

# Administration and Procedure

## The Town of Norwell, Massachusetts

### Administration and Procedure

#### 1100. Purpose

This Bylaw is enacted pursuant to, and under the authority of, G.L. c. 40A and amendments thereto and of Article 89 of the Amendments to the Constitution, for the purpose of promoting the health, safety, welfare and convenience of the inhabitants of the Town of Norwell by dividing the Town into districts and regulating the use of the land and buildings with a view to encouraging the most appropriate use of land in the Town.

#### 1200. Administration

1210. Responsibility. This Bylaw shall be enforced by the Inspector of Buildings/Zoning Officer, as Agent for the Board of Selectmen, who shall take such action as may be necessary to enforce full compliance with the provisions of this Bylaw and of permits and variances issued hereunder, including notification of non-compliance and initiation of legal action through the Town Counsel.

1220. Compliance Certification. Buildings, structures, or signs may not be erected, substantially altered, moved, or changed in use, and land may not be substantially altered or changed in principal use without certification by the Inspector of Buildings that such action is in compliance with then-applicable zoning, or without review by him regarding whether all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local law. Issuance of a Building Permit or Certification of Use and Occupancy, where required under the Commonwealth of Massachusetts State Building Code, may serve as such certification.

1221. Prior to the issuance of Certificate of Use and Occupancy, the designated street number will be affixed to the building or to a sign post, either of which is clearly visible from the public way or way from which the lot gets its frontage.

#### 1230. Complaints and Fines **(Revised May 3, 1994 Annual Town Meeting)**

Whoever violates any provision of this Bylaw shall be subject to the following procedure, which will govern the enforcement of this Bylaw:

1. A complaint form, available at the office of the Building Inspector for the Town of Norwell shall be completed, signed and provided to the Zoning Officer for the Town.
2. Within fourteen (14) days of the receipt of said complaint by the Building Inspector's office, the Inspector of Buildings/Zoning Officer will investigate said complaint and respond to the complainant.
3. If the Inspector of Buildings/Zoning Officer determines that a violation of this Bylaw exists, a cease and desist order shall be issued to the party found in violation within fourteen (14) days of receipt of the complaint.

4. The cease and desist order shall name the party alleged to be in violation, shall describe the nature of the violation and shall reference the provision(s) of the Bylaw found to be in violation.
5. The cease and desist order shall be served upon the party found to be in violation by delivery in-hand to said party and/or by posting in conspicuous places upon the property where the violation is found to exist.
6. The party named in said order shall correct the violation described in said order within seven (7) days, said seven (7) days to be extended by the Inspector of Buildings/Zoning Officer if the violation cannot be corrected within that time.
7. Failure of the party named in the complaint to eliminate the violation within the time defined in Paragraph six shall result in the imposition of **a range of fines running from \$20.00 to \$100.00** per day for each such day or portion thereof which the violation continues to exist as defined in paragraph six.
8. If the party named in the complaint objects to the issuance of a cease and desist order or requires additional time to eliminate the violation beyond that granted by the Inspector of Buildings/Zoning Officer under Paragraph six that party may appeal to the Zoning Board of Appeals for the Town of Norwell within seven (7) days which shall consider said appeal and issue an order relative to the same.
9. No fine will accrue during the pendency of any appeal to the Zoning Board regardless of the Board's ultimate disposition of said appeal.

### **1300. Board of Appeals**

1310. Establishment. The Board of Appeals shall consist of three members and **not more than five** associate members, (**ART. 46, ATM 5/6/1989**) who shall be appointed by the Selectmen and shall act in all matters under this Bylaw in the manner prescribed by G.L. c. 40A and c. 41.

1320. Powers. The Board of Appeals shall have and exercise all the powers granted to it by G.L. c. 40A and c. 41 and by this Bylaw. The Board's powers are as follows:

1321. To hear and decide applications for Special Permits upon which the Board is empowered to act under this Bylaw, in accordance with Section 1400.

1322. To hear and decide appeals or petitions for variances from the terms of this Bylaw with respect to particular land or structures. Such variance shall be granted only in cases where the Board of Appeals finds all of the following:

a) A literal enforcement of the provisions of this Bylaw would involve a substantial hardship, financial or otherwise, to the petitioner or appellant.

b) The hardship is owing to circumstances relating to the soil conditions, shape or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located.

c) Desirable relief may be granted without either: (1) substantial detriment to the public good; or (2) nullifying or substantially derogating from the intent or purpose of this Bylaw.

1323. To hear and decide other appeals. Other appeals will also be heard and decided by the Board of Appeals when taken by:

a) Any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A; or by

b) The Metropolitan Area Planning Council; or by

c) Any person including any officer or Board of the Town of Norwell or of any abutting town, if aggrieved by any order of decision of the Inspector of Buildings, in violation of any provision of G.L. c. 40A; or this Bylaw.

1324. To Issue Withheld Building Permits. Building Permits withheld by the Inspector of Buildings acting under G.L. c. 41, s. 81Y, as a means of enforcing the Subdivision Control Law may be issued by the Board of Appeals where the Board finds practical difficulty or unnecessary hardship, and if the circumstances of the case do not require that the building be related to a way shown on the subdivision plan in question.

1330. Public Hearings. The Board of Appeals shall hold public hearings in accordance with the provisions of G.L. c. 40A, c. 40B, and c. 41 on all appeals and petitions brought before it.

1340. Repetitive Petitions. Repetitive petitions for Special Permits, appeals and petitions for variances and applications to the Board of Appeals shall be limited as provided in G.L. c. 40A, s. 16.

#### **1400. Special Permits**

1410. Special Permit Granting Authority. Unless specifically designated otherwise, the Board of Appeals shall act as the Special Permit Granting Authority.

1420. Criteria for Approval. In considering whether or not to grant a Special Permit under this Section of the Zoning Bylaws, the Board of Appeals shall not grant a Special Permit unless all of the following conditions are satisfied.

a) the conduct of the proposed use will not be detrimental to the neighborhood and zoning district

b) the conduct of the proposed use will not significantly alter the character of the zoning district, and

c) the conduct of the proposed use will not be injurious, noxious, or offensive to the neighborhood by reason of the emission of odors, fumes, dust, smoke, noise or other cause, nor hazardous to the community on account of fire, explosion or other cause.

d) If the proposed use will be located within the Aquifer Protection District, the conduct of such use will not cause any significant degradation of the quantity or quality of ground water supplies and further that ground water quality resulting from on-site waste disposal and other on-site operations will not fall below federal or state standards for drinking water at the downgradient property boundary. In

making such determination the Board of Appeals may utilize the Information/Standards enumerated in paragraph (d) of Section 4352 of this Bylaw.

1430. Public Hearing. Special Permits shall only be issued following public hearings held within sixty-five days after filing with the Special Permit Granting Authority an application, a copy of which shall forthwith be given to the Town Clerk by Applicant.

1440. Conditions. Special Permits may be granted with such reasonable conditions, regulations, or limitations as the Special Permit Granting Authority may deem necessary to serve the purposes of the Bylaw.

