not subject to being carried away by the customers on their person or in their cars.
  15. The floor area of the establishment used for work and storage shall not exceed 2,500 square feet.
  16. The stock in trade shall not consist primarily of bulky objects, which are not likely to be carried away on the person or in the cars of customers.
  17. Provided that the area used by the public does not exceed 1,500 square feet and that no dancing, live, or mechanical entertainment is regularly provided, and subject to such other conditions as the Board of Appeals may impose regarding hours of operation, traffic, take-out service, etc.
  18. Provided that the area used by the public does not exceed 2,000 square feet and that no dancing, live, or mechanical entertainment is regularly provided, and subject to such other conditions as the Board of Appeals may impose regarding hours of operation, traffic, take-out service, etc.
  19. Provided that this use does not interfere with the safety and convenience of pedestrian and vehicular movement in the area and in relation to adjacent streets, properties, and improvements.
  20. In a Local Business District, it is the intent of this by-law that all structures and permitted uses be of a size that is no greater than is needed to serve the neighborhood in which it is located. Large supermarkets and similar businesses, which will draw or create heavy volumes of traffic shall be avoided. Retail establishments and restaurants shall not have more than 1,500 square feet of selling and/or public use space except by special permit from the Board of Appeals.
  21. One subsidiary apartment may be located in a single family house located in a General Business or Central Business (GB or CB) district, and one or more subsidiary apartment may be located in a commercial building in a Planned Commercial, General Business or Central Business (PC, GB, or CB) district upon issuance of an occupancy permit by the Building Department and subject to compliance with the following requirements, provided that upon continued or repeated failure to comply, the Building Commissioner may revoke the

occupancy permit and require that the apartment be vacated, in addition to any other penalties that may apply:

- (a) Subsidiary apartments shall be located above the ground floor, shall have a separate entrance and not share stairs or hallways with commercial uses, except that a fire escape or exit used only in emergencies may be available at all times to both.
  - (b) Each subsidiary apartment shall have a bathroom with a tub or shower and a complete set of sanitary facilities, and no subsidiary apartment shall have more than one kitchen, one bedroom or room customarily used for sleeping. Apartments shall not be combined, used for occupancy by more than two adults, or share the use of living, cooking, storage, or sanitary facilities.
  - (c) Living quarters above the third floor shall be served by an elevator.
  - (d) Every subsidiary apartment shall have two separate exits, one of which may be an emergency fire exit available at all times.
  - (e) All subsidiary apartments shall comply fully with the applicable safety, light, air, heat, and space requirements of the Building Code.
  - (f) Subsidiary apartments in Planned Commercial and General Business districts shall provide at least one parking space per apartment. In Central Business district, no additional parking shall be required, but any occupant or prospective occupant of a subsidiary apartment who owns or has the use of a motor vehicle, shall prove to the satisfaction of the zoning enforcement official the permanent availability, of legal off-street parking or garage space without the use of public parking facilities, other than by permit, and failure to comply or repeated parking illegally, on street, or in a public parking facility shall be grounds for revocation of occupancy permit.
22. (Blank)
  23. PC--Planned Commercial development may be allowed in LMA, LMB, HB and GB districts by special permit by the Board of Selectmen and subject to site plan review and approval by the Planning Board.
  24. Such establishments are secondary uses in RDO districts. They shall be located within the primary use buildings and are intended to service the occupants of such buildings and other non-residential buildings in the immediate vicinity. There shall be no exterior signs visible from abutting streets.
  25. Including research, experimental, and testing activities, which may include the development of prototypes and demonstration models, but not mass production.
  26. Except 'SP' if located on a lot having frontage on a major highway, that lot either having been established by plan or deed prior to the effective date of this By-Law (April 8, 1996) or, if newer, lying entirely within five hundred (500) feet of a major highway; and further provided that development on the lot will include direct access onto a major highway and that projected traffic generation by all uses on the lot during the afternoon peak hour does not exceed 3.5 trip ends per 1,000 square feet of lot area, excluding pass by trips but not diverted trips, based upon current trip generation materials from the ITE or other source acceptable to the Zoning Board of Appeals.
  27. Except subject to the following if located on a lot having frontage on an existing or planned access directly onto a major highway, that lot either having been established by plan or deed prior to the effective date of this By-Law (April 8, 1996) or, if newer, lying entirely within five hundred (500) feet of a major highway:

- alteration to a use in this category, if legally existing on the lot as of the effective date of this By-Law (April 8, 1996), is allowed by right, not requiring a special permit, but requiring at least minor site plan (and Design Review Advisory Board) review if increasing the number of parking spaces on the lot, altering the location or configuration of driveway entrances, regardless of whether the applicability thresholds of Section VIII-3 have been exceeded.
  - establishment of a new use in this category is allowed by special permit, and
  - development in this category is not subject to note 24.
28. An Assisted Living Residence may be allowed by Special Permit from the Zoning Board of Appeals upon determination that all of the conditions set forth below have been met. The following conditions are the minimum, which must be met for the approval of a Special Permit for an Assisted Living Residence. This list is not intended to exclude the imposition of any additional conditions by the Zoning Board of Appeals or the Planning Board under Major Site Plan Review.
1. Infrastructure
    - a.) Water & Sewer - The Assisted Living Residence site shall be connected to municipal water and sewer systems. All costs associated with the extension of these services shall be borne by the developer or applicant.
    - b.) Roads - All traveled ways shall be privately maintained with respect to roadway upkeep and snow and ice removal.
    - c.) Refuse - Collection and disposal of all refuse shall be provided privately.
    - d.) Utilities - All utilities on the site shall be installed underground pursuant to approved methods of installation and construction.
    - e.) Safety - The Assisted Living Residence shall have an integrated emergency call, security, telephone and other communication system to provide monitoring for its residents and direct line connection to the Dedham Fire Department.
  
  2. Dimensional Regulations:
 

a.) Minimum Lot Area	4 Acres
b.) Minimum Lot Area per Dwelling Unit	4,000 square feet
c.) Minimum Lot Frontage	125 feet
d.) Maximum Lot Coverage	15 per cent
e.) Maximum Number of Units in an ALR facility	115 units
f.) Minimum Yard	100 feet
g.) Proximity to Existing Residence	100 feet (if an existing residence is within 25 feet of the ALR lot line, an additional 25 foot distance is required)
h.) Maximum Height	40 feet or 3 floors. whichever is less
  
  3. Landscape Requirements:
    - a.) Screening
      - 1.) The side and rear lot lines shall be screened by a 10 foot width of dense natural growth.

- 2.) All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting properties by a visually impermeable six foot height landscape screen or fence and through the use of appropriate landscaping.
  - 3.) All parking areas shall be screened from adjoining streets and abutting properties.
  - b.) Buffer Zone: The 50 feet closest to the abutting lot line shall be landscaped as follows:
    - 1.) Materials - plant materials characterized by dense growth which will form an effective year round screen shall be planted to form the screen. Screening shall consist of natural materials. To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.
    - 2.) Height - natural screening shall be at least 10 feet in height when planted. Height shall be measured from the finished grade.
    - 3.) Maintenance - All required plant material shall be maintained by the owner in healthy condition and replaced with new plantings whenever necessary to insure continued compliance with screening requirements.
  4. Accessory Uses:
    - a.) Garages for common use vehicles owned by the operating entity;
    - b.) One single-story building to house snow removal, lawn, maintenance and recreational equipment. Such building shall not exceed 3,000 square feet;
    - c.) Outdoor swimming pools, tennis and other recreational courts, playing fields, putting greens, bocci courts, gardens, residential greenhouses of not more than two hundred and fifty (250) square feet, covered and uncovered sitting areas;
    - d.) Non-Residential Uses:  
 The operator of an Assisted Living Residence may also provide optional services on the site including but not limited to local transportation barber/beauty services, sundries for personal consumption, and other amenities, provided
      - 1.) Such uses serve the residents and employees of the ALR only;
      - 2.) Such uses are conducted within and may be entered only from within a principal building;
      - 3.) There is no external evidence of such uses visible beyond the development site; and,
      - 4.) The appearance and character of the commercial uses are compatible with a residential development.
    - e.) Any and all other uses normal, accessory, or incidental to an ALR. Accessory uses shall comply with principal density, dimensional, and buffering requirements.
29. A facility specified in II-2.B.6. may be allowed by Special Permit from the Zoning Board of Appeals upon determination that all of the conditions set forth below have been met. The following conditions are the minimum which must be

met for the approval of a Special Permit. This list is not intended to exclude the imposition of any additional conditions by the Zoning Board of Appeals or the Planning Board under Major Site Plan Review.

1. Infrastructure

- a.) Water & Sewer - The facility shall be connected to municipal water and sewer systems. All costs associated with the extension of these services shall be borne by the developer or applicant.
- b.) Roads - All traveled ways shall be privately maintained with respect to roadway upkeep and snow and ice removal.
- c.) Refuse - Collection and disposal of all refuse shall be provided privately.
- d.) Utilities - All utilities on the site shall be installed underground pursuant to approved methods of installation and construction.
- e.) Safety - The facility shall have an integrated emergency call, security, telephone and other communication system to provide monitoring for its residents and direct line connection to the Dedham Fire Department.
- f.) Bonding procedures and requirements for roadways, utilities, structures and site amenities for a facility shall be the same as those established by the Planning Board for subdivisions in the Town of Dedham.

2. Dimensional Regulations:

- a.) Minimum Lot Area 4 Acres
- b.) Minimum Lot Frontage 125 feet
- c.) Maximum Lot Coverage 15 per cent
- d.) Minimum Yard 100 feet
- e.) Proximity to Existing Residence 100 feet (if an existing residence is within 25 feet of the lot line an additional 25 foot distance is required)
- f.) Maximum Height 40 feet or 3 floors, whichever is less

3. Landscape Requirements:

- a.) Screening:
  - 1.) The side and rear lot lines shall be screened by a 10 foot width of dense natural growth.
  - 2.) All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting residential properties by a visually impermeable six foot high landscape screen or fence.
  - 3.) All parking areas shall be screened from adjoining streets and abutting properties.
- b.) Buffer Zone: The 50 feet closest to the abutting lot line shall be landscaped as follows:
  - 1.) Materials - plant materials characterized by dense growth which will form an effective year round screen shall be planted to form the screen. Screening shall

consist of natural materials. To the extent practical, existing trees and vegetation shall be retained and used to satisfy the provisions of this section.

- 2.) Height - natural screening shall be at least 10 feet in height when planted. Height shall be measured from the finished grade.
  - 3.) Maintenance - all required plant material shall be maintained by the owner in healthy condition and replaced with new plantings whichever necessary to insure continued compliance with screening requirements.
30. No second principal use is allowed on any lot containing a gasoline service station. Gasoline service stations shall not contain more than 100 square feet of interior retail sales and display area for non-automotive products as an accessory use except by Special Permit from the Zoning Board of Appeals.
31. A Multi-Family Residential Complex shall be allowed only in a Single Residence B (SRB) Zoning District and only by Special Permit issued by the Zoning Board of Appeals upon a determination that the following conditions and criteria have been satisfied:
1. Conversion of Existing Buildings/Structures:  
Except as provided in Paragraph 2 below, all dwelling units in a Multi-Family Residential Complex must be located within buildings or structures in existence as of the effective date of this By-Law (April 12, 1999). The floor area of such existing buildings or structures may be expanded provided that such expansion does not increase the floor area by more than 50% of such building or structure being so expanded and provided further that with respect to any abutting lots not included within the Multi-Family Residential Complex such expansion shall conform to the minimum front, side or rear yard requirements for SRB Zoning District.
  2. New Construction:  
Construction of a new building for a single dwelling unit may be allowed as part of a Multi-Family Residential Complex provided that with respect to any abutting lots not included within the Multi-Family Residential complex such new building must satisfy the minimum front, side and rear yard requirements for the SRB Zoning District.
  3. Dimensional Regulations:  
Notwithstanding Section V or Section VI or any other section of the Zoning By-Law, the following dimension requirements shall be applicable to a Multi-Family Residential Complex:

(a) Minimum Lot Area:	100,000 square feet
(b) Minimum Lot Frontage	400 square feet
(c) Maximum Number of Dwelling Units	24 units
(d) Distribution of Dwelling Units	75% of all dwelling units must be located within a single building or structure
(e) Minimum Front, Side, and Rear Yard Requirements	none for existing buildings or structures; with respect to abutting lots not included within

- the Multi-Family Residential Complex, additions to existing buildings or structures and any new buildings or structures shall comply with the requirements of the SRB Zoning District
- (f) Maximum Height 38 feet for any new buildings or structures existing, buildings or structures and any additions thereto shall not exceed the current height of such buildings or structures
- (g) Parking at least 1.5 parking spaces per dwelling unit which may include parking in enclosed structures
4. Infrastructure:
- (a) Water & Sewer - the Multi-Family Residential Complex shall be connected to municipal water and sewer systems. All costs associated with the costs of these services shall be borne by the developer or applicant.
- (b) Roads - all traveled ways within the Multi-Family Residential Complex shall not be considered streets or ways as defined in Section 1-4 and shall be privately maintained with respect to roadway upkeep and snow and ice removal. No such ways shall connect to two or more public street or ways.
- (c) Refuse and Recycling - collection and disposal of all refuse and recycling material shall be provided privately.
5. Landscape Requirements:
- (a) All outdoor refuse collection and loading areas shall be screened from adjoining streets and abutting properties by a visually impermeable six foot high landscape screen or fence.
- (b) All outdoor parking areas shall be screened from adjoining streets and abutting properties by an opaque fence at least five feet high or by a densely planted landscaped buffer at least five feet wide.
6. Open Space:  
A contiguous area of not less than five (5%) per cent of the total land area of the Multi-Family Residential Complex shall be created and maintained as landscaped open space. Such landscaped open space shall be designed, developed, and maintained for the use and enjoyment of all residents in common, shall be restricted by deed and covenant to be used primarily for recreational, park, conservation or other open space uses, and shall be conveyed to the Town and accepted by it for park or open space use, or to a non-profit organization, the principal purpose of which is the conservation of open space, or to a corporation or trust owned or to be owned by the owners of the dwelling units within the Multi-Family Residential complex. Notwithstanding the conveyance of such open space, the Multi-Family Residential complex shall continue to be responsible for the maintenance of such open space.

7. Site Plan Review:  
Major Site Plan Review shall be applicable to a Multi-Family Residential Complex, provided, however, the Planning Board may waive Major Site Plan Review and require submission under Minor Site Plan Review if the Planning Board finds that owing to any circumstances (including but not limited to the ready availability of required information or based upon the size or expected impact of the project) Major Site Plan Review is not warranted.
8. Accessory Uses:
  - (a) Private garage for more than three automobiles;
  - (b) Garages for the common use vehicles owned by the Multi-Family Residential Complex:
  - (c) single-story building to house snow removal, lawn, maintenance and recreational equipment;
  - (d) Any and all other uses normal, accessory, or incidental to a Multi-Family Residential Complex.

### **II-3 ENCLOSURE OF USES**

All commercial uses permitted as of right, by special permit, or by a variance, and all related uses, except principal or accessory residential and agricultural uses, shall be conducted wholly within enclosed buildings, except the following:

1. Plants, landscaping, natural features of the land, minor ornamental or utility system structures requiring no building permit, pedestrian and vehicular ways, parking lots, fences and screening or ornamental walls, utility and light poles and wiring, signs and sign supports, structures and devices required by government for traffic control or other purposes.
2. Areas and facilities for outdoor sports, athletic, or recreational activities, and open air theaters, but only where such activities are permitted as of right or by special permit.
3. Outdoor eating areas of a restaurant, where permitted by the Board of Appeals or when shown on a site plan approved by the Planning Board.
4. The dispensing of fuel, lubricants, or fluids at a garage or service station, where otherwise permitted.
5. In all zoning districts, outdoor storage or display of goods, products, materials and equipment, including motor vehicles, boats, and construction materials handling equipment, where accessory to the principal use conducted in an enclosed building and otherwise permitted and subject to the requirements of Section II-4, is allowed, provided that such outdoor display or storage shall not exceed 20 percent of the square footage of such building. An automobile sales agency may use an area not exceeding 80 percent of the square footage of its building for outdoor display and storage of new vehicles.
6. Enclosure of uses by non-conforming buildings shall be governed by the provisions of Section VII-1.1.

7. The Board of Appeals may grant special permits for other uses, activities, and structures to be located outside of enclosed buildings, provided that such outdoor location is customary, that it will have no adverse effect on adjacent buildings and uses, and that location indoors is not feasible to or not practical.

## **II-4 SCREENING OF USES**

In any Limited Manufacturing District, all open storage of junk, junk cars, scrap metal, waste paper, concrete products, and similar used materials, shall be completely screened from view at normal eye level from any street, or from any premises other than that on which located. Any other use conducted outside a completely enclosed building, except an open use permitted in General Business Districts, shall, if visible at normal eye level from any point within a residence district and less than two hundred (200) feet distant, be completely screened from such view, unless separated from said district by a railroad or by a street having a width of forty (40) feet or more. Notwithstanding the foregoing, any existing open use which under the terms of Section VII-1 of this by-law is exempted in whole or in part from the enclosure of use requirements in Section II-3 shall be completely screened from view at normal eye level from any street or from any premises other than that on which it is located, if such open use, in the case of a new use, would be required under Section II-3 to be conducted wholly within a completely enclosed building or occupies an area in excess of that which would be permitted for open use under Section II-3. Screening required under this paragraph shall be by a dense evergreen planting fence, or other suitable visual barrier.

## **II-5 FLOOD PLAIN DISTRICTS**

- a.) Purpose  
The purpose of the Flood Plain District is to preserve and maintain the ground water table; to protect the public health and safety of persons and property against the hazards of flood or ground water inundation; for the protection of the community against the cost which may be incurred when unsuitable development occurs in swamps, marshes, along water courses, or in areas subject to floods; and to conserve natural conditions, resources, wild life and open spaces for the education, recreation and general welfare of the public.
- b.) Flood Plain Districts
  1. The Flood Plain District is herein established as an overlay district. The District includes all special flood hazard areas designated in the Dedham Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the NFIP dated December 1, 1978 as Zone A, AE, AH, AO, A1-30, A99, V, V1-30 VE and the FEMA Flood Boundary and Floodway Map dated August 13, 1982 both maps which indicate the 100-year regulatory floodplain. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Flood Insurance study booklet dated September 6, 1974. The FIRM, Floodway Maps and Flood Insurance Study booklet are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, and Conservation Commission.

2. For the purpose of work regulated under this By-Law, the 100-year regulatory floodplain is hereby set at elevation 47.0 USGS NGVD. This elevation is based on field observations during major rainfall events of 1998 and 1999 and is approximately 2.0 feet higher than the 100-year regulatory floodplain shown on the Dedham Flood Insurance Rate Map herein referenced in section B.1 above. This section shall remain in effect until such time that a new floodplain study of the Neponset River can be completed and accepted by FEMA.
    - A. The underlying zoning district's requirements governing permitted usage and setbacks apply to areas within the Flood Plain District except as further restricted by this section.
    - B. Reference to Existing Regulations. The Floodplain District established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
      - (i) Section of the Massachusetts State Building Code which addresses floodplain and coastal high hazard areas (currently 780 CMR 2101.0, "Flood Resistant Construction")
      - (ii) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00)
      - (iii) Inland Wetland Restriction, DEP (currently 302 CMR 6.00)
      - (iv) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage. DEP (currently 310 CMR 15, Title 5)
- c.) Filing Procedures
1. Any work within a Flood Plain District shall require a Special Permit issued by the Board of Appeals. Notice of each such Flood Plain building permit application shall be given to the Town Public Works Department, to the Town Administrator, Board of Selectmen. Board of Health, the Planning Board, and the Conservation Commission as well as all other parties deemed necessary by the Board of Appeals.
    - A. The Board of Appeals, in hearing such application, shall consider, in addition to any other factors said Board deems pertinent, the following aspects with respect to flooding and Flood Plain District zoning provisions; that any such building or structure shall be designed, placed, and constructed to offer a minimum obstruction of the flow of water; and that it shall be firmly anchored to prevent floating away.
    - B. If any land in the Flood Plain District is proven to the satisfaction of the Board of Appeals after the question has been referred to the Planning Board, the Conservation Commission, the Board of Health, and the Board of Selectmen, and reported on by all three boards or the lapse of thirty days from the date of referral without a report, as being in fact not subject to flooding or not unsuitable because of drainage conditions for any use

which would otherwise be permitted if such land were not, by operation of this section, in the Flood Plain District, and that the use of such land for any such use will not interfere with the general purposes for which Flood Plain Districts have been established, and will not be detrimental to the public health, safety, or welfare, the Board of Appeals may, after a public hearing with due notice, issue a permit for any such use.

(i) If an applicant feels that he has sufficient evidence to prove that all area identified as floodplain by FEMA is not subject to flooding, there are formal procedures which allow FEMA to review such individual cases and, if appropriate, remove the area in question from the floodplain.

C. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 10 lots or 2.5 acres whichever is lesser, within unnumbered A zones.

D. Watercourse alteration and relocation. In cases where a project will alter or relocate a watercourse, the following must be notified.

(i) Conservation Commissions of the City of Boston, Town of Canton, Town of Westwood and Town of Needham.

(ii) NFIP State Coordinator  
Massachusetts Office of Water Resources  
100 Cambridge Street  
Boston, MA 02202

(iii) NFIP Program Specialist  
FEMA Region 1, Rm. 462  
J.W. McCormack Post Office & Courthouse  
Boston, MA 02109

E. Review of all project proposals. All projects shall be reviewed to assure the following:

(i) Such proposals minimize flood damage.

(ii) All public utilities and facilities are located and constructed to minimize or eliminate flood damage.

(iii) Adequate drainage is provided to reduce exposure to flood hazards.

d.) Permitted Uses

1. The following activities are permitted within the Flood Plain District upon receipt of a permit from the Board of Appeals.

A. Development for recreational purposes, including but not limited to: walking trails and bicycle paths, athletic fields, parks, beaches, and boat landings.

B. Horticultural and Agricultural purposes, including those associated with commercial farming.

C. Construction of a structure provided that the following criteria are met:

(i). Structure shall not be utilized for residential purposes.

- (ii). The lowest habitable level of the structure shall be located at least one foot above the 100 year flood elevation for the site as noted on the FEMA map referenced in section b. above.
  - (iii). The structure shall not impede the flow of flood waters.
  - (iv). Volumetric flood compensation at a ratio of 2:1 for every cubic foot of fill, structure, or other obstructions placed within the Flood Plain District. Calculations prepared by a Professional Engineer licensed by the Commonwealth of Massachusetts shall be submitted to the Board of Appeals as part of the permit application.
  - (v). Any Structure shall have direct pedestrian access to uplands area located outside of the Flood Plain District. Such access shall be reviewed and approved by the Dedham Fire and Police Departments.
- D. Any public works projects, including but not limited to: drainage, sewerage or flood control project, including any associated structures.

e.) Prohibited Uses

1. The following uses are prohibited within a Flood Plain District:
  - A. No land fill or dumping in any part of the District without proper volumetric compensation at a ratio of 2:1 for every cubic foot filled. This includes fill utilized for landscaping purposes.
  - B. No damming or relocation of any water course except as part of an over-all drainage basin plan proposed by a public authority.
  - C. No permanent outside storage of materials or equipment. This includes storage of materials for retail sale.
  - D. No land, building, or structure shall be used for sustained human occupancy except dwellings theretofore lawfully existing, or land, buildings or structures which comply with the provisions of this By-Law.
  - E. Storage of fertilizers, chemicals, or manure associated with agricultural uses.
  - F. Motor vehicle storage, sales or maintenance facilities. This includes parking areas designated for temporary storage of vehicles awaiting repairs or unregistered vehicles, whether stored or for sale.
  - G. Underground storage tanks other than storage or septic tanks associated with a subsurface disposal system or sewerage pumping station.
  - H. Storage of any chemical or material classified as hazardous by Local, State, or Federal statutes and regulations.
2. The above prohibitions will only apply to the portion of a parcel which is located within a Flood Plain District, and not the entire parcel.

f) Federal Flood Insurance Program

1. The Federal Flood Insurance Rate Map (FIRM) shall be, for purposes of administration of and conformity with the requirements of the Federal Flood Insurance Program, placed on file with the Town Clerk and

- Building Inspector and shall be considered an appendix to this By-Law.
2. Until such time as a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and A1-30 on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community or along the regulated section of the waterway.
  3. Where a specific area or parcel of land appears on the FIRM as being within the 100 year flood elevation and an applicant, having satisfied the intent of Section f-2 above, wishes to seek relief from the placement of the area or parcel within a flood hazard zone, or a release from the mandatory purchase of flood insurance, said applicant shall follow the procedures contained in a Letter of Map Amendment, Part 1920, National Flood Insurance Program Regulations.

## II-6 AQUIFER PROTECTION DISTRICT

The locations of the Aquifer Protection Districts shall be as shown on the maps entitled Bridge Street Wellfield, Aquifer Protection District/Zone II Boundary, Dedham, Massachusetts and Fowl Meadow Aquifer, Aquifer Protection District/Zone II Boundary, Dedham, Massachusetts, both prepared by Weston and Sampson Engineers, Inc., which maps shall be deemed to be part of the Zoning Map of the Town of Dedham.

1. Definitions

Aquifer:

Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Disposal:

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

Groundwater:

All the water found beneath the surface of the ground, including, without limitation, the slowly moving subsurface water present in aquifers and recharge areas.

Hazardous Wastes:

A waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in serious, or incapacitating illness or pose a substantial present or potential hazard to human health, safety or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. These wastes shall include, but not be limited to, any wastes which fall within the definitions of hazardous waste under the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission, and the Division of Water Pollution Control

under the provisions of Sections 27(8), 52, 57, and 58 of Chapter 21 of the General Laws.

**Impervious Surface:**

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

**Leachable Wastes:**

Waste materials including, without limitation, solid wastes, sewage, sludge, and agricultural wastes that are capable of releasing water-borne contaminants to the surrounding environment.

**Mining of Land:**

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

**Pollutant:**

Any element, or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, which is or may be discharged, drained or otherwise introduced into any surface or subsurface disposal or conveyance system, or, water of the Commonwealth or the United States.

**Process Liquids:**

Liquids used in cooling, cleaning, or in manufacturing processes which contact raw materials, products wastes or machinery and which because of that contact may contain pollutants.

**Radioactive Materials:**

Any of the materials which have a concentration which exceeds the limits set forth in Appendix B., Table II of 10 CFR Part 20 (Standards for Protection Against Radiation) or any other applicable provisions of federal or state law or regulation.

**Recharge Areas:**

Areas composed of permeable stratified sand and gravel and certain wetlands that collect precipitation or surface water and carry it to aquifers.

**Solid Wastes:**

Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, combustion residues, demolition debris, construction wastes and landscape refuse.

**Toxic and Hazardous Materials:**

Any substance or mixture of such physical, chemical or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, environmental quality, or to human health, if such substance or mixture were discharged to land or waters of this town. Toxic or hazardous materials include, without limitation, petroleum products, heavy metals, radioactive materials, pathogenic or infectious wastes, solvents, thinners and other materials which are listed as toxic, hazardous or a priority pollutant by the United States Environmental Protection Agency under any of the following laws: (1) Toxic Substances Control Act 15 U.S.C. s.2601 et seq.; (2) Federal Insecticide, Fungicide and Rodenticide Act 7 U.S.C. s.136 et seq.; (3) Resource Conservation and Recovery Act of 1976 42 U.S.C. s.6901 et seq.; (4) Comprehensive Environmental Response, Compensation and Liability Act of 1980 42

U.S.C. s.9601 et seq.; and (5) Federal Water Pollution Control Act 33  
U.S.C. s. 1251 et seq.

## **II-6-2 Purpose**

The purpose of the Aquifer Protection District is to protect the town's water resources by preserving and maintaining the quality and volume of existing and potential groundwater supply and groundwater recharge areas within the town.

## **II-6-3 Scope of Authority**

The Aquifer Protection District shall be considered to be superimposed as an overlay district over any other district established by this By-Law. Any requirement of this Section II-6, shall be in addition to the requirements of other sections of this By-Law.

## **II-6-4 Use Regulations**

### **A. Permitted Uses**

The following uses are permitted as of right within the Aquifer Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained and further provided that no permit is required for said use pursuant to (a) the National Pollutant Discharge Elimination System permit program established pursuant to 33 U.S.C. 1342, (b) the Surface Water Discharge Permit Program established pursuant to M.G.L. c.21, s.43, or (c) the Ground Water Discharge Permit Program established pursuant to M.G.L. c.21, s.43:

1. Residential development, if permitted in the underlying district, provided that no more than twenty-five (25) percent of a building lot (including the portion of any new street abutting the lot to the center line of such street) is rendered impervious.<sup>[1]</sup> All dwellings in the Aquifer Protection District constructed after the effective date of this Section II-6 shall be connected to the public sewer system. The foregoing requirement shall apply to single family dwellings only (a) if a sewer has been installed in any street on which the subject lot has a frontage, and (b) if the sewer in such street extends as far as the subject lot;

<sup>1</sup> Larger parking areas, if required, must be constructed with permeable paving.

2. Conservation of soil, water, plants and wildlife;
3. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted;
4. Foot, bicycle and/or horse paths and bridges;
5. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation structures and devices;
6. Maintenance and repair of any existing structure provided there is no increase in impermeable pavement;
7. Farming, gardening, nursery, conservation, forestry, harvesting and grazing provided that fertilizers, herbicides, pesticides, manure and other

leachable materials are not stored outdoors. If these activities do involve the use of fertilizers, herbicides, or pesticides, the town and any public water supply or environmental protection district or authority may require the installation of test wells to monitor for contamination by herbicides, pesticides or fertilizers.

B. Prohibited Uses

The following uses are prohibited:

1. Sanitary landfills and open dumps, as defined in 310 CMR 19.006;
2. Land application and storage of sludge and septage, as defined in 310 CMR 32.05;
3. Automobile graveyards and junkyards, as defined in M.G.L. c. 140B, s. 1;
4. Storage of liquid petroleum products of any kind, except those incidental to (1) normal household use and outdoor maintenance or the heating of a structure, (2) waste oil retention facilities required by M.G.L. c.21, s.52A, or (3) emergency generators required by statute, rule or regulation; provided that such storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity;
5. Facilities that generate, treat, store or dispose of hazardous waste which is subject to M.G.L. c.21C and 310 CMR 30.00, including, without limitation, solid wastes, hazardous wastes, leachable wastes, chemical wastes, radioactive wastes, and waste oil, except for waste oil retention facilities required by M.G.L. c.21, s.52A. that meet the standards set forth in 310 CMR 22.22(2)(a)(4);
6. Manufacture, use, storage or disposal of toxic or hazardous wastes or materials excluding normal household activities or those permitted by special permit hereunder;
7. Industrial or commercial uses which discharge process liquids on-site;
8. Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads;
9. Stockpiling and disposal of snow and ice containing sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of snow or ice on roads which has been removed from highways and streets located outside of the Aquifer Protection District;
10. Storage of pesticides, as defined in M.G.L. c.132B, s.2, unless such storage is within a building or structure that pursuant to a special permit, the Board of Appeals finds is so designed as to prevent an accidental release onto or below the land surface;
11. Storage of commercial fertilizers and soil conditioners, as defined in M.G.L. c. 128, s.64. except in a structure with an impermeable cover and liner which pursuant to a special permit, the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate;
12. Stockpiling of animal manures, except in a structure with an impermeable cover and liner which pursuant to a special permit, the Board of Appeals finds is so designed to prevent the generation of contaminated run-off or leachate;

13. On site sewage disposal systems subject to 310 CMR 15.00 except as permitted for single family dwellings under subsection II-6-4-A.1.;
14. Except for excavations for the construction of building foundations or the installation of utility works, the removal of soil, loam, sand, gravel or any other mineral substances within four (4) feet of the historical high ground or surface water level, (as determined from monitoring wells and historical water table fluctuation data compiled by the USGS) unless the substances removed are deposited on site to achieve a final grading greater than four (4) feet above the historical high ground or surface water mark within forty-five (45) days of removal;
15. Land uses which result in the rendering impervious of more than twenty-five (25) percent of any lot (including the portion of any new street abutting the lot to the centerline of such street) unless a system for artificial recharge of precipitation that will not result in groundwater pollution is provided, the design of which is approved by the Board of Appeals pursuant to a special permit;
16. Any other use not permitted as of right or by special permit.

C. Uses Permissible by Special Permit

The following uses are permitted, if authorized by the Board of Appeals by special permit in each specific case, subject to such conditions as the Board may impose to protect the aquifer:

1. The application of fertilizers for non-domestic or non-agricultural uses provided that such application shall be made in such a manner as to minimize adverse impacts on surface and groundwater due to nutrient transport and deposition and sedimentation;
2. Those commercial and industrial activities permitted in the underlying district with a special permit site plan review to prevent compaction and siltation, loss of recharge, exfiltration from sewer pipes and contamination by oil, chemicals, nutrients, or any other adverse impact on the groundwater resources delineated within the Aquifer Protection District.
3. The use or storage of toxic or hazardous materials required for treatment of drinking water at public water treatment facilities, provided those materials are protected to prevent their release to the environment.
4. Any use that requires a permit under (a) the National Pollutant Discharge Elimination System permit program established pursuant to 33 U.S.C. 1342, (b) the Surface Water Discharge Permit Program established pursuant to M.G.L. c.21, s.43, or (c) the Ground Water Discharge Permit Program established pursuant to M.G.L. c.21, s.43.
5. Residential uses permitted in the underlying district, the maintenance, repair, or alteration thereof and additions thereto, when the resulting impervious surface would exceed twenty-five (25) percent of lot area (including the area to the center line of any new street abutting the lot), provided that the Board of Appeals, in addition to the findings required under Section II-6-5, makes the finding that there is no feasible alternative available and the design is such that no contamination or depletion of aquifer recharge will result.
6. Any use in subsection II-6-4-B where explicit provision is made for a special permit.

## **II-6-5 Criteria for Approval by the Board of Appeals**

In addition to the notice otherwise required under this Zoning By-Law, the Board shall give written notice of any special permit application within the Aquifer Protection District to the Dedham-Westwood Water District, the Board of Health, and the Conservation Commission and request a report and recommendation from each of the same. After notice and public hearing in accordance with the procedures as prescribed by law, and after due consideration of the reports and recommendations of the Dedham-Westwood Water District, the Board of Health, and the Conservation Commission, the Board of Appeals may grant such a permit provided that it finds that the proposed use:

1. is in harmony with the purposes and intent of this By-Law and will promote the purposes of the Aquifer 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 the quality or quantity of an existing or potential water supply.