1450. Expiration. Special Permits shall lapse at the expiration of two years from the date of approval (exclusive of time required to pursue or await the determination of an appeal referred to in General Laws, Chapter 40A, Section 17, from the grant thereof) if a substantial use thereof or construction has not begun, except for good cause.

#### **1500. Site Plan Review.**

1510. When Required. No structure shall hereafter be erected or externally enlarged by more than 200 square feet on any lot in any non-residential district (meaning thereby all districts under the Zoning Bylaws except Residential Districts A and B) and no use hereafter be established or expanded in ground area on any lot in any such district except in conformity with a site plan of such lot and structures proposed to be constructed on such lot bearing endorsement of approval by the Board of Appeals.

1520. Contents of Site Plan. Said site plan shall show among other things:

- a) All existing and proposed buildings and structures (showing front, side and rear elevation and layouts)
- b) Signs
- c) Parking spaces
- d) Driveway openings
- e) Service areas
- f) Open uses
- g) All facilities for sewage, refuse and other waste disposal and for surface water drainage
- h) All landscape and screening features (such as fences, walls, planting areas and walks) on the lot
- i) Proposed site lighting
- j) Existing and proposed easements and/or rights of ways
- k) Existing conditions of the surrounding area to sufficiently determine the impact of the proposed project to the surrounding area; including, but not limited to, curb cuts, driveway openings, existing buildings, surrounding topography
- l) Drainage calculations stamped by a Registered Professional Engineer licensed by the Commonwealth of Massachusetts
- m) Parking and density calculations

n) Documentation of curb cut approval by the Massachusetts Department of Public Works on State highways

o) Statement and certification on the plan by the Engineers certifying the Site Plan submitted complies to the Zoning Bylaws

Failure to comply at the time of submission with the above requirements is grounds for denial of Site Plan Approval for lack of sufficient information.

1530. Procedure. Any person desiring approval of a site plan under this paragraph shall submit said plan to the Board of Appeals, who shall, within fifteen days thereafter, transmit it to the Planning Board who shall within twenty-one days thereafter, transmit their report and recommendations thereon, and no building permit shall be issued until the Board of Appeals shall have approved the plan or have allowed twenty-one days to elapse after receiving the report and recommendations of the Planning Board. The Board of Appeals shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this section.

after receiving the report and recommendations of the Planning Board. The Board of Appeals shall have the power to modify or amend its approval of a site plan on application of the person owning or leasing the premises shown on such site plan in the event of changes in the physical condition of the site sufficient to justify such action within the intent of this section.

1540. Criteria for Approval. In considering a site plan under this section, the Board of Appeals shall assure, to a degree consistent with a reasonable use of the site for the purposes permitted by the regulations for the district in which it is located, such factors as the following:

1541. The protection of the district in which the site is located and adjoining district against detrimental, offensive, or incompatible uses or structures on the site;

1542. The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land; and

1543. The adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.

1550. Implementation and Expiration. Within fifteen days after approval of any site plan, the Board of Appeals shall file an endorsed copy of said plan in the office of the Town Clerk. Within one year of the date of site plan approval, the applicant shall complete the work described on the plans as approved unless the Board of Appeals grants an extension of the time as it shall deem necessary to carry the site plan into effect. In each instance where such extension is granted, the Board of Appeals shall certify to the Town Clerk that it has granted an extension of time and the date on which the extension is to lapse.

1560. As-Built Plans. Prior to the issuance of a Certificate of Occupancy, the Owner shall provide As-built plans to the Town. The plan shall be prepared and stamped by a Registered Land Surveyor or a Professional Engineer of the Commonwealth of Massachusetts certifying that the site plan has been built according to the approved plan and submitted to the Building Inspector. Such certification shall also include that the surface and subsurface drainage discharge has been installed according to the approved site plan. Field reports by the design engineer may be requested by the Building Inspector during construction for prior approval of changes from the approved site plan.

#### **1600. Applicability.**

1610. Municipal Uses. None of the requirements of this Zoning Bylaw shall apply to any municipal purpose or use authorized by vote of the Town, unless otherwise specified (e.g. Section 2310.)

1620. Other Laws. Where the application of this Bylaw imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this Bylaw shall control.

1630. Conformance. Construction or use under a Building Permit or Special Permit shall conform to any subsequent amendment of this By-Law unless the use or construction is commenced within not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1640. Nonconformancy. The lawful use of any structure or land existing at the time of enactment or subsequent amendment of this Bylaw may be continued although such structure or use does not conform with provisions of the Bylaw, subject to the following conditions and exceptions.

1641. Abandonment. A nonconforming use which has been abandoned or discontinued for a period of two years or more shall not be re-established and any future use shall conform with the Bylaw.

1642. Change, Extension, or Alteration. As provided in G.L. c.40A, s.6, a nonconforming single- or two-family dwelling may be altered or extended provided that doing so does not increase the nonconforming nature of said structure. Other pre-existing nonconforming structures or uses may be extended, altered, or changed in use on Special Permit from the Board of Appeals if the Board of Appeals finds that such extension, alteration, or change will not be substantially more detrimental to the neighborhood than the existing nonconforming use. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.

1643. Restoration. Necessary repairs and rebuilding after damage by fire, storm or similar disaster are hereby permitted provided they are accomplished without undue delay and do not substantially change the character or size of the buildings nor the use to which they were put prior to such damage.

1650. Isolated Lots. Any increase in lot area, frontage, or yard requirements of this Bylaw shall not apply to erection, extension, alteration, or moving of a structure on a legally created lot not meeting current requirements provided that the applicant documents that:

a) at the time such increased requirement became applicable to it, the lot

(1) had at least 5,000 square feet of lot area and 50 feet of frontage on a street; and

(2) was held in ownership separate from all other lots having frontage within 1,000 feet on that same street; and

(3) conformed to then-existing dimensional requirements; and

b) the lot is not to be used for hotel, motel, or nursing home use. Such nonconforming lots may be changed in size or shape or their land area recombined without losing this exemption, so long as the change does not increase the actual or potential number of buildable lots.

## **1700. General**

1710. Court Appeal. Any person aggrieved by a decision of the Board of Appeals or any Special Permit Granting Authority, whether or not previously a party to the proceeding, or any municipal officer or board may, as provided in G.L. c. 40A, s. 17, appeal to the Superior Court or to the Land Court by bringing an action within 20 days after the decision has been filed in the office of the Town Clerk.

1720. Amendment. This Bylaw may be amended in accordance with the procedure described in G.L. c. 40A, s.5.

1730. Separability. In the event that any section of this Bylaw or part thereof shall for any reason be held or declared to be illegal or otherwise unenforceable, such holding or declaration shall not affect the legality or enforceability, of any other Section or part thereof.