If the Board of Health, the Conservation Commission, or the Water District, within 14 days of the Board of Appeals' request for comments, opposes the grant of the Special Permit or recommends conditions and limitations on the grant, the Board of Appeals must either (a) follow such recommendations, or (b) state in writing as part of its findings the reasons for not following such recommendations.

## **II-6-6 Reimbursement of Costs**

It is contemplated that in most cases it will be necessary for the Board of Appeals to hire consultants (e.g. geologists, engineers, etc.) in connection with the review and evaluation of applications for special permits under this Section. The Board of Appeals will be reimbursed by the applicant for the reasonable fees and expenses of such consultants, and each application for a special permit hereunder shall contain an agreement by the applicant to that effect regardless of the decision on his appeal.

## **II-6-7 Design and Operations Guidelines**

Except for single family dwellings, each applicant for a special permit shall file as part of his application a report prepared by a geologist, earth scientist, other qualified specialist in the field of chemistry and land disposal or registered professional engineer which shall describe how the proposed use and/or structures satisfy the following items:

1. Safeguards. Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as: spill control provisions in the vicinity of chemical or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. For operations which allow the evaporation of toxic or hazardous materials into the interiors of any structures, a closed vapor recovery system shall be provided

for each such structure to prevent discharge of contaminated condensate into the groundwater.

2. Location. Where the premises are partially outside of an Aquifer Protection District, site design shall to the maximum degree possible locate such potential pollution sources as on-site disposal systems outside of the District.
3. Disposal. For any toxic or hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with Ch. 21C, MGL.
4. Drainage. All runoff from impervious surfaces shall be recharged on the site and diverted towards areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

The Board of Appeals may also require the preparation and filing of Operations Plans for particular uses, which plans may be incorporated as conditions of a special permit.

## **II-6-8 Violations**

Written notice of any violation of this bylaw shall be given by the Building Inspector to the responsible person within forty-eight (48) hours of detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice may be oral, if confirmed in writing within five (5) days. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations, preventive measures required for avoiding future violations, and a schedule of compliance. A copy of such notice shall be submitted to the Building Commissioner, the Water District, the Board of Health, and the Conservation Commission. The cost of containment, cleanup or other action of compliance shall be borne by the owner and operator of the premises.

For situations that require immediate remedial action to prevent adverse impact to the groundwater resources within the Aquifer Protection District, the Town of Dedham, the Building Inspector, the Board of Health, and any of their agents or the Dedham-Westwood Water District may order the owner or operator of the premises to remedy the violation and, if said owner and/or operator does not immediately comply with said order, the Town of Dedham, the Building Inspector, the Board of Health, any of their agents or the Dedham-Westwood Water District, if authorized to enter upon such premises under the terms of a special permit or otherwise, may act to remedy the violation. For the purposes of this section, the term "immediately" shall mean within a 24-hour period. Remediation costs shall be the responsibility of the owner and operator of the premises. Any violation of this By-Law shall result in the levying of a fine of \$300 on the owner of the property where the violation occurred and on the operator or person causing the violation, with each day during which a violation persists being considered a separate violation.

## II-7 PLANNED RESIDENTIAL DEVELOPMENT STANDARDS

All concept plans and the detailed development plans evolving therefrom shall conform to the following, standards:

- A. The overall density in dwelling units shall not exceed 1.5 times the number of dwelling units which could be located within the boundaries of the planned residential development tract in accordance with the applicable conventional zoning, and at least 20 percent of such tract shall be maintained as natural open space in which the existing vegetation and topography shall be preserved to the extent possible, subject only to additional planting and landscaping, but no paving, parking, or buildings.
- B. A detailed site development plan conforming to the approved concept plan shall show and identify all changes and construction to the extent required for site plans, including all existing and proposed buildings and structures, and the plans, elevations, and use of all buildings other than one and two family dwellings. The procedure for the review and approval of the detailed development plans shall follow, so far as apt, the approval regulations and procedures for a definitive subdivision plan, including the requirement for a covenant or security to guarantee the performance of all work in accordance with the plan and the schedule approved by the Planning Board. Plan changes not increasing the number, floor area or intensity or type of use of buildings and not reducing the open space may be approved from time to time by the Planning Board; other changes shall require submittal of a new concept plan for Town Meeting approval and of a revised development plan. Building and occupancy permits for each building shall be required in accordance with the applicable state and town regulations.
- C. The construction of a planned residential development may proceed in phases, provided that higher intensity or occupancy uses shall not exceed at any time the overall ratio of such uses to one-family dwellings in the entire planned development, and conveyances or leases of all or any part of a planned residential development shall be subject to and shall refer to the conditions of approval of such planned residential development.
- D. Performance bond or other security shall provide for the restoration so far as possible of the development or any part thereof not completed in accordance with the approved plan and schedule to pre-development condition.
- E. Buildings facing residential lots conforming to conventional residential zoning across a street shall conform in type and spacing to the applicable conventional zoning standards or shall be located at least 100 feet from such conventional residential lots and be separated therefrom by a dense vegetation or other approved visual screen.

## **II-8 PLANNED COMMERCIAL DEVELOPMENT STANDARDS**

All concept plans and the detailed site plans evolving therefrom shall conform to the following standards:

- A. The overall layout shall follow the accepted principles of correct land use patterns, good planning, and sound engineering, including ample landscaping and screening, spatial or visual separation of incompatible uses, adequate utilities and municipal services secured prior to plan approval, at least 20 percent of the tract retained in natural or landscaped open space, and protection of wetlands and environmentally sensitive areas.
- B. A detailed site development plan conforming to the approved concept plan shall show and identify all changes and construction to the extent required for site plans, including all existing and proposed buildings and structures, and the plans, elevations, and use of all buildings other than one and two family dwellings. The procedures for the review and approval of the detailed development plan shall follow, so far as apt, the approval regulations and procedures for a definitive subdivision plan, including the requirement for a covenant or security to guarantee the performance of all work in accordance with the plan and the schedule approved by the Planning Board. Plan changes not increasing the number, floor area or intensity or type of use of buildings and not reducing the open space may be approved from time to time by the Planning Board; other changes shall require approval of a new concept plan and revised detailed development site plan. Building and occupancy permits for each building shall be required in accordance with the applicable state and town regulations.
- C. Planned commercial development may be constructed in phases. The performance bond or other security shall ensure the integrity of the development layout and the restoration of the site by removing unfinished construction and unsightly appearance in the event the project is abandoned for any reason.
- D. Conveyances and leases of properties within the planned commercial development tract shall refer to and be subject to terms and conditions of approval.
- E. Specific impacts of planned commercial development on the streets and service demands beyond the boundaries of the tract may be compensated for through impact fees, as provided in the site plan review provisions of the Zoning By-Law.

## **II-9 WIRELESS COMMUNICATIONS SERVICES DISTRICT**

- A. **Establishment**  
The Wireless Communications Services District includes all land owned by the Town of Dedham but excluding the area of the Town Forest; the land of the Commonwealth of Massachusetts, its agencies and authorities; all land located in the Research Development and Office (RDO) district; and all land located in Limited Manufacturing, (LMA) districts LM-21, LM-22, LM-23, and Limited Manufacturing Type B (LMB) district LMB-1. The Wireless Communications Services District shall be construed as an Overlay District with regard to said

locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.

B. Purpose

The purpose of this By-Law is to accommodate within Dedham the necessary infrastructure for wireless communications services while protecting the general public from the impacts associated with wireless communications facilities.

C. Applicability

Other provisions of this Zoning By-Law notwithstanding, the regulations set forth herein shall apply to the construction, erection and/or placement of Wireless Communications Links within the Town of Dedham. These provisions shall be effective as of April 14, 1997, provided that a Wireless Communication Link shall be exempt from the provisions of this Section and shall be governed by the rest of the By-Law if application to the Building Commissioner or Zoning Board of Appeals for a building permit or zoning relief has been made prior to the first notice of hearing before the Planning Board for adoption of this Section and either (a) no zoning relief is required or (b) any required zoning relief is thereafter granted by the Zoning Board of Appeals; provided construction work under such building permit is commenced within six months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable.

D. Use Regulations

In the Wireless Communications Services District the following Use Regulations will apply:

Indoor Wireless Communications Link	Allowed*
Accessory Wireless Communications Link	Special Permit**
Building Mounted Wireless Communications Link	Special Permit**
Wireless Communications Link mounted on	
Existing, Free-standing Structure	Special Permit**
Free-standing, Exterior Wireless Communications Link	Special Permit**

\*Allowed as of right subject to dimensional and performance requirements.

\*\*May be permitted by Special Permit from the Zoning Board of Appeals.

E. Site Plan Review

The construction, erection, installation and/or placement of all listed communications devices and appurtenant structures, except Indoor Wireless devices, are subject to Major Site Plan Review. In review of applications the Planning Board shall employ the following guidelines:

Screening, Landscaping and Preservation of Existing Vegetation

Whenever possible, devices shall be sited so as to minimize the visibility of such devices from adjacent property and shall be suitably screened from abutters and residential neighborhoods. To the extent feasible installation of free-standing devices shall minimize the removal of existing trees and other vegetation.

Height

A device shall be designed and installed at the minimum height necessary for the proper functioning of the telecommunications services to be provided by the device at that location. Free-standing devices shall not exceed 50 feet in height.

Color

Free-standing, wall-mounted and roof mounted devices shall be painted or otherwise colored or finished in a manner which aesthetically minimizes the visibility of the devices in the surrounding landscape or on the building or structure to which they are attached.

Fencing

Any fencing necessary to control access to devices shall be compatible with the character of the area.

Signs

There shall be no advertising permitted on or in the vicinity of devices. There shall be a sign not exceeding 4 square feet in area at each installation which shall display a phone number where the person responsible for the maintenance of the installation may be reached on a 24 hour basis. All other signage shall be consistent with the Sign Code.

Lighting

Night lighting of installations shall be prohibited except for such lighting as may be necessary for emergency repair purposes.

Parking

Free-standing device installations shall provide one off-street parking space for service vehicles.

Personal Safety

When devices are mounted in locations above or in the vicinity of pedestrian areas or other areas open to the public such installations shall be made in a manner that does not impede or restrict the movement of pedestrians nor pose a hazard to any person.

Bond

Any wireless communications company seeking to erect a freestanding wireless communications link shall provide to the Town of Dedham a bond in the amount of \$250,000 to guarantee any and all obligations regarding the installation, operation and removal of such facility. Any wireless communications company seeking to erect a building-mounted communications link or co-locate on existing freestanding link shall provide to the Town of Dedham a bond in the amount of \$50,000 for the same purposes. The Board may reduce the amount of the bond required after one year of operation upon request by the communications company. All bonds shall remain in full force and effect for the life of said operation.

F. Dimensional Requirements

1. In the Wireless Communications Services District the following dimensional regulations will apply:
  - (a) Building Mounted Wireless Communications Link - a maximum of 10 feet above the rooftop or structure as described in Section V of this by-law.
  - (b) Wireless Communications Link mounted on Existing, Free-Standing Structure may be installed at any point upon such existing structure.

- (c) Free-standing, Exterior Wireless Communications Link - 50 feet above- ground.
- (d) No free-standing communications facility shall be located within one mile of another such facility unless located:
  - on a co-location site, or
  - within the Route 128 median.
- (e) No free-standing communications facility shall be located within 500 feet of a residential dwelling with the exception of locations within the Route 128 median.

G. Performance Standards

All Wireless Communications Links erected, installed and/or used shall comply with the following performance standards:

- 1. Compliance with Federal and State Regulations:  
All Wireless Communications Links shall be erected, installed, maintained and used in compliance with all applicable federal and state laws, rules and regulations, including radio frequency emission regulations as set forth in Section 704 of the 1996 Federal Telecommunications Act.
- 2. Co-Location of Wireless Communications Equipment  
All owners and operators of such Wireless Communications Link shall, as a continuing condition of installing, constructing, erecting and using a Wireless Communications Link, permit other public utilities or FCC-licensed commercial entities seeking to operate a Wireless Communications Link to install, erect, mount and use compatible Wireless Communications equipment and fixtures on the equipment mounting structure on reasonable commercial terms provided that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing Wireless Communications Link and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional Wireless Communications equipment or fixtures.
- 3. Coexistence with Other Uses:  
A Wireless Communications Link may be located on the same lot with any other structures or uses lawfully in existence and/or lawfully undertaken pursuant to this By-Law.

H. Exemptions

The following types of wireless communications facilities are exempted from this By-Law:

- (a.) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications System provided the tower is not used or licensed for any commercial purpose.
- (b.) Facilities used for the purposes set forth in M.G.L., Chapter 40A, Section 3.

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## **SECTION III ACCESSORY USES**

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### **III-1. SPECIAL ACCESSORY USES IN ALL DISTRICTS**

The Board of Appeals may, upon application and after a duly authorized hearing under the General Laws, grant permits for trailers, whether on wheels or not hereafter placed on any land within the Town which shall be used or occupied as a dwelling or residence, or for business, or office purposes, or storage of material relating to the business, for a period not exceeding thirty (30) days in the aggregate, for any one year. The Board of Appeals may also grant permits for longer periods of time by special exception to the terms of this section in harmony with the zoning regulations and statutes, or to do or act anything else in relation thereto. Except in accordance with a permit granted under this paragraph, no use of a trailer on the premises shall be regarded as an accessory use to any business for more than twenty-four of any forty-eight consecutive hours; provided, however, that trailers may be placed on a construction site in conjunction with a building project for the duration of said project, but not longer than one year without permission of the Board of Appeals.

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

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## **SECTION IV SIGN REGULATION**

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*Deleted--See Town By-Laws.*

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## **SECTION V HEIGHT AND DIMENSIONAL REQUIREMENTS**

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### **V-1 HEIGHT OF BUILDINGS AND STRUCTURES**

- A. Buildings Permitted in Residence Districts  
Dwellings shall not exceed the height of 38 feet to the high point of a hip, gable, or gambrel roof, or 30 feet to the high point on a flat or mansard roof, measured from the average finished grade of the lot between the frontage street and the rear building line. Other buildings permitted as of right or by special permit in

residence districts shall not exceed the height of 38 feet, measured in the same manner.

## **V-2 BUILDING PERMITTED IN NON-RESIDENCE DISTRICTS**

- B. **Building Permitted in Non-Residence Districts**  
Building in non-residential districts CB, GB, HB, LB, LMA, LMB, RDO and AP, other than single and two-family dwellings, shall not exceed the height of 40 feet, measured from the average finished grade of the lot within 20 feet of the outside walls of the building to the high point of the roof, provided that for buildings with sloping roofs the height shall be measured to the eave line if no portion of the building above the eave line is used for human occupancy. No building shall have more than five levels used for human occupancy, including any part of the building below the average finished grade so used.
- C. **Projections and Structures**  
The foregoing height limits shall not apply to structures or parts of buildings customarily carried above the roof line and not used for human occupancy, such as chimneys, ventilators, skylights, solar panels, steeples, domes, towers, tanks, scenery lofts, church spires, and the like, provided they are located at least 50 feet from the centerline of any street, cover less than 25 percent of the footprint of the building, and do not exceed 85 feet in height, and provided further that antennas, whether on a building or freestanding, shall not exceed the height of 50 feet, measured from the average finished grade within 20 feet thereof.
- D. **Heights Permissible on Appeal**  
Where the topography of the land, location of the building, its architecture, or the purpose of a structure or projection make adherence to the above height limits impractical, the Board of Appeals may by special permit allow such projections or structures to exceed the height of 85 feet, with the exception of antennas which shall not exceed the height of 50 feet, or allow the building height to be measured in a different manner, without changing the substance and intent of building height limits, and subject to appropriate conditions, safeguards, and limitations on location, size, use, construction, and appearance.

## **V-3 SPECIAL SET BACK AND YARD EXCEPTIONS**

Notwithstanding the above requirements, no building in any district need be further from the exterior line of any street than the average distance from such line of the dwellings or other principal buildings located on the lots adjacent thereto on either side. In determining such average, a vacant side lot having a frontage of fifty (50) feet or more shall be considered as though occupied by a building having the required set back, and a lot separated from the lot in question only by a vacant lot having a frontage of less than fifty (50) feet shall be deemed an adjacent lot.

The side and rear yard requirements hereof may be varied by the Board of Appeals in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, provided that in the opinion of the Board it is impossible or extremely difficult to adhere to such requirements.

Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen inches in width, or of uncovered steps, unroofed porches or window sills into any required yard or other open space.

#### **V-4 SPECIAL SET BACK REQUIREMENTS IN NON-RESIDENCE DISTRICTS**

In an Administrative and Professional, Local Business, General Business, and any Limited Manufacturing Districts, no open display or other open use including off-street parking, where permitted, and no sign or other structure, shall be located nearer to the exterior line of any street than either twenty (20) feet or the permitted set back distance for a building on the lot, whichever distance is the lesser, except the following:

1. Utility pole or mail box.
2. Plants growing in the soil, if not obstructing the view from the street of cars entering and leaving the premises.