# District Regulations

The Town of Norwell, Massachusetts

## ARTICLE II

### District Regulations

#### 2100. Establishment of Districts

The Town is hereby divided into the following districts:

Residential Districts A and B

Business Districts A, B and C

Saltmarsh Conservation District (Overlay District)

Flood Plain, Watershed and Wetlands Protection District (Overlay District)

Aquifer Protection District (Overlay District)

Wireless Facility (Overlay District) - **(Voted STM 12/8/97, Article 3.)**

Village Overlay District - **Voted ATM 5/25/1999 - Article 14**

Adult Entertainment Overlay District - (Voted STM 12/17/2001, Articles 1 and 2)

All zoning districts are shown on "Zoning Map, Town of Norwell, September 1959, revised June 21, 1972, March 20, 1980, March 9, 1981, December 30, 1985, and further revised on December 8, 1997, May 25, 1999 and December 17, 2001" which are filed in the Town Clerk's office and is made a part hereof, and are described in ARTICLE VI of this Zoning Bylaw.

#### 2200. Use Requirements

2210. Application. No building or structure shall be erected, and no premises shall be used, except as provided in Section 2300, District Use Regulations.

2220. Classification. Where an activity might be classified under more than one of the following uses, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

#### 2300. District Use Regulations

2310. Residential Districts.

2311. Permitted Residential Uses.

a) One-family detached dwellings and associated outbuildings, with not more than one such dwelling located on any lot;

b) Conversion of a dwelling existing on April 10, 1952 to a two- or three-family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided further that the lot appurtenant to said dwelling has an area per family unit for at least half that required for a

single-family unit.

2312. Permitted Community Service Uses.

- a) Municipal buildings conforming to area and setback requirements and properly landscape screened.
- b) Public utility buildings directly needed to provide services to the townspeople, which conform to area and setback requirements and which are properly landscape screened, but not including business offices, repair garages, or outside storage areas.
- c) Cemetery.
- d) Educational and religious uses exempt from zoning prohibition by G.L. c.40A, s.3.
- e) Other institutional, educational, recreational, philanthropic or religious buildings or use, provided such building or use is not a business undertaking, but not including one , the chief activity of which is a service (1) to delinquent criminal, mentally deficient or mentally deranged persons, or (2) customarily carried on as a business.

2313. Permitted Accessory Uses.

- a) An office of either a doctor, or a dentist, or a lawyer, provided that the principle use is residential and the business is conducted in the dwelling by the person residing on the premises and involves not more than two operatives.
- b) Agricultural pursuits (and buildings necessary to such pursuits) in accordance with M.G.L. Chapter 40A, Section 3 as amended.
- c) Customary house occupations, conducted within the dwelling, such as insurance, or real estate, craft manufacturing, dressmaking, millinery, hair dressing, preparing food for sale, mail order businesses, the taking of not more than four boarders or lodgers at any one time, and the like, conducted by a person residing on the premises and involving not more than two additional operatives; and provided that such occupations and use are not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibration or other causes.
- d) Service businesses provided that (1) the business is conducted by a resident occupant; (2) the business is conducted principally away from the premises; (3) the business is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other cause; and (4) there is no display of goods visible from the street.

2316. Uses requiring a Special Permit from the Board of Appeals.

**(Revised May 3, 1994 at Annual Town Meeting)**

- a) The business uses enumerated in subparagraph 2313 a) through c), inclusive, but not meeting the requirements in subparagraph 2313 a).
- b) Accessory scientific uses (see Section 4310).
- c) A private club managed and controlled by the membership, but not including one whose chief activity is a service customarily carried on as a business. However, the foregoing shall not prohibit the customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs, and the like.
- d) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. For purposes of this section, an accessory dwelling unit shall mean one

or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling. Such Special Permit shall be granted only if:

(1) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood, marriage, adoption or (b) 60 years of age or more;

(2) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(3) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental code, having soils suitable for replacement on-site disposal system.

(4) Occupation of the accessory dwelling unit as a separate dwelling will require a Special Permit. This permit will terminate upon the transfer of ownership, and use will revert back to a single-family dwelling.

(5) In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the following:

- a. maximum number of occupants
- b. maximum number of rooms
- c. modification of driveway or parking spaces to provide adequate off-street parking.

**2317. PROHIBITED HOME OCCUPATIONS (Revised 5/3/94 Annual Town Meeting)  
(Revised 5/15/2001 ATM)**

The following uses shall be prohibited:

1. Ambulance service
2. Automobile, truck, trailer, small engine or boat repair; automobile, truck, trailer, or boat parts sales, washing or detailing services on site.
3. Veterinary services, principally at home.
4. Health salons, gyms and tanning salons.
5. Restaurants, taverns
6. Junk, salvage or storage yards
7. Tow truck services
8. Laundry, laundromat, and/or dry cleaning services
9. Photo developing as primary use
10. Sales of firearms and/or ammunition.

Body Art Establishments or Establishment (ATM5/15/2001)  
(See Article V - Definitions)

2320. Business District A.

2321. Permitted Residential Uses.

- a) One-family detached dwelling and associated outbuildings, with not more than one such dwelling located on any lot.
- b) Conversion of a dwelling existing at the time of the passage of this Bylaw to a two or three family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided further that the lot appurtenant to said dwelling has an area per family unit of at least half that required for a single-family unit.

2322. Permitted Community Service Uses.

- a) Municipal buildings conforming to area and setback requirements and properly landscape screened.
- b) Public utility buildings directly needed to provide services to the townspeople, which conform to area and setback requirements and which are properly landscape screened, but not including business offices, repair garages, or outside storage areas.
- c) Cemetery.
- d) Educational and religious uses exempt from zoning prohibitions by G.L. c, 40A, s. 3.
- e) Other institutional, educational, recreational, philanthropic, or religious building or use, provided that such building or use is not a business undertaking, but not including one, the chief activity of which is a service (1) to delinquent criminal, mentally deficient or mentally deranged persons, or (2) customarily carried on as a business.

2323. Permitted Business Uses.

- a) An office of either a doctor, or a dentist, or a lawyer with not more than (3) members of said profession in occupancy.

2324. Other Permitted Principal Uses.

- a) A private club managed and controlled by the membership, but not including one whose chief activity is a service customarily carried on as a business. However, the foregoing shall not prohibit the customary functions of bona fide country clubs, sportsman clubs, amateur dramatic clubs, social or educational clubs, and the like.
- b) Agricultural pursuits (and buildings necessary to such pursuits) including the sale of products most of which are raised on the premises and the processing of timber or lumber grown on the premises, but not that grown elsewhere, except as otherwise permitted in the Section.

2325. Permitted Accessory Uses.

- a) Customary home occupations such as insurance, or real estate, craft manufacturing, dressmaking, millinery, hair dressing, preparing food for sale, mail order businesses, the taking of not more than four boarders or lodgers at any one time, the like, conducted by a person residing in the premises and provided that such occupations and use are not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes.
- b) Service businesses provided that (1) the business is conducted by a resident occupant; (2) the

business is conducted principally away from the premises; (3) the business is not injurious or offensive to the neighborhood because of the emission of odors, fumes, dust, noise, smoke, vibrations or other causes; and (4) there is no display of goods visible from the street.