#### **V-5 MINIMUM CELLAR OR FLOOR GRADE ELEVATIONS**

The purpose of this section of the By-Laws is to protect the health and safety of the public and reduce the dangers of flooding by requiring that all buildings have the floor of the lowest usable part of the building including cellars, basements, ground floors or the floor of spaces by any name built at or above the grade elevations described herein. The term cellar used hereinafter shall mean the floor grade of all such spaces. All grades elevations given are on Dedham Base.

Number 1: in the area bounded southerly by Town of Westwood, westerly by Washington Street, Highland Street and Lowder Street; northeasterly by High Street and Eastern Avenue, easterly by East Street. Meaning generally to cover the drainage area controlled by Lowder Brook and Wigwam Brook in flood conditions.

Also Number 2: below such elevation of 98.0 in the area bounded generally southerly by High Street, westerly by Common Street, northerly by Charles River, westerly by Needham, northerly and easterly by Charles River, northeasterly by Boston, easterly by East Street to the junction of East Street and High Street. Meaning generally to cover the land in Dedham which is controlled by the elevation of Charles River in flood conditions.

Also Number 3: below elevation of 55 in the area generally bounded southerly by Westwood, westerly by Greenlodge Street, northerly and northwesterly by Sprague Street, northeasterly by Boston, generally easterly by Canton being the Neponset River. Meaning generally to include the land draining to the Neponset River and affected by flood conditions of the Neponset River. Any building without cellars in such three areas shall have the top of its foundation and lowest floor at or above said elevation of 98.0 in areas Number 1 and 2 and 55 in area Number 3. Said three districts are shown on a plan of Dedham dated 1946 as made for the Dedham Planning Board showing contour elevations.

## **V-6 EARTH REMOVAL**

Removal of sod, loam, sand, gravel, or other earth products from the premises when required for and incidental to:

- a. Lawful construction of a building or other structure, or of a driveway, parking area, sidewalk, or path accessory to a permitted use, provided that the amount of such material removed shall not exceed that contained before construction in the particular space to be occupied by the foundation of such building or structure or by such driveway, parking area, sidewalk, or path.
- b. Construction of any street or way, or the installation of utilities therein, in any subdivision in accordance with a definitive plan approved by the Planning Board and duly recorded with the Norfolk Registry of Deeds or the Norfolk Registry District of the Land Court.
- c. Municipal or other public use of the parcel of land involved.
- d. Said removal of sod, loam, sand, gravel or earth be permitted only during construction of a building or structure for which a permit has been granted.

## **V-7 RETAINING WALLS**

No retaining wall more than four (4) feet in height shall be erected or constructed without first obtaining a special permit from the Board of Appeals.

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## **SECTION VI DIMENSIONAL AND OPEN SPACE REQUIREMENTS**

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### **VI-1 TABLE OF DIMENSIONAL REQUIREMENTS**

No building, structure, or part thereof shall be constructed, altered, moved, added, or reconstructed, except in accordance with this Table of Dimensional Requirements or as exempt therefrom by other provisions of this By-Law, and no buildable or built-upon lot shall be subdivided, altered, or reduced, except by taking by eminent domain or conveyance for a public purpose for which a taking by eminent domain could have been made, so as to result in a violation of the requirements of this Table:

**TABLE OF DIMENSIONAL REQUIREMENTS**

	SRA	SRB	GR	LMA/LMB				
				RDO/AP	HB	LB	GB	CB
Minimum Frontage (ft.)	150 <sup>13</sup>	95	*1	150	200	-	-	-
Minimum Lot Area (sq. ft.)	40,000	12,500	*1	1 acre	1 acre	12,500	-	-
Minimum Lot width as % of required min. frontage	70 <sup>12</sup>	70 <sup>12</sup>	*1 <sup>12</sup>	70	70	70	-	-
Minimum Front Yard (ft.)	25	25	20	30 <sup>11</sup>	30	20	*2	*2
Minimum Side Yard (ft.)	25 <sup>5+13</sup>	15 <sup>5</sup>	15 <sup>5</sup>	15 <sup>11</sup>	20	15 <sup>6</sup>	-	-
1-st Det. Accessory Bldg.	5	5	5	15	15	5	-	-
Minimum Rear Yard (ft.)	25 <sup>5</sup>	25 <sup>5</sup>	25 <sup>5</sup>	25 <sup>11</sup>	25	25	-	-
1-st Det. Accessory Bldg.	5	5	5	25	25	20 <sup>7</sup>	-	-
Maximum Lot Coverage <sup>8</sup> (%)	30	30	30	50	40	40	80	80
Maximum Floor Area Ratio	-	-	.9	.35 <sup>10</sup>	.35	.4	.4	.4
Space betw. Buildings (ft.)	10	10	10	15	15	10	15	-

For buildings erected, moved, or added to after January 22, 1990

Dimensional requirements for each planned residential or commercial development to be specified in the special permit.

NOTES:

- \*1. (Applies to GR General Residence District): Frontage: 50 ft., except 90 ft. for a two-family home, and 30 ft. per dwelling unit in a row house; Lot width at front and rear building lines: 90 ft., except 50 ft. for a single family use, and 30 ft. per dwelling unit in a row house; Lot Area: 11,000 sq. ft., except 7,500 sq. ft. for a single family home, and 5,000 sq. ft. per dwelling unit in a row house.
- \*2. 10 ft. for any part of a building within 200 ft. of a residence district boundary abutting on the same street, measured parallel to said street, and 20 ft. from Ames St. north of Charles River, Washington St. north of Wigwam Brook, and Court St.
- \*3. If a semi-detached or multi-family dwelling occupies several lots in the same ownership, this Table of Dimensional Requirements shall apply as if such lots constituted a single lot.
- \*4. Minimum lot frontage and area shall not apply to any lot recorded by plan or deed in the Norfolk Registry of Deeds or filed with the Land Court prior to passage of Article 57 of 1973 Town Meeting, if in a RDO district, or Article 40 of the 1963 Town Meeting, if in a LMA, LMB, RDO, or HB district.
- \*5. In SRA, SRB, and GR districts, the required minimum side yard shall be 10 ft. and the required minimum rear yard shall be 20 ft. for any lot established by a recorded plan or deed prior to adoption of Article 12 of the 1989 Annual Town Meeting.
- \*6. In LB districts, no side or rear yard shall be required for buildings on lots established by plan or deed before January 1, 1970.
- \*7. The minimum 20 ft. rear yard in LB districts applies to dwellings only.
- \*8. Ground coverage or footprint applies to buildings and structures, and not to paved ground level surfaces.
- \*9. GR dimensional regulations apply to one- and two-family dwellings located in CB and GB districts, including Note \*1, provided that the Board of Appeals may grant exceptions from such requirements by special permit, for lots established

- by plan or deed recorded before 1/1/95, if compliance would entail practical difficulties and the exception would have no adverse effect on nearby properties.
- \*10. In the RDO District, the Planning Board may, by special permit, grant an increase in Floor Area Ratio to 0.40 for projects which have frontage on a major highway and which will result in the consolidation of two or more lots, upon determination by the Board that the resulting development will better serve traffic safety and visual clarity than would development on the existing lots at the otherwise allowable floor area ratio.
  - \*11. In addition, in the RDO District no portion of a building for a use not allowed in a Single or General Residence district shall be closer to such district than forty (40) feet or, if greater, the height of that building.
  - \*12. The minimum lot width for the required front yard in the SRA, SRB and GR districts shall be equal to the minimum frontage requirement.
  - \*13. In the SRA District for lots created after the adoption of Article 24, at the Town Meeting, April 10, 2000.

## **VI-2 GROUP HOUSING PROJECTS**

Where a row house and an apartment house are permitted, a group of two or more such houses may be located on a tract of land of at least three (3) acres not subdivided into individual lots provided that such use is authorized by the Board of Appeals in each specific case, and provided further that:

1. The area of the tract of land shall not be less than the total of the lot areas herein required if each such house were located on an individual lot; and
2. The open spaces surrounding each house shall conform to a standard at least as high as required by the provisions of this by-law applying to such a house if located on an individual lot.

## **VI-3 SPECIAL LOT SIZE EXCEPTIONS FOR DWELLINGS**

Notwithstanding the foregoing provisions, a single family detached house or a single family dwelling unit of a semi-detached or row house may be constructed, where permitted by the use regulations of the district, on a lot having less than the required area and frontage, provided that all other provisions of this by-law are complied with, and provided further that, prior to the effective date of the area and frontage requirements in question, said lot was:

1. Laid out by Plan or Deed duly recorded with the Norfolk Registry of Deeds or in the Norfolk Registry of the Land Court which were in conformity with lot size requirements, if any, that were applicable to the construction of a dwelling on said lot at the time of said recording and provided further that:
  - a. Said lot has an area of at least 5,000 sq. ft. and a frontage of 50 ft.
  - b. That at the time this amendment to the Zoning By-Law became effective, said lot was not in common ownership with abutting vacant lot or lots which can or could have been combined with said undersized lot to

comply with or more nearly comply with the Zoning requirements in effect at the time this amendment was adopted.

2. Or laid out on a subdivision plan under the subdivision control law that has been duly recorded. The date of approval of said plan being less than seven years prior

#### **VI-6 SEPARATE LOTS FOR DWELLINGS**

3. For the purposes of this Section and notwithstanding any definition to the contrary and provided that all other conditions of this subsection have been met, individual abutting lots shown on a recorded plan will retain their separate identity and will not be considered merged even if as a result of registration such lots are described collectively in a deed or Certificate of Title as a parcel of land with a metes and bound description of a single area.

#### **VI-4 VARIANCES - DIMENSIONAL**

The Dedham Board of Appeals shall have the power, as provided in Section 10 of Chapter 40A (the Zoning Act), to grant or extend dimensional variances from the requirements contained in the Table of Dimensional Requirements (Section VI-1), subject to conditions, safeguards, and limitations of time and use.

#### **VI-5 REDUCTION OF OCCUPIED LOTS**

No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, coverage, set back, yard, or height provisions of this by-law applicable to the construction of said building on said lot. A lot already non-conforming to the above dimensional provisions shall not be further reduced or its boundaries revised so as to increase, the extent of non-conformance or non-compliance with the requirements of this by-law. If land is subdivided, conveyed, devised, or otherwise transferred so as to reduce any lot conveyed or retained in violation of this section, no lot resulting from such division, conveyance, or transfer, regardless of its dimensions, shall be deemed to be a building lot or entitled to a building or occupancy permit. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

#### **VI-6 SEPARATE LOTS FOR DWELLINGS**

Except for authorized group housing projects and for combined dwelling and business uses on lots in General and Local Business districts, there shall be provided for each residential structure containing one or more dwelling units, as allowed by the applicable district regulations, a separate lot of land meeting the requirements of this by-law for the district in which the structure will be situated, or falling within the exemption for previously recorded lots. Nothing herein shall prohibit or restrict the continued use of lawfully established existing non-conforming dwellings or lawfully established existing living quarters in buildings accessory to the principal residential or other permitted use. The provisions of this paragraph shall not prohibit or restrict the issuance of special

permits for dwellings accessory to the principal non-residential use in Limited Manufacturing districts.

## **VI-7 IRREGULARLY SHAPED LOTS**

When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall be excluded from the computation of the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet.

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## **SECTION VII**

### **NON-CONFORMING, TEMPORARY USES AND SPECIAL PERMITS**

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#### **VII-1 BUILDING AND USES ALREADY IN EXISTENCE**

1. Any lawful building or structure, or use of a building, structure or land existing at the time this by-law or any amendment thereto takes effect may be continued although not conforming to the provisions thereof but a non-conforming use which has been abandoned for more than two years shall not be resumed. Provisions of this by-law requiring uses to be conducted within an enclosed building shall apply to existing uses except to the extent, in the case of a lawful use existing at the time the requirement became applicable to it, compliance would require the erection or substantial alteration of any building or structure. Provisions of this by-law requiring screening of any use from any street to other premises shall apply to existing uses.
2. No addition which conforms with existing side line, set back and rear yard requirements, shall be deemed to be an extension of a non-conforming building due to the presently non-conforming dimensions of the original building or lot size.

#### **VII-2 CHANGE, ALTERATION OR EXTENSION OF NON-CONFORMING BUILDINGS AND USES**

1. Change or Extension of Non-Conforming Uses and Special permit Uses
  - a. A non-conforming use of land or buildings may be changed to a conforming use permitted as of right at the time so changed, but once changed to be conforming, it shall not be made non-conforming thereafter.
  - b. A special permit use of land or buildings may be changed to a use permitted at the time so changed, but once changed to such a permitted or conforming use, any rights of use at variance with a permitted use shall not be allowed.
  - c. The Board of Appeals shall not authorize a non-conforming use of land or buildings or both to be changed to another use unless the Board finds that: the new non-conforming use is substantially similar to the nature and character, quality and degree of use, and effect on the neighborhood.
  - d. The Board of Appeals may authorize a non-conforming use to be expanded or extended provided the Board finds that:
    - (1) Such expansion shall be permitted only upon the same lot which the non-conforming, use occupied on the date that it became non-conforming;
    - (2) Such expansion shall not increase the volume, area or extent of the non-conforming use more than 25 percent during the life of the nonconformity.

- e. No change, alteration or extension shall be permitted unless the Board of Appeals makes a specific finding that such change, alteration or extension
  - (1) will not have a material adverse effect on the neighborhood, the amenities thereof, the value of land and buildings therein, or the normal use of adjacent properties;
  - (2) will not be injurious or dangerous to the public health, or hazardous because of traffic congestion or other reasons; and
  - (3) if in an Aquifer Protection District, will not increase the danger of groundwater pollution from such use.
  
- 2. Extension or Alteration of Non-Conforming Building or Land
  - a. The Board of Appeals may authorize in the manner provided for special permits, the alteration, expansion, or enlargement of a building, structure or the location thereof on the lot, that is lawfully non-conforming to the dimensional requirements of this By-Law, provided that the Board of Appeals makes specific findings that such change, expansion, or enlargement
    - (1) will not have a material adverse effect on the neighborhood, the amenities thereof, the value of land and buildings therein, or the normal use of adjacent properties;
    - (2) will not be injurious or dangerous to the public health, or hazardous because of traffic congestion or other reasons; and
    - (3) if in an Aquifer Protection District, will not increase the danger of groundwater pollution from such use.
  - b. Non-conformance with respect to some provisions of the Zoning By-Law shall not justify or allow changes which would result in violation of other provisions thereof.

### **VII-3 RESTORATION OR RECONSTRUCTION OF CONFORMING BUILDINGS**

Notwithstanding anything in these Zoning By-Laws to the contrary, if a non-conforming building or use which was allowable under Section VII-1 of these Zoning By-Laws shall have been damaged in whole or in part by fire, explosion or other catastrophe, such building or use may be reconstructed or restored, and used again for the purposes for which it had been used in accordance with Section VII-1, subject to the following provisions:

- a. No non-conforming use shall be increased in area or degree of non-conformity beyond the state existing prior to the fire, explosion or other catastrophe,
- b. If in connection with the reconstruction or restoration the foundation of any building is rebuilt, such foundation shall be placed and such building reconstructed or restored whenever possible so as to conform to the requirements of these Zoning By-Laws as to set back distance, side yard width and rear yard depth in effect at the time the building permit for such reconstruction or restoration is issued; in the event that it is not possible to comply with some or all

of such requirements, placement of the foundation and reconstruction and restoration shall, as to such requirements, be in the manner authorized by the Board of Appeals upon application for a special permit, and

- c. Such reconstruction or restoration shall be completed within two years of such fire, explosion or other catastrophe unless the Board of Appeals, for good cause shown, shall extend such period.

#### **VII-4 TEMPORARY USES**

In any district the Board of Appeals in the case of a declared emergency, a catastrophe, or the substantial destruction of an existing building and in no other circumstance, may authorize a temporary building, structure or use not in conformity with the provisions of this bylaw, provided that such use will not be detrimental or injurious to persons, property or improvements in the vicinity and the Town. Such authorization shall not be for more than one year at a time nor be extended over more than a total of three years, whether or not consecutive. Said Board may require a bond or other security for compliance with the terms of its authorization. Under the provisions of this paragraph VII-4. the Board may authorize the removal of sod, loam, sand, gravel or other earth products from a premise where such removal is not permitted as an accessory use. In such cases the Board may impose conditions relative to the hours of operation, the routes for transporting the material through the Town, and requirements for regrading and planting the area to suitable cover when operations are completed.

#### **VII-5 SPECIAL PERMITS**

1. Definition--As used in this by-law the words "special permit" shall describe authorization granted by the Board of Appeals for specific types of uses permitted in specified districts in accordance with this by-law. Special permits may be issued only for uses authorized by or permissible on appeal and in all cases must be in harmony with the general purpose and intent of the ordinance or by-law. Special permits shall be subject to general or specific provisions of the bylaw, and may impose conditions, safeguards, and limitations on time or use.
2. Procedure--Special permits shall only be issued following public hearings held within sixty-five days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant. The applicant shall provide the Board of Appeals with a minimum of ten (10) complete copies of the application, petition or appeal and any supplementary materials. The Board of Appeals shall take action on the application within ninety (90) days following the public hearing for which notice has been given by publication in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen days before the day of such hearing and

by mailing postage prepaid to all parties in interest, which term shall include the petitioner, abutters, owners of land directly opposite on any public or private street or way and owners of land within three hundred feet of the property line as appearing on the most recent applicable tax list, whether or not such land is located in another city or town, the planning board of Dedham and the planning board of a city or town abutting the locus.

Special permits shall require a vote of at least four members of a five member board.

3. In any district the Board of Appeals may grant a special permit for the continued use of a building structure or land, if such use has been continuously carried on since January 1, 1944, and if such use will not be detrimental or injurious to persons, property, or improvement in the vicinity and the Town.
4. Complete copies of petitions, appeals or applications for Special Permits and any supporting materials shall forthwith be transmitted by the Board of Appeals to the:
  - a. Planning Board
  - b. Board of Health
  - c. Conservation Commission
  - d. Historic District Commission
  - e. Board of Selectmen
  - f. Building Commissioner/Zoning Enforcement Officer
  - g. Department of Public Works
  - h. Fire Department
  - i. Police Department
  - j. Such other board, department or agency as the Board of Appeals deems appropriate.

Any board, agency or department to which such petitions, appeals or applications for Special Permits are transmitted shall make such recommendations as they deem appropriate and shall forward copies thereof to the Board of Appeals. The Board of Appeals shall transmit copies of such recommendations to the applicant. The failure of any such board or agency to make recommendations within thirty-five days of receipt by such board or agency of the petition shall be deemed a lack of opposition thereto. All responses received from any board, department or agency shall be entered in the minutes of the meetings at which action is taken upon any such petition, application or appeals.

5. If within two (2) years from the date on which a special permit is granted and including such time required to pursue or await the determination of an appeal to the Superior Court substantial use thereof has not sooner commenced except for good cause or in the case of a permit for construction if construction has not begun by such date except for good cause, then such special permit shall lapse.
6. Construction or use under a building or special permit shall conform to any subsequent amendment of this by-law unless the construction or use is commenced within six months after the issuance of the permit and in cases involving construction unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

## **VII-6\* EMERGENCY POWERS GRANTED TO BUILDING INSPECTOR**

In case of fire or explosion or destruction by other means in part or in whole of the living quarters of a resident or residents of the Town of Dedham, the Building Inspector may issue a permit for temporary housing which ordinarily does not conform with the State Building Code for a period of not more than sixty (60) days, provided the applicant has filed an application for a permit with the Board of Appeals pursuant to section VII-4. (Refer to M.G.L. c. 680)

## **VII-7 EXEMPTION FROM ZONING AMENDMENTS**

Where the land shown on a definitive subdivision plan or a plan referred to in section eighty-one P of Chapter forty-one is governed by the provisions of the Zoning By-Law in effect at the time of submittal of such plan, or of a preliminary subdivision plan submitted not more than seven months prior to the submittal of the definitive plan evolved therefrom; or where a special permit or a building permit for structures or use of land was issued prior to the publication of the first notice of a public hearing on zoning amendments, and said zoning amendments do not therefore apply to such structures or use; such land, structures, or use shall be governed entirely by the Zoning By-Law in effect at the time of subdivision plan submittal or of special permit or building permit approval, as the case may be until the period of exemption from zoning amendment expires. The owner of the land shall have the right to record an instrument in the Norfolk Registry of Deeds waiving the foregoing exemption from zoning amendments in its entirety and be governed by all provisions of the Zoning ByLaw then or thereafter in effect. No partial exemption from or application of zoning amendments to all or some of the land shown on said subdivision plan or to all or some of the structures and uses covered by said special permit or building permit shall be allowed.

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## SECTION VIII PARKING, SITE AND DESIGN REVIEWS

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### VIII-1 OFF-STREET PARKING REQUIREMENTS

#### 1. General Regulations

##### A. Purpose

It is the intention of this By-Law that all structures be provided with sufficient off-street parking to meet the needs of persons employed at or making use of such structures; to ensure that any use of land involving the arrival, departure, or storage of motor vehicles on such land be so designed as to minimize hazards to pedestrians and abutters caused by the noise, fumes, and headlight glare of automobiles parking off the street; to reduce congestion in the streets and contribute to traffic safety by assuring adequate space for parking of motor vehicles off the street; and to provide off-street loading space for all structures requiring the delivery of goods.

##### B. Basic Requirement

A parking, plan meeting the requirements of this section as to layout and number of spaces shall be provided for any construction or additions to any structure which increase its usable space or parking demand; for any change to a use with increased parking requirements; for increases or changes in outdoor uses subject to parking requirements. such as outdoor sales or spectator sports; for the construction, alteration or expansion of a parking lot or parking structure including changes to parking spaces, circulation aisles, driveway access, location of landscaped areas, or any other feature comprising a part of the parking plan. Any such increase or change since the adoption of Article 63 of the 1972 Annual Town Meeting not shown on a parking or site plan previously approved by the Planning Board shall be subject to the requirements of this section. Parking plans for lots requiring nine or fewer spaces shall be submitted to the Planning Director for review and report to the Planning Board.

##### C. Change of Use/Increased Parking Demand

When a building or use with an approved parking plan on file with the Planning Board undergoes a change which involves any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measure used as a means of determining off-street parking, and when such change would result in a requirement for a greater number of parking spaces than exist on the site, an off-street parking plan which complies with all regulations of this section shall be filed with the Planning Board. The Planning Board may waive the preceding requirement to allow the following specific increases:

Approved Plan containing	10 spaces - 1 additional space
	20 spaces - 2 additional spaces
	30 spaces - 3 additional spaces
	40 spaces - 4 additional spaces
	50 spaces - 5 additional spaces

The waiver may be allowed only once on any property regardless of the date of application or the owner of record and no increase shall exceed 5 spaces.

D. Conformance with Site Plan Review

The requirements and standards of Section VIII-1 shall generally apply to off-street parking required for site plan approval under Sections VIII-3 and VIII-4, except that the application, fees, and parking plan shall also meet the requirements of site plan approval and that additional conditions and requirements may be imposed under those sections.

E. Exception

The following uses and activities shall be exempt from the requirements of this section:

- 1.) One to four family dwellings.
- 2.) Maintenance work which does not alter or change the existing layout.

F. Special Conditions

If, prior to January 1, 1995, the floor area of a building has been enlarged, or the lot area reduced, or the use changed after adoption of Article 63 of the 1972 ATM without approval of a parking or site plan by the Planning Board, and the site cannot meet the applicable requirements of this by-law, the Planning Board may approve a parking or site plan which does not meet the requirements of this subsection, as long as the Planning Board makes written findings of those conditions that render the applicant unable to comply with the terms of this subsection, the nature and purpose of the alternative measures proposed by the applicant and why and how such action is in the public interest and not inconsistent with the intent and purposes of this subsection. The use of mitigating measures such as carpools, shuttles from an off-site lot, assigned employee parking spaces with reduced stall dimensions, or the designation of compact car parking spaces with reduced dimensions, provided that stalls having reduced dimensions shall not be more than 25 per cent of all stalls in a parking lot, may be made a condition of approval.

G. Modification of Existing Lot

Any parking area existing prior to the adoption of the parking provisions of the Zoning By-Law and/or any parking area maintained in accordance with an existing parking plan shall not be subject to the requirements of this subsection. However, any such parking areas shall not be enlarged, extended, modified, altered or changed in any fashion whatsoever unless either:

- (1) the totality of such parking area (and not merely that portion of the parking area that is enlarged, extended, modified, altered or changed) conforms with the provisions of this subsection, or
- (2) in performing parking or site plan review, the Planning Board makes written findings of those conditions that render literal compliance with the provisions of this subsection impracticable or unfeasible for some or all existing areas, the specific nature of the alternative measures proposed by the applicant, and why and how approval is in the public interest and not inconsistent with the intent and purposes of this subsection. The use of mitigating measures, such as extra plantings, use

of ornamental screening or topographic devices such as landscaped berms may be made a condition of approval.

## **2. Procedure**

### **A. Application**

The parking layout, which must be submitted for approval by the owner of the property on which the parking or major portion thereof is located, shall be shown on a parking plan in conformance with this section. The owner of land including an existing parking lot may submit a revised parking plan for approval by the Planning Board.

### **B. Submission**

All parking plans submitted for Planning Board approval shall be accompanied by a completed application form, the required processing and consultant review fees (two separate checks made out to the Town of Dedham), and any necessary supporting materials, such as copies of Board of Appeals decision, irrevocable lease agreement, or drainage calculations. One copy of the complete plan shall be submitted to the Building Department and 7 copies shall be submitted to the Planning Board.

### **C. Review Fees**

The cost of processing and professional consultant review, and all inspection and other costs arising out of the parking plan review and approval process, shall be borne by the applicant through the initial fees or subsequent billing, and no permit shall issue until such costs have been paid in full.

### **D. Contents of the Plan**

The plan shall be certified by a registered engineer and a registered land surveyor and shall show property lines and dimensions, abutting owners and streets, and the following items, identified as to dimensions and location, material or species where applicable, and whether existing or proposed: buildings and structures, parking spaces and aisles or driveways, pavement and curbs, landscaping and vegetation, topography (grading), water and sewer lines, drainage in detail, wetlands, traffic signs, easements and rights of way, access and curbcuts, safety provisions, loading berths, dumpster, snow storage area, utilities, electrical service, pedestrian ways, polar diagram showing the direction and intensity of outdoor lighting, and zoning district boundaries.

Information required to determine compliance with parking requirements shall be shown on the plan in a tabular form, including lot area, floor area ratio (FAR), and the existing and the proposed total floor area and floor areas dedicated to various uses, the parking spaces required for each principal use, the numbers of existing and proposed parking spaces, and the maximum legal occupancy, where required. The number of parking spaces with reduced stall dimensions may not exceed 25 per cent of all stalls in the parking lot. Other information needed or helpful for verifying compliance with the applicable parking requirements, and any waivers requested shall be noted on the parking plan.

- E. **Requirements for Existing Non-Conforming Uses and Buildings**  
The existing non-conforming uses and buildings, and the parking serving them, if lawfully installed prior to adoption of Article 63 of the 1972 Town Meeting, are not subject to these parking requirements, and only changes and additions require Planning Board approval. However, the information required to be shown on the parking plan shall include the entire premises and all parking, structures, and buildings, so that the Planning Board may properly evaluate the effect of any proposed changes and additions.
- F. **Board of Appeals Special Permit**  
The approval by the Board of Appeals of a special permit, or the finding that the proposed change in a non-conforming use is not substantially more detrimental, shall not relieve the owner and/or lessee of the requirement for parking plan approval by the Planning Board under Section VIII of this By-Law. A Board of Appeals variance shall apply to specific dimensional requirements of parking only to the extent expressly stated in the variance. Use variances for parking or for other purposes are not permitted.
- G. **Decision and Appeal**  
The Planning Board may approve an Off-Street Parking Plan by a majority vote of the members present. Any person aggrieved by a decision of the Planning Board may appeal such decision in accordance with the applicable provisions of Massachusetts General Laws, Chapter 41, Section 81 BB.
- H. **Authorization of Permits**
- 1.) **Building Permit** - No building permit shall be issued by the Building Department for the erection of a new building, the enlargement or increase in the gross floor area of an existing building, the development of a use not located in a building whether a primary or accessory use, or the change from one type of use to another until receipt of a copy of an Off-Street Parking Plan bearing the stamp and signature of Planning Board approval.
  - 2.) **Occupancy Permit** - No final occupancy permit shall be issued until all of the conditions imposed by the Planning Board have been met or adequate security sufficient in the opinion of the Building Commissioner to guarantee the completion of such construction has been posted with the Town Treasurer.

### **3. Parking Lot Design**

- A. **Design Standards**  
**Parking Spaces and Aisles:** For parking at right angles to a building, lot line or aisle, the width of a parking space shall be not less than 9 feet, the length shall be 19 feet, of which 2 feet may overhang a curb or barrier, but shall not extend across a street or lot line, provided that for parking lots used for long term (four hours or longer) parking by the same group of drivers, such as all-day employee parking, parking space width may be reduced to not less than 8.5 feet and parking space depth may be reduced to not less than 16 feet. For parking at other angles, the depth shall be such as to accommodate a 9 ft. by 19 ft. parking space with 1.5 ft. maximum overhang.

<u>Parking Angle</u>	<u>Aisle Width</u>
Parallel	12.0
30	12.0
45	14.0
60	18.0
70	19.0
80	24.0
90	24.0

These requirements are for aisles providing access to parking stalls for one-way use only. For two-way use the minimum width shall be 20 feet or the aisle width required above, whichever is greater.

Parking parallel to curb or building shall require 22 feet long parking spaces and 9 feet wide. Parking spaces for persons with disabilities shall conform to the applicable federal and state standards as to number and dimensions, and shall be located near building entrances and wheelchair ramps. No parking space shall obstruct the exit path from any other space or be located so as to require backing out into or from a street. For driveway curves the smaller radius shall be not less than 12 feet, and the width of a driveway, where it is not used for maneuvering in or out of parking spaces, shall be not less than 10 and not more than 15 ft. for one-way and not less than 20 and not more than 30 ft. for two-way traffic, except that for parking lots with a capacity of 10 or fewer parking spaces and for garages, driveway entrances and exits may be reduced with Planning Board approval to not less than 12 feet for two-way traffic. Lots for 200 or more parking spaces shall have more than one two-way access, located so as to serve different parts of the parking lot. Parking lots designed to include parking, for trucks, buses, or other large vehicles shall have designated parking spaces, driveways, and access ways large enough to accommodate such vehicles. In order to screen parking to the greatest extent, wherever and whenever possible, parking shall be located to the rear and sides of buildings.

**B. Construction Standards**

All areas to be used for parking, driveways or aisles, access ways to streets open to public travel, pedestrian walks, and safety islands shall have a pavement, designed and maintained to provide a firm surface, safe traction, and clean walking conditions in wet, freezing, or other inclement weather. Except for lots designed to serve five or fewer cars, for which compacted waterbound macadam may be used, pavement shall consist of bituminous concrete, 3.5 inches deep after rolling, or of an equivalent cement, concrete brick, masonry, or other permanent all-weather material laid on a well-rolled and compacted granular base and a firm gravel sub-base from which all organic and unstable materials have been removed. Paved areas shall be graded so as to avoid ponding and to channel surface water to catch basins or to landscaped unpaved areas and to avoid excessive surface drainage to the streets. Parking and maneuvering spaces shall have grades between 1 and 4 per cent whenever possible. Parking spaces and driveways shall be marked by white striping, and pedestrian paths, fire lanes, and safety zones shall be marked by yellow striping, 4 inches wide, and/or by curbing, barriers, and retaining walls. Large parking lots designed for 200 cars or

more or for customer, employee, and fleet vehicles parking shall be laid out in several areas separated by landscaping, fencing, or space buffers. Pavement markings and directional signs shall be used for circulation guidance and safety. Surface runoff shall not have to travel more than 150 ft. to reach a catch basin or landscaped area, and contaminated surface runoff shall not be discharged directly into a wetland or a water body, except with specific approval of the Conservation Commission. All artificial lighting shall be arranged and shielded so as to prevent direct glare from the light source onto any public way or other property. All parking facilities which are used at night shall be lighted as evenly and fully as possible within the maximum wattage limits established by the State Building Code.

C. Location of Parking Area

Parking required by this section shall be located within 600 ft. of any proposed or new building to be served by such parking, and otherwise so that the nearest part of such parking area is within 500 ft. of the use it is to serve and on the same lot as such use, or on a contiguous lot in the same ownership, or on a lot in a different ownership, provided that an instrument constituting an irrevocable easement, lease, or covenant in a form satisfactory to the Planning Board and recorded in the Norfolk Registry of Deeds assures the exclusive availability of such parking for as long as the use served thereby shall continue. Said written instrument shall be submitted to the Planning Board at the time of the submission of the parking plan or site plan required by this subsection.

D. Zoning District Requirements

1.) Residential Districts:

a.) Parking Decks - Parking decks shall be prohibited above or below ground in residential districts unless allowed by Special Permits from the Zoning Board of Appeals.

2.) RDO Districts:

a.) Access - Driveways serving uses located in the RDO district shall be located as follows, unless an alternative egress configuration is authorized by the Planning Board in performing Site Plan Approval under Section VIII, upon the Board's determination that the alternative more effectively reduces traffic hazard and disturbance to residential environs.

1. Where feasible, driveways shall be shared with adjacent uses so as to reduce the number of points of entry onto streets.

2. Driveway access shall be only onto a street zoned non-residentially. If that is not feasible, then access shall be onto that abutting street (if two or more exist) where traffic will disturb the smaller number of dwellings.

b.) Buffer Area - In the RDO district, no portion of any parking lot of twenty (20) or more spaces serving a use not allowed in an abutting Single or General Residence district shall be located within forty (40) feet of the boundary of such district, except that on lots established by plan or deed prior to the effective date of this By-Law (April 8, 1996), that buffer space may be reduced to no more than 15% of the depth of the lot measured perpendicular to the district boundary if in performing Site Plan Approval

under Section VIII the Planning Board determines that sufficient landscaping beyond that required at Section VIII-1.B.4 will be provided to achieve visual separation and amenity equivalent to that under the basic separation and landscaping requirements.