2326. Uses Requiring a Special Permit from the Board of Appeals.

a) Any business, including shops for custom work and service operations, where the product or service is customarily sold on the premises to the consumer. Gasoline and service stations and automobile sales and repair establishments are prohibited.

b) Any other business similar to but not enumerated in subparagraph 2325 a) and b).

c) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. Such Special Permit shall be granted only if:

(1) the accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one-third that of the main dwelling;

(2) there will be no more than a 5% increase in the habitable floor area of the main dwelling;

(3) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) 60 years of age or more;

(4) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(5) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.

d) Operation of a business between the hours of 2:00 a.m. and 5:00 a.m.

In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this by-law, including but not limited to the following:

- a. maximum number of occupants
- b. maximum number of rooms
- c. modification of driveway or parking spaces to provide adequate off-street parking.

For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling.

**PROHIBITED USES IN BUSINESS DISTRICT A: (ATM 5/15/2001 - Art. 26)**

The following use shall be prohibited:

Body Art Establishments (See Article V - Definitions)

2330. Business District B

2331. Permitted Residential Uses

Conversion of a dwelling existing on March 14, 1963 to a two-or three-family dwelling, provided that such conversion does not substantially change the character or size of the structure, and provided further that the lot appurtenant to said dwelling has an area per family unit of at least half that required for a single-family unit.

2332. Permitted Community Service Uses.

Educational, religious, agricultural, horticultural, and floricultural uses exempt from zoning prohibition by G.L. c. 40A, s.3.

2333. Permitted Business Uses.

a) Retail stores, salesrooms or service establishments, the principal activity of which shall be the offering of goods or services at retail within an enclosed building structure, and including but not limited to personal service shops of a barber, hairdresser, manicurist, or shoe shiner; shops for custom work by a dressmaker, furrier, interior decorator, milliner or tailor; shops for custom work for a cabinet maker, job printer, repairer of household appliances or furnishings, shoemaker, upholsterer. However, gasoline service stations and automobile sales and repair establishments are prohibited.

b) Business or professional offices or agencies.

c) Banks or other financial institutions.

d) Restaurants or other eating places serving food only to persons seated at tables, or counters, if no mechanical or live entertainment is regularly furnished unless a permit for such entertainment is granted yearly by the Board of Selectmen.

2334. Uses allowed by Special Permit from the Board of Appeals.

a) Light manufacturing.

b) Research laboratories.

c) Wholesale sales and light storage facilities.

d) Such similar uses as the Board of Appeals may approve.

e) Conversion to add one accessory dwelling unit to a single-family dwelling which has been in existence for and not substantially altered within twenty-four months or longer at the time of application. Such Special Permit shall be granted only if:

(1) the accessory unit will be a part of the main dwelling and the habitable floor area of the accessory dwelling unit will not be more than one-third that of the main dwelling;

(2) there will be no more than a 5% increase in the habitable floor area of the main dwelling;

(3) the owner of the premises will occupy one of the units except for temporary absences and the other unit will be occupied by one or more persons (a) directly related to the owner by blood or marriage, or (b) 60 years of age or more;

(4) exterior alterations will not change the appearance of the main dwelling as a single-family residence;

(5) the Board of Health documents to the Board of Appeals that sewage disposal will be satisfactorily provided for, and that there is an appropriate reserve area on the site meeting

requirements of the Board of Health Rules and Regulations and Title V of the State Environmental Code, and having soils suitable for replacement on-site disposal system.

f) Operation of a business between the hours of 2:00 a.m.. and 5:00 a.m.

g) Body Art Establishments - (See Article V - Definitions) Provided that no Body Art Establishment be located within three hundred (300) feet of a place of worship, school, or day care center. (ATM 5/15/2001)

In addition to any applicable conditions specified in this section, the Board of Appeals may impose such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this By-Law, including but not limited to the following:

- a. maximum number of occupants
- b. maximum number of rooms
- c. modification of driveway or parking spaces to provide adequate off-street parking.

For purposes of this section, an accessory dwelling unit shall mean one or more rooms with kitchen and bathroom facilities not shared with any other dwelling unit and located in a main dwelling originally designed and constructed as a single-family dwelling.

2340. Business District C.

2341. Uses allowed by Special Permit from the Board of Appeals.

- a) Research laboratories with incidental assembly or test manufacture.
- b) Light Manufacturing enterprises.
- c) Building materials salesrooms, utility structures, storage warehouses and buildings, wholesale distribution plants.
- d) Printing or publishing establishments, photographic studios, medical or dental laboratories.
- e) Business or professional offices or banks.
- f) Restaurants or other places for serving food or alcoholic beverages, provided all food service is confined within the structure.
- g) Motels
- h) Theaters contained within a permanent structure, but not outdoor amusement uses, such a golf driving ranges, go-cart tracks, miniature golf courses, drive-in theaters, etc.
- i) Salesrooms for automobiles, bicycles, boats, farm implements and similar equipment, but not automobile junkyards.
- j) Gasoline service stations, garages and repair shops provided that:
  - (1) Repairs shall be limited to minor repairs and adjustments unless conducted in a building.
  - (2) There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery.

k) Retail store, nursing home or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building but not mobile home parks or campsites.

l) Cafeterias for employees, parking areas or garages for use of employees, customers, or visitors, and other normal accessory uses.

m) Operation of a business between the hours of 2:00 a.m. and 5:00 a.m.

2342. Permitted Uses.

a) Educational or religious uses exempt from zoning prohibition by G.L. c.40A, s.3.

b) Agricultural, horticultural, and floricultural uses.

**2400. Intensity of Use Regulations.**

2410. General.

2411. Building. All building in any district shall meet the minimum requirements set forth in Section 2400 unless otherwise expressly provided by this Bylaw or by G.L.c.40A, s.6.

2412. Lot Change. No lot shall be created nor shall an existing lot be changed in size or shape except through a public taking, or except where otherwise permitted herein, so as to result in violation of the requirements set forth in these Intensity of Use Regulations.

2420. Lot Area.

2421. The minimum size for lots in all districts shall be one acre.

2422. No part or portion of any lot which is determined by the Conservation Commission to be a coastal or freshwater wetland, as defined by the Wetlands Protection Act (G.L. c.131, s. 40) and the regulations promulgated thereunder (310 C.M.R. 10.00), shall be used in determining minimum lot size as required herein, except that this paragraph shall not apply to any lot lawfully laid out by plan or deed duly recorded, as defined in G.L. c. 41, s. 81L, prior to the effective date of this paragraph, to any lot shown on a plan endorsed, prior to the effective date of this paragraph, with the words, "approval under the subdivision control law not required" or words of similar import, pursuant to G.L. c. 41, s. 81P, or to any lot shown on a Definitive Plan endorsed with the words "Approved under the subdivision control law" or words of similar import, pursuant to G.L. c. 41, s. 81U, which complied at the time of such recording or endorsement whichever is earlier, with all of the minimum area requirements set forth in the Zoning Bylaw, except for this paragraph, provided, however, that this paragraph shall apply to any subdivision under the subdivision control law, aforesaid, submitted to the Planning Board on or after the effective date of this paragraph.