E. Construction Delay

If, in the sole and exclusive discretion of the Planning Board, the construction or paving of the entire parking lot shown on the approved plan shall not be needed initially, the Planning Board may grant an authorization for a specified delay of up to two years in paving portions of the parking lot, not exceeding 40 per cent thereof, which shall be identified on the plan and shall remain vacant, landscaped, and available for parking. The authorization for such a stay may be extended by the Planning Board for additional periods not to exceed twelve months each upon an express finding by the Planning Board that such further extension is in the public interest and consistent with the intent of this subsection. Nothing herein shall be construed to allow any reduction in the horizontal area for parking required by this section or its use for any other purpose.

**4. Landscaping and Screening**

A. Purpose

The purpose of this subsection is to improve air quality; reduce flooding; enhance the quality of the environment; preserve and improve the visual character of Dedham; and, minimize through screening the adverse impacts on the neighborhood of glare, noise, smoke, smell, debris, and large areas of asphalt commonly incidental to commercial and industrial uses.

B. Applicability

The requirements of this subsection shall apply to any proposed outdoor parking lot for 10 or more parking spaces and to any alteration of an existing parking lot which will contain 10 or more spaces. However, a lot of any size abutting a parcel used for residential purposes shall provide a 5 foot landscaped buffer strip, or other type of screening as determined by the Board, along all property lines of such parking lot abutting the residential use parcel. Parking plans for lots requiring nine or fewer spaces shall be submitted to the Planning Director for review and report to the Planning Board.

C. Exception

Existing parking lots covered by subsection VIII-1.F. may proportionally reduce the requirements of this subsection to the ratio of the existing unbuilt-upon space to the space needed to meet the requirements of Section VIII-1.

D. Waiver of Spaces for Landscaping

Should the addition of the landscaped space reduce the area available for parking such that the landowner could not comply with the number of parking spaces otherwise required, the Planning Board may grant a waiver of the number of parking spaces to be provided, but only to the extent of the number of parking spaces that could have been located in the required landscaped area. Where soil conditions, lot shape, topography, architectural or structural conditions make literal compliance with the terms of this subsection impracticable or unfeasible, the Planning Board may approve parking plans showing alternative means of

complying with the objectives of this subsection and may allow the use of ground cover and ornamental screening or buffers, as long as such action is in the public interest and not inconsistent with the intent and purpose of this subsection. In these instances the Planning Board shall make detailed written findings of 1) those specific conditions that render literal compliance with the terms of this subsection impracticable or unfeasible, 2) the specific nature of alternative means of complying with the terms of this subsection and 3) why and how such action is in the public interest and not inconsistent with the intent and purposes of this subsection.

E. Landscaped Areas

1.) Frontage Strip

There shall be no parking in the landscaped buffer zone which extends across the entire frontage of the lot on a street or highway and for a depth of 20 feet in the Highway Business and Research Development and Office districts and 5 feet in the Local Business, General Business and Limited Manufacturing districts or of the required minimum front yard, whichever is less. Any commercial, industrial, institutional or other non-residential use located in a residential district shall provide a landscaped buffer zone of 20 feet in Single Residence A districts; 10 feet in Single Residence B districts; and 5 feet in General Residence districts. Existing healthy trees and shrubs shall be preserved within this landscaped buffer zone and new trees planted five feet in from either side of the landscaped buffer zone with an interval between trees of approximately 25 feet, except at driveway entrances. Shrubs shall be planted between each two trees.

2.) Building

Unless structural or fire lane requirements dictate, shrubs or decorative ground cover as appropriate shall be planted along the foundation, except where a pedestrian walk or building entrance intervenes.

3.) Lot Interior

Trees and shrubs shall also be preserved or planted in the interior of the parking area (defined as the space enclosing the parking spaces, maneuvering areas, and aisles) so that such landscaped space shall comprise not less than 15 per cent of the paved parking area. The 15 per cent interior landscaped area shall not include the landscaping provided in the frontage strip. Trees and shrubs shall be planted near the middle of rows of parking spaces extending more than 180 feet and to separate parts of the parking lot, and shrubs shall be planted in the landscaped rounding between the end of a row of parking and the curved wedge-shaped spaces or narrow strips not large enough for a tree. The interval between trees shall not be more than 25 feet; the distance from a tree to the paved area shall be at least 5 feet; and, the distance from a shrub to a paved area shall be at least 2 feet. Other unpaved areas on the lot shall be suitably landscaped with grass, hedges, occasional trees, and flower beds or benches and ornamental structures.

4.) Perimeter

Parking areas, except those associated with single and two-family residences, shall be set back at least five feet from the side and rear lot lines. This required set back shall consist entirely of landscaped open space.

- F. **Planting Requirements**  
Screening by trees, especially evergreens, and shrubs shall be provided between parking lots and residential areas, highways or streets, and buildings on abutting lots, as specified herein. Trees to be planted shall have a minimum height of 12 feet and a minimum diameter of three inches at 4 ft. height at the time of planting, and shall be planted in one cubic yard of loam, wrapped and guyed to facilitate survival. They shall be of species characterized by rapid growth, hardiness, and suitable for New England climate. Shrubs to be planted shall be of at least five gallon size and suitable for the purpose of visual screening.
- G. **Seasonal Planting Waiver**  
Landscaping may be delayed due to seasonal changes with the approval of the zoning enforcement officer for up to six months from the date of issuance of a building permit. A temporary occupancy permit may be issued if the record owner of the property upon which the landscaping is to be completed posts a bond or other acceptable security with the Town Treasurer, such bond to be in the amount of one and one-half times the estimated cost of such delayed landscaping construction, as indicated on the approved parking or site plan. Upon completion of all landscaping, substantially in accordance with the approved plan, the zoning enforcement officer shall authorize in writing the release of said security and shall issue a permanent occupancy permit. The owner shall be responsible for the continued vitality of landscaped areas.

## **5. Required Parking:**

The number of parking spaces to be provided shall be based on the usable floor area of a building or on its rated capacity, for uses not listed below the Planning Board shall utilize the requirements for the use most similar in terms of activity and parking demand; where it is not certain which of several possible uses will be the ultimate use, the higher of several requirements shall be used; fractional numbers of parking spaces shall be rounded up to the next higher whole number. Where several separate uses share the same parking lot, the number of parking spaces provided shall be not less than the total number of spaces required in the maximum use period, allowing for a reasonable number of extra spaces for the cars arriving before the preceding users leave.

In the Central Business (CB) zoning district, off-street parking existing on January 1, 1995 shall be deemed to satisfy the requirements of this subsection 5. However, any revision of the parking layout, building construction or alteration changing the footprint or the floor area of a building, or change of use to one with different parking requirements shall require the submittal of a parking plan and its approval by the Planning Board to ensure safety and efficiency of the parking layout.

1. **RESIDENTIAL AND RESIDENTIAL CARE USES:**
  - a. One, two, or multi-family residence: 1.5 parking spaces per dwelling unit (2 spaces minimum), except that publicly-supported housing for the elderly shall require 1 space per dwelling unit.
  - b. Rooming and lodging houses, rental of rooms, bed-and-breakfast accommodations, hotels and motels (exclusive of restaurants, dining rooms or public assembly facilities open to the general public and requiring additional parking), trailer camps and seasonal camping facilities for adults or families: 1.25 parking spaces per guest room, or

per two persons rated capacity or sleeping accommodations for two persons (a double bed shall be considered sleeping accommodations for two persons), provided that for trailer or mobile home camps one space shall be located next to each site.

- c. Hospitals, nursing or convalescent homes, living care and other quasi-medical and institutional facilities providing residential care, including prisons, boarding schools for persons 16 years of age or older, and group homes: 1 parking spaces per two persons rated or design capacity.
- d. Assisted Living Residence: 0.3 parking spaces per dwelling unit; plus, 1 parking space per employee on the largest work shift.
- e. Training facilities and conference facilities contained within a hotel complex: 1 space per 1,000 square feet of floor area. Provided, however, that, if the Planning Board makes a finding that sufficient parking has otherwise been provided at a hotel complex, the Planning Board may reduce the requirements under this subsection for such areas within said hotel complex to not less than one parking space per six seats design or actual seating capacity or permitted occupancy capacity. The Planning Board shall make detailed written findings supporting any such reduction under this subsection.

2. COMMERCIAL, BUSINESS AND OFFICE USES:

- a. Retail sales and services not specifically identified below and including the floor area devoted to uses accessory to the principal retail use: 1 parking space per 200 square feet floor area or a fraction thereof, provided that
  - (1) Where goods or items for sale are produced or processed on site, such as a bakery, a copying or printing shop, or a custom art studio, the area devoted to the production or storage of items to be sold shall be counted as a part of the retail floor area.
  - (2) Where display, sale, or related activities customarily take place outdoors, one-half the outdoor area devoted or available for such activities shall be added to the floor area.
  - (3) Where retail sales or services are conducted in a dwelling as a permitted home occupation or as a non-conforming use, parking for such sales or services shall be in addition to the off street parking required for the residential use.
  - (4) In an enclosed shopping mall the areas used as a public concourse and not used for storage, display, or sales of goods shall not be counted as floor area for calculating parking demand. Parking for eating places, entertainment, athletic, and other facilities identified herein separately in categories other than retail sales shall be added to the retail parking required; the Planning Board may authorize paving or constructing 80 percent of the aggregate required parking spaces, provided that landscaped vacant space remains available for the construction of additional parking, if needed in the future.
- b. Professional, business, governmental, and similar offices and banks, including real estate offices and mail order or wholesale offices involving, no on-site storage or distribution of goods or commodities: 1 parking space per 200 square feet floor area on the ground or street floor, and 1 parking space per 300 square feet floor area on floors above the

ground floor. Parking for offices located on residential premises, shall be in addition to the required residential parking. Parking for freestanding automatic teller machines shall be provided at the rate of four parking spaces per terminal.

- c. Physicians and dentists, medical centers, clinics, and other practicing health professionals, including veterinarians and accessory uses, but not room and board: 5 parking spaces for each practicing professional plus one additional space per 500 square feet floor area. If the health professional has an office on residential premises, service parking, shall be in addition to the required residential parking.
- d. Restaurant, cafeteria, lunch counter, or dining room open to the public, including those in a hotel, retail store, or another facility not intended or used for public assembly: 2 parking spaces per five seats design or rated capacity in addition to off-street parking required for the hotel or other uses. Drive-in or take out service shall provide 1 additional parking space per 250 square feet of floor area of such eating establishment. The special permit required for an eating establishment may include modifications of these requirements based on the specifics of each case.
- e. Testing or research laboratory or research facility not open to general public and not included in or accessory to manufacturing or production: 1 parking space per 300 square feet floor area.
- f. Funeral homes: 2 parking spaces per five persons or seats of rated capacity of all rooms available for funeral services and related public functions, but not less than 12 parking spaces.
- g. Club, recreational, amusement, athletic, sports or exercise facility with participatory activities shall provide parking spaces equal to the sum of the following:
  - (1) One-half the number of participants, players, members, exercise equipment users, etc., at full use of the facility's design capacity, courts, or equipment.
  - (2) Where space for spectators is provided: one-third the spectator design or actual seating capacity, indoors and outdoors. Where the seating is not fixed and comprises folding chairs or similar accommodations, and there is no maximum occupancy figure, the capacity shall be assumed at one seat per 20 square feet of floor or outdoor area available for viewer or spectator seating.
  - (3) If the club or other facility includes one or more dining rooms or other eating establishments, additional parking shall be provided in accordance with paragraph g above, except that combined spectator and restaurant seats shall be counted to satisfy both requirements simultaneously.
- h. Self-storage facilities: 8 parking spaces plus 2 additional spaces for each 10,000 square feet floor area or fraction thereof over the first 20,000 square feet.
- i. Theater, motion picture theater, public assembly hall, auditorium, or function hall for large public gatherings, whether as a separate facility or as a part of an institution: one parking space per three seats design or actual seating capacity, and in the, absence of permanent seating or permitted occupancy capacity, one parking space per 20 sq.ft. floor area for public gatherings. Provided, however that, if the Planning Board makes a finding that sufficient parking has otherwise been provided at a

hotel complex, the Planning Board may reduce the requirements under this subsection for such areas within said hotel complex not less than one parking space per six seats design or actual seating capacity or permitted occupancy capacity. The Planning Board shall make detailed written findings supporting any such reduction under this subsection.

- j. Bowling Alleys: 5 parking spaces per lane.
- k. Home occupation: one parking space for each person providing paid services who is not a resident of the premises.

3. INSTITUTIONAL USES:

- a. Day Care Center: One (1) space for every teacher and employee, one (1) space for visitors plus one (1) space for every six children based on the largest enrollment on site at any given time; the Planning Board may allow a reduction in the number of required parking spaces for the purposes of improving site utilization but not to increase permitted enrollment if the number of spaces provided is adequate to provide one space for every teacher and employee to support, without detriment to the neighborhood, drop-off and pick-up areas for the maximum number of children arriving and departing the facility at any one time in accordance with a parking and traffic management plan, the Planning board shall have the authority to monitor compliance and to amend the plan as necessary to achieve compliance with the standards set forth in the plan. Family day care homes and large family day care homes, as such terms are defined in Section 9 of Chapter 28A of the General Laws of Massachusetts, which have been properly licensed by the Massachusetts Office for Child Care Services prior to April 9, 2001, shall not be subject to parking requirements provided that the number of children, not of common parentage, in said homes does not exceed ten.
- b. Elementary, and middle schools, and other educational institutions for children under 16 years of age: 1 parking space per 16 children design or licensed capacity, but not less than 5 spaces.
- c. High schools, colleges, vocational schools and other educational institutions for persons over 16 years of age: 1 parking space per two students design or licensed capacity, provided that if it can be shown that the students or trainees shall not or cannot drive and will require no parking, now or in the future, the standards of paragraph n. above shall apply instead.
- d. Civic and veterans organizations, libraries, museums, public utilities buildings, religious and social organizations: 1 parking space per 400 sq.ft. floor area; except that for meeting rooms, auditoriums, places of worship, assembly halls, and the like, parking spaces in accordance with paragraph 2.g. above shall be provided; and for restaurants or cafeterias, dining rooms, or other food service facilities, and for dormitories or living accommodations in such institutions, parking spaces shall be provided as called for respectively in paragraphs 2.d. and 1.c. above. Where the use of assembly, food service, or living facilities shall be limited exclusively to members, occupants, students and staff of such institutions and never leased or made available to outsiders or the general public, only the parking spaces needed to satisfy the requirements of the one use calling for the highest number of such spaces shall be provided.

4. AUTOMOTIVE AND RELATED USES:
  - a. Service stations and repair garages, including self service or split island filling stations, body and paint shops, and car washes: 5 parking spaces arranged so as not to interfere with access to pumps and service or repair facilities, plus 1 additional space per bay or garage door. Where the number of bays or repair/service facility entrances cannot be determined, 1 additional space per 250 sq. ft. floor area shall be provided instead.
  - b. Car, truck, trailer, tractor, or other vehicle on wheels or treads, including snow or all-terrain vehicles and construction machinery, or boat sales: 1 parking space per 500 sq.ft. area. indoors or outdoors, used, designed, or available for sales, offices, storage, servicing or repair. No part of the designated indoor or outdoor parking area shall be used for the display or storage of vehicles to be sold, displayed, serviced or repaired.
  - c. Transportation terminals, passenger stations, park-and-ride lots, and similar facilities designed for parking as the principal use: the number of off-street parking spaces shall be based on long-range projection of expected demand. Any part of the parking lot not initially needed shall be landscaped, to be paved when parking demand requires it.
  
5. INDUSTRIAL AND WAREHOUSE USES:
  - a. Manufacture, processing, assembly, testing, research and development, including the customary accessory uses, but no on-site sales: 1 parking space per 500 sq.ft. floor area, but at least 5 parking spaces.
  - b. Warehouse, storage and distribution or transshipment as the principal use, which may include customary office and repackaging accessory uses, such as mail order or wholesale, but no on site retail sales, servicing, or other uses listed in paragraph 5.a. above: 1 parking space per 1,000 sq.ft. floor area, but at least 5 spaces. Where outdoor storage is allowed, 1 additional parking space shall be provided for every 2,000 sq.ft. of outdoor storage area. Separate additional parking shall be provided for trucks, vans, and other fleet vehicles and material handling equipment based on site.
  - c. Contractors, yards, lumber yards, bulk sales of fuel (tank farms) or building materials, utility company or public utility materials and equipment storage, and similar uses requiring large spaces for indoor or outdoor storage of trucks, special purpose vehicles, equipment, and materials: 1 parking space per 500 sq.ft. floor area, plus 1 parking space per 500 sq.ft. of outdoor storage of materials and commodities, in addition to off-street screened parking for fleet trucks, vans, and special purpose vehicles or equipment based on site.
  
6. LOADING AND UNLOADING REQUIREMENTS:

Where off-street parking is required by this Section VIII, loading berths or bays generally at least 12 ft. wide and 55 ft. long plus adequate maneuvering space shall be provided for the loading and unloading of stock and other materials as follows:

  - a. Retail Store and Service Establishments: For each retail store or service establishment with gross floor area over 8,000 sq.ft., at least one berth. A second berth shall be provided for the floor area in excess of 8,000 and up to 80,000 sq.ft. Additional loading berths shall be provided that the rate of one berth for each additional 80,000 sq.ft. or a fraction thereof.