2430. Lot Frontage and Width.

2431. The minimum frontage measured at the street line shall be 80 feet for lots in all districts. Street frontage shall be continuous and uninterrupted.

2432. The minimum lot width measured at the required setback line shall be 150 feet in all districts except Business Districts A and B where the minimum shall be 125 feet.

**2433.** No two points on lot lines shall be less than eighty (80) feet apart, measured in a straight line, except where the shortest distance between such points, measured along the perimeter of the lot, is less than or equal to three times the aforesaid straight line distance. **(Voted at Special Town Meeting 1/21/1999; approved by A/G on 2/26/99)**

2440. Required Yards.

2441. Front Yard. No building and/or structure shall be erected, placed or added to so as to extend within the following required front yards:

Measured from:

	<u>Front Property Line</u>	<u>Way Centerline</u>
Residential A	50 feet	75 feet
Residential B	35 feet	60 feet
Business	50 feet	75 feet

However, no required yard shall exceed the average yards provided on lots abutting on either side, a vacant lot to be considered as if occupied by a building and/or structure at the minimum front yard setback.

The front yard setback in each district shall apply to any boundaries of lots which abut and run with a street or way.

2442. Side and Rear Yards. In Residential Districts A and B, no building and/or structure, swimming pool or tennis court shall be erected or placed within 20 feet of a side or back line except that with respect to a building and/or structure existing on July 7, 1955, additions thereto may be erected or placed within 20 feet, but not within 10 feet of a side line. Excepted from this provision is Residential District B specifically where abutting Business District B5 at the westerly boundary (measuring 950.80 feet) or added to unless such building and/or structure is set back a distance of twenty-five (25.00) feet.

In Business Districts, no building and/or structure shall be erected, placed, or added to within 10 feet of the side line or 20 feet of the back line of any lot. In any Business District contiguous to a Residential District, no building and/or structure shall be erected, placed, or added to unless such building and/or structure as erected, placed, or added to is set back from the boundary line delineating said Business District a distance equal to not less than twenty per cent (20%) of the distance of the said boundary line from the way line of the public way from which the depth of such Business District is measured, provided, however, that such setback shall not be required to be more than 100 feet. For purposes of this paragraph, Business Districts A and B shall not be considered contiguous to any Residential District if the Business District and the Residential District are separated by a public way.

Excepted from this provision is **Business District B5 only**. No building and/or structure in this District shall be erected, placed, or added to unless such building and/or structure is set back from the easterly boundary line (measuring 950.80 feet) a distance of twenty-five feet (25.00).

2443. Business Setback. All structures for business uses in the Business C District shall be at least 300 feet distance from residences located in a residential district, and shall be adequately screened therefrom by trees and shrubs.

2444: **Route 3 Buffer Zone** - In all districts, all natural vegetation will remain undisturbed within 100 feet of the way line of the State Highway (Route 3) from the Third Herring Brook to the North River. **(ATM 5/15/2000, APPROVED BY A/G 6/26/2000)**

2450. Lot Shape. No building lot may be created in Residential District A or Residential District B unless:

a) the lot has a width of at least 150 feet at the required setback line; which required setback line will

be 50 feet measured from the front property line in Residential District A, and 35 feet measured from the front property line in Residential District B; or 75 feet measured from the Way centerline in residential District A and 60 feet measured from the Way centerline in Residential District B, and;

b) the lot shall contain at least 5,000 square feet of land between the required setback line and the Way;

c) the area of the lot between the said required setback line and a line drawn parallel to the said required setback line, a distance of 100 feet beyond the required setback line shall be not less than 11,500 square feet, and;

d) no dwelling may be erected or placed unless within a circle 150 feet in diameter inscribed within the lot lines.

2460. Height Restrictions. No building and/or structure shall be erected or altered to exceed 2 1/2 stories in height, or 34 feet, in any Residential District and Business Districts A and B; 3 stories, or 40 feet, in Business District C, nor shall any dwelling unit in a Business District exceed 2 1/2 stories, or 34 feet in height. Chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy may extend above the building and/or structure height limits by a maximum of 10 feet.

2461. Poles, tanks, towers and other projections not attached to a building and/or structure shall not exceed the maximum allowed building and/or structure height unless approved by a Special Permit.

2470. **Business Districts A, B, and C Restrictions.**

2471. Building Coverage. Buildings and/or structures shall not be erected, added to, or changed to bank or restaurant use so as to exceed the following percentage of lot area\* (or in the case of mixed uses, the pro rata portion of lot area\*) to be covered by buildings and/or structures:

Banks and Restaurants: 12%

Other uses:

Business District C2 (as defined in Section 6520)	24.5%
All other Business Districts	18%

2472. Open Space Area. Not less than one-third of the lot area shall be free of structures, paving, storage areas, or other elements which preclude vegetation.

\*Exclusive of land in a Residential or a Flood Plain, Watershed and Wetlands Protection District.

# General Regulations

The Town of Norwell, Massachusetts

## General Regulations

### 3100. Off Street Parking

3110. Performance Requirement. Off-street parking must be provided to service the net increase in parking demand created by new construction, additions, or changes of use. Buildings, structures, and land uses in existence May 1, 1979, are not subject to these requirements provided that they are not enlarged or changed to increase their parking needs, and provided that existing parking is not reduced.

3120. Number of Spaces. The standards below must be met for the additional parking demand created by new buildings, additions or changes of use unless reduced on Special Permit from the Board of Appeals, upon the Board's determination that special circumstances render a lesser provision adequate for all parking needs. Requirements are added for mixed uses (e.g. motel room and restaurant requirements would both apply to a motel with restaurant).

3130. Size of Spaces. A parking space shall not be less than 9 feet in width by 20 feet in length together with an aisle of at least 24 feet.

3135. Handicapped Parking. Handicapped spaces shall be provided as outlined in the State Building Code and the requirements of the Architectural Barriers Board, latest edition.

3140. Table of Minimum Requirements.

<b>Residential</b>	
Dwelling unit having 2 or more bedrooms	2 spaces
Dwelling unit having fewer than 2 bedrooms	1 space
<b>Non-residential</b>	
Retail Sales, services	1 space per 200 sq. ft. gross floor area, but not fewer than 5 spaces per separate enterprise
Business or professional office	1 space per 200 sq. ft. gross floor area
Bank	1 space per 200 sq. ft. gross floor area
Restaurant	1 space per 150 sq. ft. gross floor area
Industrial, wholesale	1 space per 1.3 employees, but capable of expansion to not less than 1 space per 300 sq. ft. gross floor area
Place of public assembly	1 space per 3 persons capacity based on State Building Code
Hotel or motel guest unit	1 1/10 spaces per unit
Guesthouse, lodging house, other group accommodation	1 space per 2 persons accommodated
Nursing home	1 space per 3 beds
All other uses	1 space per 150 sq. ft. or such smaller number of spaces as the Board of Appeals may, on Special Permit, determine adequate to accommodate all normal demand.

3150. Parking Area Design and Location.

3151. Location. Required parking shall be either on the same premises as the activity it serves, or on a separate parcel if located within 300 feet of the building entrance, and if not separated by a state-numbered highway, and if in a zoning district allowing the activity it serves.

3152. Setback. No more than five parking spaces shall be located within a required front yard, unless set back from the street line by more than 10% of the lesser of lot or district depth.

3153. Surface. All required parking areas, entrances, and driveways, except those serving single-family residences, shall be paved, unless exempted on Special Permit from the Board of Appeals for cases such as seasonal or periodic use where an alternative surface will prevent dust, erosion, water accumulation, or unsightly conditions.

3154. Backing. Parking areas with five or more spaces or reached from a state numbered highway shall be designed and located so that their use does not involve vehicles backing onto a public way.

3155. Egress. For Business Districts only, driveway openings on the same side of the street shall be separated by at least 100 feet if on the same premises or by at least 50 feet if on separate premises, measured centerline to centerline at the streetline. At intersections, no driveway sideline shall be located within twenty feet of the intersection of street way lines. No driveway openings shall exceed twenty-four (24) feet in width at the street line unless necessity of greater width is demonstrated by the applicant, and the opening is designed consistent with Massachusetts DPW regulations Section 10A-9 or subsequent revisions. All driveways serving five (5) or more parking spaces shall be constructed with a minimum edge radius of five (5) feet on both sides. Lot division which would preclude meeting the above requirements shall provide access easements or other means of satisfying those requirements on each lot.

3156. Parking Lot Plantings. Parking lots containing 10 or more parking spaces shall have at least one tree per 8 parking spaces, such trees to be located either within the lot or within 5 feet of it. Such trees shall be at least 2" trunk diameter with not less than 60 square feet of unpaved soil or other permeable surface area per tree. At least 5% of the interior of any parking lot having 25 or more spaces shall be maintained with landscaping, including trees, in plots of at least eight (8) feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area, and to assure safe patterns of internal circulation.

3157. Bicycle Racks. For parking areas of ten or more spaces, bicycle racks facilitating locking shall be provided to accommodate one bicycle per twenty parking spaces required or fraction thereof.

3158. Design Standards. Parking areas, access and egress must be constructed as follows:

- a) 12" gravel base course with 95% compaction.
- b) The gravel base course shall be primed at a rate of 1/2 (0.5) gallons per square yard of MC-70 (or the equivalent) cut back asphalt (tack coat).
- c) Parking lot pavement shall be a minimum of three (3) inches in thickness set in two (2) courses as follows:
  - 1. BINDER - two (2) inches (minimum).
  - 2. TOP COURSE - one (1) inch (minimum).

Pavement shall be Massachusetts Department of Public Works Type I-1 and shall be compacted to a minimum of 95% laboratory density.

- d) Parking Lot Perimeter Curbs. Suitable curbing as approved by the Board shall be installed along the exterior perimeters of the parking lot.
- e) Interior Parking Lot Islands. Interior parking lot islands shall be installed with either Cape Cod berms, vertical or sloped granite curbing or Portland Cement type concrete as approved by the Board.

3159. Grading and Drainage.

- a) Drainage systems shall be designed for a twenty-five (25) year frequency storm.
- b) There shall be no increase in the rate of run-off of the proposed condition above the existing undeveloped condition using the basis of a one hundred (100) year frequency storm.
- c) Roof drainage must be designed to the twenty-five (25) year frequency storm. The Board may, at its discretion, require subsurface disposal of roof drainage.
- d) Spot elevations must be included along with proposed and existing contours. Minimum slope of any parking lot and access and egress road shall not be less than one (1) percent.

## **3200. Landscaping and Screening**

3210. District Boundary Buffers

3211. A buffer is required on any premises in a Business District if abutting or

extending into a Residential District when through new construction, addition, or occupancy change the premises are put to use not allowed in a Residential District. Said buffer shall be located entirely within the Business District along the full length of the district boundary, and shall have a depth of the lesser of 50 feet or 10% of the distance between the district boundary and the street line of the lot, except that at locations where the distance from the district boundary to the nearest structure in the Residential District is not less than 150 feet, the Zoning Board of Appeals may grant a Special Permit to allow location of part or all of the buffer outside of the Business District.

3212. No structure, parking area, or above-ground facility of any nature shall be erected, placed, or added to within the buffer strip except that access roads or driveways through said buffer strip to property located in the Residential District may be allowed on Special Permit by the Board of Appeals.

3213. The full length of the screened area shall be planted at least 2-1/2 feet high, have earth berms, differences in grade, or equivalent visual interruption by retained natural growth. Fencing approved by the Town's Fence Viewer may be used up to a maximum of six (6) feet in height in conjunction with such screening, but not in place of it. **(Revised 5/3/94 Annual Town Meeting)**

3214. High screening shall also be provided through a staggered row of trees, either planted or retained, having at least a 2" trunk diameter and being of size, species, and spacing such that tree crowns will approximately meet each other and the lower level screening at maturity, except where egress visibility suggests clearance between 2-1/2 and 8 feet above grade. At least 60% of all trees used shall be of evergreen species, and all shall be of species common to the area and which reach an ultimate height of not less than thirty feet.

3220. Street and Sideline Planting.

3221. Street and sideline planting is required on any premises in a Business District for each sideline (other than those covered by subsection 3210) which meets a state-numbered highway and for the full frontage on a state-numbered highway. Such planting is required when any new building, addition, or change of use requires a parking increase of five or more spaces.

3222. The sideline planting area shall be at least five feet wide free of any paving (except for access drives connecting abutting premises) and shall contain high screening as described in paragraph 3214, except that evergreens are not required. The screening shall extend from the street line to the deepest point on the premises having buildings or parking. Screening shall be located or trimmed to avoid blocking egress visibility.

3223. The street planting shall consist of a staggered row of trees within twenty

feet of the street lines, either planted or retained, having at least two inch trunk diameter and being of size, species, and spacing such that tree crowns will approximately meet at maturity. Species shall be ones common to the area and which reach an ultimate height of not less than thirty feet.

3224. Any site plan submitted for review under Section 1500 shall indicate any existing trees of 4" trunk diameter or greater if within twenty-five feet of the street sideline or five feet of a side lot line. No such tree shall be removed unless, following referral to the Director of Lands and Natural Resources, such removal is approved by the Board of Appeals on grounds that poor tree health or access and public safety so dictate.

### 3230. Materials and Maintenance

3231. A list of plant materials recommended (but not required) for these purposes is available from the Director of Lands and Natural Resources or from the Planning Board.

3232. All plant materials required by this bylaw shall be maintained in a healthful condition, and dead materials replaced at the earliest appropriate season.