- b. Office Buildings and Business Establishments other than Retail: For each building with gross floor area of 15,000 sq. ft. at least one loading berth shall be provided. Additional loading berths may be required at the rate of one berth for each additional 80,000 sq. ft.
- c. Manufacturing, Industrial, and similar Uses: For manufacturing, processing, industrial, research and development, and similar plants and facilities with a gross floor area of 8,000 sq.ft. or more, at least one loading berth shall be provided. The Planning Board may require additional berths for increases in floor area by more than 50,000 sq.ft.

## VIII-2 DESIGN REVIEW ADVISORY BOARD

- A. ESTABLISHMENT: There shall be a Design Review Advisory Board comprising five unpaid voting members, including two members qualified by education or training and experience in design professions (architecture, landscape architecture, or urban planning), appointed one each by the Board of Selectmen and the Planning Board; one member qualified by education or training and experience in historic preservation, design or a related field appointed by the Dedham Historic Districts Commission; one member, who shall be a building contractor or an engineer experienced in commercial or industrial building construction, appointed by the Planning Board; and one member owning retail or other commercial business in town, appointed by the Board of Selectmen. The Planning Director shall be ex-officio non-voting member of the Design Review Advisory Board. The members shall be appointed, and may be reappointed, to the following terms:

Design profession member appointed by the Board of Selectmen: 3 years;  
Design profession member appointed by the Planning Board: 3 years;  
Design specialist appointed by the Dedham Historic District Commission: 2 years;  
Building Contractor or Engineer: 2 years;  
Business owner: 1 year

The Board may from time to time designate as non-voting associate members for a period not exceeding one year persons nominated by civic organizations who hold an interest in or have special knowledge of specific projects, issues, or areas of Dedham and are willing and able to actively participate in the work of the Design Review Advisory Board.

The Board shall develop, with assistance and input from local civic organizations and interested citizens, design guidelines for areas of town having different visual and functional character. It shall meet at the call of the chair to review and make recommendations for building projects defined in Subsection B hereof. Administrative and logistic support for the Design Review Advisory Board shall be provided by the Planning Board, but the Board may also seek support and advice from the Historical Society and other entities and individuals concerned about Dedham's visual character.

- B. FUNCTION: The following projects shall be submitted to the Design Review Advisory Board for their review and advisory report:

1. All new construction, additions to and exterior alterations of existing buildings, and all new signage or alterations of existing signs in the Central Business (CB), General Business (GB), Highway Business (HB), Local Business (LB), Limited Manufacturing (LMA), Limited Manufacturing Type B (LMB), and Research Development & Office (RDO) districts.
2. All projects subject to parking plan approval, minor or major site plan review or requiring a special permit or variance from the Board of Appeals, if located in RDO, PC, PR, or LM districts.

A copy of preliminary or conceptual architectural plans shall be transmitted to the Board for review and advisory report. The Design Review Advisory Board shall consider the size or scale, bulk, architectural style, material, texture, color, location, orientation, signs, lighting, landscaping, and site layout in relation to the surrounding area and the visual character of the neighborhood and the town, and shall make written recommendations to the applicant or owner, to the approving town agency, and to the Building Commissioner, referring to the applicable design guidelines. Such recommendations shall be advisory and shall be given due weight by the owner and the Planning Board or other approving agency or official. In the event that the Planning Board, or special permit granting authority, does not adopt the substance of such recommendations, it shall state in writing in its decision the reasons therefor, including the lack of authority, where applicable.

- C. PROCEDURE: Whenever possible, the owner or applicant shall make an appointment and consult with the Design Review Advisory Board prior to the formal submission of preliminary plans to the Planning Board or other town agency and the recommendations may be voluntarily adopted or negotiated by the applicant. Otherwise, within five working days after formal submission to the Planning Board, Board of Appeals, or the Building Commissioner, the applicant shall transmit a completed Design Review Advisory Board application form together with all supporting materials and one complete set of plans to the Design Review Advisory Board and request its review and recommendations within 21 days of transmittal or such longer period as the applicable legal requirements may allow. The Board may request additional information, may seek to meet with the applicant, or may determine that the project does not warrant design review. An official decision, action, or approval required by law to be taken within a certain time period or by a certain date shall not be postponed beyond the required date while awaiting Design Review Advisory Board comments.

Town agencies and officials may consult the Design Review Advisory Board relative to construction projects not subject to its mandatory review, and the Board shall select projects for its review and recommendations based on time availability and their importance to the image and visual character of Dedham.

## VIII-3 MINOR SITE PLAN REVIEWS

- A. The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which May 12, 2003 have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town. The Minor Site Plan Review process provides for a comprehensive review of proposed projects within an expedited time frame.
- B. A minor site plan review and approval by the Planning Board shall be required before a building or occupancy permit can be issued for any new construction, addition, or alteration of a building so as to add 5,000 or more square feet gross floor area even where a part of the building is being demolished, so that the net increase in the floor area is less than 5,000 square feet. One or two family dwellings, farms on parcels of more than five acres, buildings devoted to a religious or educational use and owned by or leased to an agency or political subdivision of the Commonwealth of Massachusetts, a religious denomination, or a nonprofit educational corporation, and premises subject to major site plan review shall not be subject to the provisions of this Section VIII-3. The calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations, or enlargements, calculated from the date of enactment of Article 25 of the warrant for the 1988 Annual Town Meeting. Where the floor area of a building has been reduced by demolition, so that the net increase is less than 5,000 square feet, the new floor area added and not the net difference shall be used for purposes of this section.
- C. The applicant, who shall be the owner of the building, a prospective purchaser under a binding purchase-and-sale agreement, or a lessee having the authority to make the modifications and to comply with the conditions which may be imposed by the Planning Board, shall submit a completed application form X, processing and review fees in the form of two separate checks made out to the Town of Dedham, and a plan or plans showing the following information:
1. Legal boundaries of the parcel with dimensions, bearings, and radii, including any easements on the property and its area and showing boundaries of zoning districts, including flood plain.
  2. Existing and proposed topography with 2 foot contours.
  3. The location, showing distances from property lines, dimensions, and use of existing and proposed buildings, structures, additions, and demolitions, also fences, streams, and wetlands.
  4. The location and size of underground utilities, including water, sewer, and drain piping, the inverts of manholes and drain catch basins, underground or overhead electric and other conduits.
  5. Elevations and floor plans of existing and proposed buildings; location and design of all signs and exterior lighting.
  6. Parking layout, paved ways and areas, curbs and ramps, and landscaping to the level of detail required for parking plans.

7. The traffic study shall be based on actual counts on any street or intersection likely to be affected by the development taken within 12 months prior to the filing of the application.
  8. A tabulation of floor areas (and outdoor areas, where this is applicable) devoted to various principal uses, the applicable parking requirements, the estimated cost of construction and of landscaping meeting the requirement for parking plans.
  9. Title block, showing address, scale, north arrow, seal and signature of the registered architect, engineer, land surveyor, or landscape architect responsible for a particular component of the site plan; and a locus plan at 1"=200' scale showing abutting lots.
- D. Site plan review shall include the review and approval of the parking plan, no additional application, plan or fees will need to be submitted under Section VIII-1. A separate traffic and access report shall be submitted, citing and substantiating the number of cars and trucks expected to enter and leave the premises in a 24 hour period and during the morning and afternoon peak hours; traffic volumes, pavement width, and Level of Service on each road abutting or serving the site; signalization and turning movements for any intersection abutting or within 500 feet of the site; any special conditions affecting, it; and mitigating measures proposed. The applicant shall also submit other explanatory or relevant exhibits and materials to assist the Planning Board in evaluating the site plan and its effect on the neighborhood. Nine copies of the application, plans, traffic report, and supplementary materials shall be filed with the Planning Board simultaneously with the processing and review fees, and the review period shall not commence until all required items have been submitted.
- E. The Planning Board shall adopt and may from time to time revise by vote at a duly posted meeting its regulations for minor site plan reviews and the processing and consultant review fees for site plan reviews. The cost of consultant review and inspections shall be borne by the applicant, who shall be billed for costs in excess of the initial review fee and shall be refunded any part of the fee not used, together with any interest accrued thereon. The schedule of Planning Board fees shall be available at the offices of the Town Clerk and the Planning Board.
- F. Upon receipt of all required items, the Planning Board shall distribute copies thereof to the Conservation Commission, Chief of Police, Chief of Fire Department, Public Works Commissioner, Building Commissioner, Design Review Advisory Board, and other boards or officials believed by the Planning Board to be affected, with the request for a review and comment within 35 days, and failure to so comment shall be deemed to indicate no objection. The Planning Board shall hold no advertised public hearing on minor site plan review, but shall, within 45 days of receipt of the complete plans, application, and fees invite the applicant and his representatives to a meeting, the posted agenda of which shall list the review of the site plan as an item, shall send a written notice to property owners abutting the site and shall within 60 days of said meeting approve, with or without conditions and modifications, or disapprove the site plan. In the event of a disapproval, the Planning Board shall state in writing where the site plan fails to conform to the letter or intent of this By-Law or of other laws or regulations, or to the applicable professional standards. The decision of the Planning Board shall be filed with the Town Clerk, and may be

appealed within 20 days of such filing to the Board of Appeals. If 20 days elapse without the Town Clerk being notified that an appeal has been filed, the Planning Board shall endorse its approval and any required conditions or modifications on the plans and distribute copies thereof to the applicant and to the Building Commissioner. In the event of a disapproval, if no appeal has been filed or if the disapproval is upheld by the Board of Appeals, no resubmittal shall be accepted within one year thereafter, unless the Planning Board finds that conditions have changed materially and the initial grounds for disapproval no longer apply.

- G. If a special permit from the Board of Appeals is required for a project subject to minor site plan review, the site plan review application shall be submitted first, and not less than 14 days shall elapse thereafter prior to filing the special permit petition.
- H. **Expiration of Site Plan Approval**  
Any approval of a site plan which has been granted pursuant to this by-law shall lapse, if a substantial use thereof has not sooner commenced, except for a good cause, within two (2) years from the grant thereof or in the case of a permit for construction, if construction has not begun, except for good cause, within such two (2) year period.

#### **VIII-4 MAJOR SITE PLAN APPROVAL**

- A. **Purpose**  
The purpose of this section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which may have significant impacts on traffic, municipal and public services and utilities, environmental quality, community economics, and community values in the Town.
- B. **Applicability**  
The Major site plan review and approval provisions of this section shall apply to the following types of structures and uses (excluding subdivisions for detached single-family dwellings):
  - (a) any new structure, or group of structures under the same ownership on the same lot or contiguous lots, with at least 44,000 square feet of gross floor area or requiring the provision of 100 or more additional parking spaces under this By-Law;
  - (b) any improvement, alteration, or change in use, which either results in an increase of at least 44,000 square feet of gross floor area or requires an addition of 100 or more parking spaces to the amount required by this By-Law prior to such improvement, alteration or change in use;
  - (c) any Assisted Living Residence

The calculation of increase in floor area shall be based on the aggregate of all new structures, improvements, alterations or enlargements, calculated from the date of enactment of Article 25 of the warrant for the 1988 Annual Town Meeting. Where the floor area of a building has been reduced by demolition, so that the net increase is less than 44,000 square feet, the new floor area added and not the net difference shall be used for the purposes of this Section.

C. Basic Requirements

- (a) Notwithstanding anything contained in this By-Law to the contrary, no building permit shall be issued for, and no person shall undertake any use or make improvement subject to this section unless an application for site plan review and approval has been prepared for the proposed development in accordance with the requirements of this section, and unless such application has been approved by the Planning Board.

D. Application and Review Procedure

- (a) Prior to the formal filing of an application and the required exhibits under this section, the applicant shall submit seven copies of a plan showing the existing and proposed buildings and structures, parking spaces, access way, landscaping, and uses with the Planning Board, and shall request a meeting with the Board for a scoping session to define the scope of the project, the specific information that may be needed, and any waivers from the procedural and technical requirements of this Section VIII-4, or shall request that a scoping session be waived because the scale and scope of the project do not warrant it or because the project is a modification of a previously approved site plan.
- (b) After the scoping session, or after the scoping session was waived by the Planning Board, the applicant shall submit the number of copies required by the Site Plan Review Rules and Regulations of the Planning Board of the items specified in subsection E hereof, except for those waived by the Board. The Board shall forthwith distribute copies thereof to the Building Commissioner, Board of Health, Conservation Commission, Police and Fire Departments, Town Planner, Public Works Commissioner, Dedham-Westwood Water District, and such other departments and boards as the Planning Board may deem appropriate.
- (c) Such agencies shall, within 35 days of receiving said copy, report to the Planning Board on (1) the adequacy of the data and the methodology used by the applicant to determine impacts of the proposed development and (2) the effects of the projected impacts of the proposed development. Said agencies may recommend conditions or remedial measures to accommodate or mitigate the expected impacts of the proposed development. Failure by any such agency to report within the allotted time shall constitute approval by that agency of the adequacy of the submittal and also that, in the opinion of that agency, the proposed project will have no adverse impact.
- (d) The Planning Board shall not render a decision on said application until it has received and considered all reports requested from Town departments and boards, or until the 35-day period has expired, whichever is earlier. Where circumstances are such that the 35-day period is insufficient to conduct an adequate review, the Planning Board may, at the written request of the applicant, extend such period to 60 days.
- (e) The Planning Board shall hold a public hearing on any properly completed application within 65 days after filing, shall properly serve notice of such hearing, and shall render its decision within 90 days of said hearing. The hearing and notice requirements set forth herein shall

comply with the requirements of G.L. Chapter 40A, Section 11. All costs of the notice requirements shall be at the expense of the applicant.

- (f) In the aspects not covered by this By-Law, the procedure, for the review and approval of site plans shall be as provided in General Laws, Chapter 40A, for special permits, with the Planning, Board being the Special Permit Granting Authority for this purpose.
- (g) If the project requires a special permit from the Board of Appeals, the petition to the Board of Appeal shall be filed not earlier than 14 days after receipt of the fees, plans, and the complete application for a Major Site Plan Review.

E. Contents and Scope of the Application

An application for site plan review and approval under this section shall comprise the following drawings, exhibits, and statement prepared by and bearing the seals and signatures of qualified professionals, such as a registered professional engineer, architect, land surveyor, landscape architect and others, as necessary, and shall include a completed application form signed by the owner of the site, and the required back up information or exhibits, processing and review fees:

- (a) A site plan at a scale of 1"=40', unless a different scale has been approved by the Planning Board, showing the recorded boundaries and area of the parcel of land, and the location, size and material of all buildings and structures; public utilities or services; parking areas, paved walks, drives, and other spaces, landscaped areas; wooded areas and major freestanding trees; outdoor lights; streams, water bodies, wetlands and flood plains, and topography of the site and of abutting areas for at least 100 ft. All above features shall be identified as existing or proposed (including changes of grade), and zoning district boundaries, names of abutting owner according to assessors records, names and widths of streets, and purposes and dimensions of easements on or within 100 ft. of the site shall be shown.
- (b) Landscaping and planting, including plant species and size, outdoor lighting, and illuminated signs, fences and screening, shall be shown on a separate sheet or sheets in sufficient detail to permit evaluation.
- (c) A perspective view or isometric drawing of the proposed development shall be provided, unless this requirement is waived by the Planning Board, or unless the site plan review is required due to a change in use and no structural changes are planned.
- (d) Building elevations and floor plans, showing the proposed uses, outside material and color of all buildings, unless no exterior or floor plan change is planned. A tabulation of proposed employees, occupants, and floor areas to be devoted to various uses, and of the existing, required and proposed parking spaces for such uses shall be provided on the floor plan drawing (show all floors and basement).
- (e) A locus plan at a scale of 1"=100' or 200' showing streets, lots, buildings, and topography at 5 or 10 ft. contour interval, respectively, for at least 500 ft. from the site, shall be included on the cover sheet or separately.

The Planning Board shall require substantive compliance with the above site plan requirements and with the following requirements for impact statements, and may, by regulation or vote, impose additional requirements, interpret and apply these requirements, and grant waivers therefrom when warranted by the scope of

the project or other special circumstances, and the ability to review the project is not affected adversely by the waiver. The following impact assessment statements shall be submitted with the application for site plan review and approval:

- (f) Traffic impact assessment: Its purpose shall be to document the existing traffic volumes, capacities, controls, road condition, hazards, and level of service on the site and the streets adjacent to the site; to project changes due to the site development and to the background traffic growth or decline; to assess the projected impact of such changes; and to propose and discuss management and structural improvements and mitigation measures, both on and off the site.
- (g) Environmental impact assessment: It shall include a substantiated assessment of the existing and expected post-development environmental conditions, including air and water quality, pollution of ground, water, and air, noise levels, harmful or noxious emissions, damage or threat to wetlands and flood plain, plants and animals, and the visual environment. The potential for erosion or sedimentation and the proposed or existing control measures shall be discussed. Glare, smoke, odors, vibration, electromagnetic radiation, effects on groundwater supply, streams, water bodies, unique or valuable vistas, symbiotic ecological relationships of animal and plant communities, and compatibility of the project with the existing and future natural and manmade environment shall be considered, and any expected changes and preventive or corrective actions shall be discussed. Waste disposal, snow removal, maintenance of landscaped and paved areas, off-site environmental impacts, and drainage shall be discussed, and pre- and post-development drainage calculations for 10 and 100 year storm shall be included.
- (h) Community and fiscal impact assessment: The assessment shall consider the existing and projected demand for public or municipal services (such as schools and cultural institutions, fire and police, medical and social services, water and sewer, waste disposal, administrative and inspection services), historical and visual compatibility, revenues to the town, voluntary contributions and services, and the effects of the project failing, not living up to the projections, or having to modify structures and uses for economic reasons. The assessment shall also consider fiscal or economic impacts, and compatibility with the town Master Plan and other plans and development policies, and shall explain and evaluate any zoning changes or variances sought or obtained.