## **3300. Signs.**

### 3310. Enforcement

3311. Inspector of Buildings. The Inspector of Buildings is authorized to order the removal of any sign and its supporting structure which is erected contrary to this Bylaw.

3312. Permits and Fees. Except for signs permitted in a residential area, and temporary signs to be placed in a window, no sign shall be erected, enlarged, reworded, redesigned or structurally altered without a Sign Permit issued by the Inspector of Buildings.

The Inspector of Buildings is authorized to grant a permit for a sign in compliance with this By-law. After reviewing a sign application, the Inspector of Buildings may deny such application if he determines that the erection of the sign will be injurious or offensive to the area because of lighting, noise, obstruction of vision, or hazardous to the public good because of color or the creation of visual confusion in the area.

If the Inspector of Buildings does deny an application, the applicant may appeal the decision to the Zoning Board of Appeals. The Inspector of Buildings shall make his determination to approve or disapprove an application for a Sign Permit within fifteen (15) days of receiving it.

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

3320. Permitted Sign.

3321. All Residential Districts.

a) One (1) sign displaying the street number and/or name of the occupant of the premises not to exceed three (3) square feet in area. Such sign may include identification of an accessory or professional office or other accessory use permitted in a residential district.

b) Signs pertaining to the lease, sale or use of a lot or buildings provided that such signs do not exceed a total of six (6) square feet. These signs must be taken down immediately after the sale or lease of the property.

c) One (1) bulletin or announcement board, identification sign or entrance marker for designating historical, conservation or similar public uses or for each public entrance to the premises upon which a church, synagogue, or other institution is located, not to exceed ten (10) square feet in area, provided that there shall be no more than three (3) such signs for each institution.

d) One (1) contractor's sign, not to exceed ten (10) square feet in area (except as otherwise required by law) maintained on the premises while construction is in progress and containing information relevant to the project. Such sign shall be removed within seven (7) days after the Occupancy Permit is issued.

e) One (1) sign identifying each public entrance to a subdivision providing such sign does not exceed the (10) square feet.

3323. All Business Districts.

a) All signs permitted in Section 3321 shall be permitted in all business districts.

b) One (1) free standing sign per lot not to exceed twenty-five (25) square feet in area or eight (8) feet on any one side.

Regarding buildings with only one (1) tenant, this sign shall identify that tenant by name. In buildings having multiple tenants, or on lots having more than one building, additional signs may be attached in a ladder fashion to the bottom of the free standing sign.

In such cases, the main sign would identify the major tenant or the name of the site as appropriate. The additional signs are to be for the sole purpose of identifying the location of a business to passersby and shall not exceed three (3)

square feet in area. In no case, regardless of the number of tenants, shall the total area of the free standing sign exceed forty (40) square feet.

c) One (1) wall sign per building not to exceed fifteen (15) square feet. Any such sign shall be flat against the wall of the building and shall not extend beyond the face of the building.

d) Window signs either painted on or attached to the inside of a window provided such signs do not cover more than twenty-five percent (25%) of the window glass.

Signs placed in a window to advertise sales or promotions may cover no more than fifty percent (50%) of the window glass and may not be posted for longer than thirty (30) days. No window signs shall be illuminated or lighted.

#### 3324. Other Permitted Signs (All Districts).

a) Signs expressing support for candidates for political office or in support of or opposition to a public issue provided these signs are temporary and are erected for a period of less than sixty (60) days.

b) Signs shall be placed on privately owned property only.

c) All political signs shall be removed within three (3) days after the election has taken place.

d) In no event may these signs be posted on utility poles.

Temporary signs shall be permitted in accordance with this section for purposes of promoting any business, or any charitable, civic or municipal event. No temporary sign shall be erected until application has been made to and a permit has been issued by the Inspector of Buildings. **(VOTED AT ATM MAY 7, 1998, Art. 28)**

The Inspector of Buildings may deny an application, and may require the removal of a temporary sign after permit, if he determines that the sign will be or is a threat to public safety or offensive to the area because of color, material or construction.

The Inspector of Buildings shall approve or deny an application within seven days of receipt. The denial or approval may be appealed by the applicant or by an aggrieved party to the Zoning Board of Appeals.

A sign authorized by this section shall be erected at ground level and shall be stationary. The sign shall be free-standing, meaning that it shall not be attached to or supported by any natural or man-made object, nor shall any

vehicle, trailer, balloon, kite, flag or other contrivance be used as a means of exhibiting a sign.

No more than one temporary sign shall be permitted on any one lot at one time.

A temporary sign shall not exceed four feet (4) in either width or height nor a total of ten (10) square feet, except that a sign in a residential district promoting other than charitable, civic or municipal events shall conform to the residential requirements as set forth in Section 3321. If a two-sided sign, the dimensions may apply to each side separately.

6. No temporary sign shall be permitted for more than thirty (30) consecutive days. No applicant shall be permitted to maintain a temporary sign for more than forty-five (45) days in a single calendar year regardless of the number of permits obtained.

#### 3330. Other Provisions.

#### 3331. Prohibitions.

a) Illumination except by the following means:

Exterior white steady stationary lights of reasonable intensity shielded and directed solely at the sign.

ii. Interior non-exposed white lights of reasonable intensity.

b) Lighting between the hours of 1:00 a.m. and 5:00 a.m., unless the establishment is open for business during that time.

c) Exposed gaseous tubes.

d) Billboards (off premises signs).

e) Roof signs and V-shaped signs.

f) Movement except those signs which are sole indicators of time and/or temperature.

#### 3340. General Provisions.

3341. Setback. All free-standing signs shall be set back a minimum of ten (10) feet from the edge of the way line on which the building fronts, and at least twenty (20) feet from all other property lines.

3342. Color. No sign shall contain more than three (3) colors.

3343. Height. No part of a free-standing sign or its supporting structure shall

exceed twenty (20) feet in height.

3346. Maintenance. All signs in all districts shall be maintained in a safe and neat condition to the satisfaction of the Inspector of Buildings and in accordance with the State Building Code. Structural damage, missing letters, or other deterioration obscuring content shall be remedied or the sign removed within sixty (60) days.

3350. Nonconformance of Accessory Signs. Accessory signs legally erected before the adoption of the By-law which do not conform to the provisions of this By-law may continue to be maintained without a permit, provided, however, that no such sign shall be permitted if, after the adoption of this By-law, it is enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any substantial way, except to conform to the requirements of this By-law; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed fifty percent (50%) of the replacement cost of the sign at the time of the restoration, shall not be repaired or rebuilt or altered except to conform to the requirements of the By-law. Any exemption provided in this Paragraph shall terminate with respect to such sign which:

a) shall have been abandoned; or

b) advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or

c) shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the Inspector of Buildings.

## SECTION 3400, BUILDING DEMOLITION (Voted ATM 5/24/1999)

Text of the Bylaw regulating Demolition of Historically Significant Buildings, Structures or Properties.