F. Development Impact Standards

The following standards shall be used by the applicants in preparing site plans and by the Planning Board in reviewing them. The "Required" standards must be substantially met in order for a site plan to be approved, the "recommended" standards are intended as a flexible guide and not meant to discourage creativity and innovation.

- (a) Required traffic standards:
  - (1) The net effect of the project and the mitigating measures or improvements (the execution of which must be guaranteed) shall be no worsening of the level of service (LOS) by more than one level or level D or E on the streets providing access to or egress

from the site and within the nearest public street intersections in either direction.

- (2) Traffic signs and signals, storage and turning lanes and movements, curbs and curbcuts, pavement widths and grades, separation of pedestrian and vehicular traffic, sight distances, directional signs and markings shall all conform to the professional norms and design standards of the Institute of Transportation Engineers, and to the accepted professional standards.
  - (3) All required permits and approvals shall be in hand or otherwise assured before the site plan is endorsed as approved.
  - (4) Binding provisions shall be made to compensate for errors in projecting, the potential traffic volumes and travel routes.
  - (5) The traffic study shall be based on actual counts on any street or intersection likely to be affected by the development taken within 12 months prior to the filing of the application.
- (b) Recommended traffic standards:
- (1) Make legally binding arrangements to reduce traffic by single occupancy cars and to promote public transportation, carpools, off-site parking for employees, and other traffic-reducing measures.
  - (2) Minimize traffic conflict points between vehicles and pedestrians by adhering to the subdivision street design standards of the Rules and Regulations for the Subdivision of Land in Dedham.
  - (3) Locate access and exit points so as to route site-generated traffic so far as practicable away from residential streets.
- (c) Required environmental standards:
- (1) The proposed development shall not cause significant environmental harm or hazard through emissions of noise, dust, fumes, toxic or noxious gases, electromagnetic radiation, water pollution, soil contamination, excessive smoke, vibration, or other toxic, harmful, or hazardous agents.
  - (2) The proposed development shall not increase the potential for sedimentation, erosion, or flooding, raise the water table, either on site or on adjacent properties and streets, to an appreciable extent, and shall not increase the rate of runoff from the site, unless such increase is deemed by the Planning Board to be beneficial.
  - (3) Exterior lighting shall be arranged to minimize glare and objectionable spillover onto adjacent properties.
  - (4) No unique environmental features, habitats, or vistas shall be endangered or destroyed.
  - (5) Proper mitigation measures shall be taken to minimize any unavoidable harmful impacts, and replication or relocation shall be used, where appropriate, to preserve valuable environmental features, parts of which may be adversely affected or damaged by the proposed development.
- (d) Recommended environmental standards:
- (1) Locate proposed structures so as to minimize obstruction of sunlight during daylight hours and to allow the use of solar energy panels.

- (2) Use planting and landscaping to create a visually pleasing setting and to screen parking and service areas, especially from residential neighborhoods.
- (3) Where possible, recharge uncontaminated water to the ground and minimize discharges to public storm and sanitary sewers.
- (e) Required community and fiscal standards:
  - (1) The revenue and service fees from the projected development shall equal or exceed the projected cost of public services attributable to it as its share of the total municipal cost of such services.
  - (2) In the event that the projected development does not materialize as envisioned, provisions shall be made to minimize adverse financial, social, and visual impacts and to prevent deterioration and blight.
  - (3) If the proposed development will require or accelerate off-site capital expenditures to provide the needed facilities and services or to mitigate adverse impacts, the applicant (owner) shall be responsible for the payment of impact fees at least equal to the share of the total cost attributable to the project, but excluding any part of such capital expenditures coming from federal or state grants and any part of the operating costs.
- (f) Recommended community and fiscal standards:
  - (1) Make the development conform, so far as feasible, to any adopted plans for the town or the neighborhood, including plans for land use and zoning, open space and conservation, circulation and the expansion of water, sewer, and other services and facilities.
  - (2) Make the development consistent or compatible with the neighborhood as regards the size, materials, style, and treatment of elements of structures. This shall not be interpreted to mandate uniformity or discourage creativity.
  - (3) Minimize grading and destruction of the natural ground cover by adapting development to the environment, rather than changing the environment more than necessary.
  - (4) Design to keep low the cost of operation and maintenance of public services and facilities.

G. Planning Board Findings and Action

Prior to approving, approving with modifications and conditions, or disapproving a site plan, the Planning Board shall make written findings whether the site plan meets each of the required traffic, environmental, community and fiscal standards, and to what extent the various recommended standards are applicable and are met by the site plan. The Planning Board shall also make a written finding whether the site plan as a whole substantially conforms to the intent of this by-law and proposes an appropriate and beneficial development of the site. The findings shall be included in the certificate of action which the Planning Board shall transmit to the applicant, the Town Clerk, the public agencies which submitted written comments on the site plan, and to any person attending the public hearing who has requested a copy of the decision. If the Board approves the site plan, the certificate of action shall also list any waivers granted by the

Planning Board and any modifications, conditions, and safeguards imposed at the time of approval.

- (1) Except where the required standards are clearly inapplicable or have no effect, or where the impact would be as severe if the site were developed in a way requiring no site plan review and permissible as of right, the Planning Board shall not grant waivers from the required standards or approve a site plan not meeting some of the required standards. A site plan not meeting two or more recommended standards may be disapproved, or the Planning Board may find that the standards do not apply, are of no significance, or their intent is adequately met by other means.
- (2) Approval may be conditioned on the applicant modifying the plan or meeting other requirements before the plan is endorsed by the Planning Board, and failure to comply within the 20 day appeal period or within such other time as may be agreed to in writing by the applicant and the Planning Board shall be valid ground for rescinding the conditional approval.
- (3) Approval may be conditioned on the applicant meeting certain requirements after the appeal period has expired and the site plan has been endorsed by the Planning Board, either before construction work begins or by the time a specified stage is reached. Such conditions may be enforced by an automatic rescission of the approval, by refusal by the Building Commissioner to issue an occupancy permit, or by realizing on any surety posted by the applicant to ensure satisfactory performance.
- (4) If a site plan is disapproved or the approval is rescinded, the plan may be resubmitted only if the grounds for disapproval or rescission of approval have been corrected, or there has been other material change in the conditions, or two years have elapsed since the disapproval. In case of reconsideration of a site plan, the Planning Board may waive all or part of procedural requirements, exhibits, and fees and accept parts of the original submittal which have not been changed. A new advertised public hearing shall be required in case of a previous disapproval, but may be held or waived at the option of the Planning Board in cases of rescission of a previous approval.

H. Conditions, Limitations and Safeguards

In granting approval of an application, the Planning Board may impose conditions, limitations and safeguards which shall be in writing and shall be a part of such approval. Such conditions may include, among other matters and subjects:

- (a) Controls on the location and type of access to the site;
- (b) Controls on the number of vehicles that arrive or depart during the morning and/or evening peak hours (including controls on the maximum number of vehicles which may use the off-street parking areas during said periods);
- (c) Requirements for off-site improvements to improve the capacity and safety of roads, intersections, pedestrian ways, water, sewer, drainage, and other public facilities which are rely to be affected by the proposed development;

- (d) Requirements for donation and/or dedication of land for right-of-way to provide for future roadway and/or intersection widenings or improvements;
- (e) Requirements for securing the performance of all proposed work, including proposed off-site improvements, by either or both of the following methods: (1) a performance bond, a deposit of money, negotiable securities, letter of credit, or bank passbook in an amount determined by the Planning Board to be sufficient to cover the cost of all or any part of the improvements required as conditions of approval; (2) a covenant running with the land, executed and duly recorded by the owner of record, whereby the required improvements shall be completed before the property may be conveyed by other than a mortgage deed.
- (f) Conditions to minimize off-site impacts on traffic and environmental quality during construction.

I. Administration

- (a) The Planning Board shall establish and may periodically amend rules and regulations relating to the administration of this section, including additional regulations relating to the scope and format of reports required hereunder.
- (b) The Planning Board shall establish and may periodically amend a schedule of fees for all applications under this section. No application shall be considered complete unless accompanied by the required fees.
- (c) The Planning Board shall be responsible for deciding the meaning or intent of any provision of this section which may be unclear or in dispute.
- (d) Any person aggrieved by a decision of the Planning Board with regard to Site Plan Review may appeal such decision to the Board of Appeals in accordance with G.L. Chapter 40A, Section 8.

J. Separability

The invalidity of one or more provisions or clauses of this Section VIII-4 shall not invalidate or impair the section as a whole or any other part hereof.

K. Expiration of Site Plan Approval

Any approval of a site plan which has been granted pursuant to this by-law shall lapse, if a substantial use thereof has not sooner commenced, except for a good cause, within two (2) years from the grant thereof or in the case of a permit for construction, if construction has not begun, except for good cause, within such two (2) year period.

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## **SECTION IX ADMINISTRATION**

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### **IX-1 EXECUTION**

The Inspector of Buildings shall execute the provisions of this by-law, except where otherwise provided, and, in so doing, shall have the same powers as are provided for the execution of the State Building Code. He shall issue no permit for the construction, alteration, enlargement, reconstruction, moving, raising up of any building or structure which would be in violation of any of the provisions of this by-law. Where authorization by the Board of Appeals is required pursuant to the provisions of this by-law, the Inspector of Buildings shall issue no permit until so directed in writing by the Board, and any conditions imposed by the Board shall be made a part of said permit. The Inspector of Buildings shall not issue a new permit or license for a change of use of a building, structure or land which use would be in violation of any zoning ordinance or by-law. Whenever the term Inspector of Buildings is used in this by-law, such term shall include the Assistant Building Inspector and authorize said Assistant Building Inspector to act in the absence or illness of the Inspector of Buildings or Building Commissioner, however the position may be designated.

### **IX-2 ENFORCEMENT\***

Whoever violates any of the provisions of this by-law, or any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals, shall be liable to a fine of not more than three hundred dollars (\$300.00) for each violation, and each day shall be considered a separate violation. It shall be the duty of the Inspector of Buildings to enforce this by-law, and for this purpose he may make criminal complaints or apply for injunctions to any court of competent jurisdiction.

\*Amendment error--The first sentence of this paragraph is numbered VIII-2 in the article of the special town meeting of 9/8/69.

### **IX-3 BOARD OF APPEALS\*\***

There shall be a Board of Appeals in accordance with the provisions of G.L.C. 40A Sec. 12. as amended, which shall also be the Local Board of Appeals established under Section 126.81 of Article I of the State Building Code. Said Board of Appeals shall also be the "Special Permit granting authority" as defined in G.L.C.40A Sec. 1.

\*\* Amendment error--The first sentence of this paragraph is numbered VIII-3 in the article of the annual town meeting.

- a. **Appointment and Powers**  
The Board shall include five (5) members, residents of Dedham, one of whom shall be an attorney at law, one a civil engineer, one an architect or a structural or mechanical engineer or a master builder or a person with ten or more years of

experience in the construction or supervision of construction of buildings. The Board of Selectmen shall annually in April appoint one member to the Board of Appeals to serve for the term of five (5) years commencing with the first day of May following, to succeed the member whose term will then expire. Vacancies shall be filled for the unexpired terms in the same manner as in the case of the original appointment. The Board of Appeals shall elect annually a chairman and a clerk from its own number. There shall be two (2) associate members of the Board of Appeals, residents of Dedham, appointed annually by the Board of Selectmen. The Chairman of the Board of Appeals may designate either or both such associate members to sit as a member of the Board of Appeals in case of the absence, inability to act or interest on the part of a member thereof, or in the event of a vacancy on said board, may designate either associate member to sit as a member on the Board until such vacancy is filled in a manner provided by this section.

- b. **Quorum**  
Four members of the Board shall constitute a quorum and the affirmative votes of four members shall be necessary to reverse any order or decision of any administrative official or to effect any variance in the application of this by-law. No member of the Board shall vote on any matter in which he has any financial interest.
- c. **Meetings and Records**  
The Chairman may and at the request of the Board shall from time to time call meetings of the Board. All hearings will be held in open session of which there shall be kept by the Clerk as public records minutes recording the vote, abstention, or absence of each member on every question presented and other official action. Continued absence of any member from regular meetings of the Board shall at the discretion of the Selectmen render any such member liable to immediate removal from office by the Selectmen.
- d. **Rules and Regulations**  
The Board by annual vote shall, establish rules and regulations for its own procedure consistent with the General Laws of the Commonwealth pertinent thereto.
- e. **Appeals**  
An appeal to the Board of Appeals may be taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from the Inspector of Buildings or by the Planning Board, or an abutting city or town aggrieved by an order or decision of the Inspector of Buildings in violation of this by-law or the provisions of Chapter 40A of the General Laws within thirty days from the date of the order or decision which is being appealed.
- f. **Powers and Duties**  
Said Board of Appeals shall have all the powers and duties of Boards of Appeals under G.L.C. 40A Sec. 14. and in addition all the powers and duties herein prescribed. The Board of Appeals shall, in acting on all matters within its jurisdiction, give due consideration to promoting the public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values and the character of the Town. Where authorization

by said Board is required pursuant to the provisions of this by-law and where, in the opinion of the Board such authorization may be granted if accompanied by conditions specially designed to safeguard persons, property, or improvements in the vicinity and the Town, it shall impose such conditions and make them a part of the authorization. The Board of Appeals shall also have the powers and duties of a board of appeals under the subdivision control law, in accordance with the provisions of Section 81Z of chapter 41 of the General Laws, as amended.

#### **IX-4 OTHER REGULATIONS**

1. Nothing contained in this by-law shall be construed as repealing any existing by-law or regulation of the Town, but shall be in addition thereto; provided, that whenever this by-law imposes greater restrictions upon the construction of buildings or structures (including signs), or upon the use of buildings, structures or land than other by-laws or regulations, such greater restrictions shall prevail.
2. **Notice to Non-Resident Property Owners**  
Property tax bills sent to non-resident property owners shall contain the statement that notice of hearings on any amendment to the Zoning By-Law shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the Town Clerk no later than January first, and pays a reasonable fee as determined by the Town Clerk.
3. Whenever a zoning map amendment is placed on the Town Meeting warrant, the publication of notice of the public hearing shall include a drawing of that section of the zoning map to be changed, and the Planning Board shall give such notice of the hearing as is calculated to provide actual notice to each owner of record of all parcels affected by the zone change. Regular mail addressed to such owners of record as determined by the most current assessors records shall satisfy the requirements of this section.

#### **IX-5 INVALIDITY**

The invalidity of any section or provision of this by-law or of any district or part thereof as shown on the Zoning Map, shall not affect the validity of any other section or provision of the by-law or of another district or part thereof as shown on the Zoning Map.

**ARTICLE TWENTY-EIGHT:** *By the Planning Board.* To see if the Town will vote to amend the Dedham Zoning By-Law as follows:

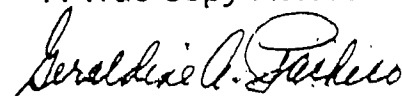
1. In Section VI-1, Table of Dimensional Requirements, Footnote #8, Maximum Lot Coverage, delete the words "Ground coverage or footprint" and insert in their place the words "Lot coverage" and also add the resulting statement "Lot coverage applies to buildings and structures, and not to paved ground level surfaces." to the Definitions Section I-4 in alphabetical sequence.
2. In Section VI-3, Special Lot Size Exceptions for Dwellings, sub-section 2. change the word "seven" to "eight" in line 2.
3. In Section VIII-1.4.E., Landscaped Areas, sub-section 1., Frontage Strip, delete the words "There shall be no parking" and insert in their place the words "Only landscaping shall be allowed" in line 1.
4. In Section VIII, Off-Street Parking Requirements, 5. Required Parking, in sub-section 2. Commercial, Business and Office Uses at d. add the words ", whichever is greater," after the words "rated capacity" in line 3.
5. In Section VIII-2, Design Review Advisory Board, sub-section A. delete the words "Dedham Historic District Commission" and insert in their place the words "Civic Pride Committee" in lines 5 and 12.
6. In Section VIII-3, Minor Site Plan Review, sub-section F. add the words " Board of Selectmen" to the distribution list in line 3.
7. In Section VIII-4, Major Site Approval, sub-section D.(b) add the words "Board of Selectmen" to the distribution list in line 6.

or take any other action relative thereto.

It was so **VOTED** with the following changes: Delete Section #4 in its entirety, and delete the text in Section #5 and insert in its place the following: In Section VIII-2, Design Review Advisory Board, sub-section A., add the words "or Civic Pride Committee" after the words "Historic District Commission in lines 5 and 12.

**BY 2/3 VOTE**

A True Copy Attest

  
Geraldine A. Pacheco  
Town Clerk

## Zoning By-Law Addendum

Lot Area – The horizontal area of a lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) per cent of the lot area required for zoning compliance shall be contiguous land other than that under any water body, or wetland as defined in Section 40, Chapter 131, M.G.L., as amended.