### INTENT AND PURPOSE

This bylaw is adopted for the purpose of identifying and protecting the historic and aesthetic qualities of the Town by preserving, rehabilitating or restoring whenever possible, buildings, structures or properties which constitute or reflect distinctive features of the architectural, aesthetic or historic resources of the Town, thereby promoting the public welfare and preserving the cultural heritage of the Town.

(b) DEFINITIONS

For the purpose of this section, the following words and phrases have the following meanings:

Commission: the Norwell Historical Commission

Inspector: the Norwell Building Inspector/Zoning Officer

Demolition Permit: the permit issued by the Inspector as required by the State Building Code for the demolition, partial demolition or removal of a building or structure

Historically Significant Building, Structure or Property: any building, structure or property which is (1) importantly associated with one or more historic persons or events, or with the architectural, cultural, political, economic or social history of the Town, the Commonwealth of Massachusetts or the United States of America; or (2) historically or architecturally important by reason of period, style, method of building construction or association with a particular architect or builder, either by itself or in the context of a group of buildings or structures; or (3) vista, bridge, stone wall, tree, road marker or sign, or any other property identified as of aesthetic, architectural, cultural, political or historical significance, by the Commission.

c) REGULATED BUILDINGS, STRUCTURES AND PROPERTIES

The provisions of this Section 3400 of Article III shall apply only to the following buildings, structures or properties: (1) a building, structure or property listed on the National Register of Historic Places or the State Register of Historic Places, or the subject of a pending application for listing on either of said Registers; or (2) a building, structure or property located within 200 feet of the boundary line of any federal, state or local historic district; or (3) a building, structure or property included in the Inventory of the Historic and Prehistoric Assets of the Commonwealth, or designated by the Commission for inclusion in said Inventory.

Notwithstanding the preceding sentence, the provisions of this section shall not apply to any building, structure or property located in a local historic district and subject to regulation under the provisions of Chapter 40C of the Massachusetts General Laws.

PROCEDURE

The Inspector shall forward a copy of each demolition permit application for a building, structure or property identified in paragraph © of this section to the Commission within seven (7) days after the filing of such application.

Within thirty (30) days after its receipt of such application, the Commission shall determine whether the building, structure or property is historically significant. The applicant for the permit shall be entitled to make a presentation to the Commission if he or she makes a timely request in writing to the Commission.

If the Commission determines that the building, structure or property is not historically significant, it shall so notify the Inspector and the applicant in writing and the Inspector may issue a demolition permit. If the Commission determines that the building, structure, or property is historically significant, it shall notify the Inspector and the applicant in writing that a demolition plan review must be made prior to the issuance of a demolition permit. If the Commission fails to notify the Inspector and the applicant of its determination within thirty (30) days after its receipt of the application, then the building, structure or property shall be deemed not historically significant and the Inspector may issue a demolition permit.

Within sixty (60) days after the applicant is notified that the Commission has determined that a building, structure or property is historically significant, the applicant for the permit shall submit to the Commission ten (10) copies of a demolition plan which shall include the following information: a) a map showing the location of the building, structure or property to be demolished with reference to lot lines and to neighboring buildings and structures; (b) photographs of all street façade elevations; (c) a description of the building, structure or property, or part thereof, to be demolished; (d) the reason for the proposed demolition and data supporting said reason, including, where applicable, data sufficient to establish any economic justification for demolition; and (e) a brief description of the proposed reuse of the parcel on which the building, structure or property to be demolished is located.

5) The Commission shall hold a public hearing with respect to the application for a demolition permit and shall give public notice of the time, place, and purposes thereof at least fourteen (14) days before said hearing in such a manner as it may determine, and by mailing, postage prepaid a copy of said notice to the applicant, to the owners of all adjoining property and other property deemed by the Commission to be materially affected thereby as they appear on the most recent real estate tax list of the Board of Assessors, to the Planning Board, to any person filing written request for notice of hearings, such request to be renewed yearly in December, and to such other persons as the Commission shall deem entitled to notice. Within sixty (60) days after its receipt of the demolition plan, the Commission shall file a written report with the Inspector on the demolition plan which shall include the following: a) a description of the age, architectural style, historic association and importance of the building or structure to be demolished; b) a determination as to whether or not the building, structure or property should

preferably be preserved. The Commission shall determine that a building, structure or property should preferably be preserved only if it finds that the building, structure or property is a historically significant building, structure or property which, because of the important contribution made by such building, structure or property to the Towns historical and/or architectural resources, it is in the public interest to preserve, rehabilitate or restore.

If, following the demolition plan review, the Commission does not determine that the building, structure or property should preferably be preserved, or if the Commission fails to file a report with the Inspector within the time limit set out in subparagraph (5) next above, then the Inspector may issue a demolition permit.

If, following the demolition plan review, the Commission determines that the building, structure or property should preferably be preserved, then the Inspector shall not issue a demolition permit for a period of six (6) months from the date of the filing of the Commissions report unless the Commission informs the Inspector prior to the expiration of such six (6) month period that it is satisfied that the applicant for the demolition permit has made a bona fide, reasonable and unsuccessful effort to locate a purchaser for the building, structure or property who is willing to preserve, rehabilitate or restore the building, structure or property, or has agreed to accept a demolition permit on specified conditions approved by the Commission.

#### (e) EMERGENCY DEMOLITION

If the condition of a building, structure or property poses a serious and imminent threat to public health or safety due to its deteriorated condition, the owner of such building, structure or property may request the issuance of an emergency demolition permit from the Inspector. As soon as practicable after the receipt of such a request, the Inspector shall arrange to have the property inspected by a Board consisting of the Inspector, the Chairman of the Commission and the Board of Health, and the Chief of the Fire Department, or their respective designees. After inspection of the building, structure or property and consultation with this Board, the Inspector shall determine whether the condition of the building, structure or property represents a serious and imminent threat to public health or safety and whether there is any reasonable alternative to the immediate demolition of the building, structure or property which would protect the public health or safety. If the Inspector finds that the condition of the building, structure or property poses a serious and imminent threat to public health or safety, and that there is no reasonable alternative to the immediate demolition permit under the provisions of this paragraph (e), the Inspector shall prepare a written report describing the condition of the building, structure or property and the basis for the decision to issue an emergency demolition permit with the Commission. Nothing in this paragraph (e) shall be inconsistent with the

procedures for the demolition and/or securing of the building and structures established by Chapter 143, Sections 6 to 10, of the Massachusetts General Laws. In the event that a Board of Survey is convened under the provisions of Section 8 of said Chapter 143 with regard to any building, structure or property identified in paragraph © of this section, the Inspector shall request the Chairman of the Commission or the Chairmans designee to accompany the Board of Survey during its inspection. A copy of the written report prepared as a result of such inspection shall be filed with the Commission.

#### (f) NON-COMPLIANCE

Anyone who demolishes a building, structure or property identified in paragraph © of this section without first obtaining, and complying fully with the provisions of a demolition permit, shall be subject to a fine of not less than one thousand (\$1,000) dollars nor more than twenty-five thousand (\$25,000) dollars. In addition, unless a demolition permit was obtained for such demolition, and unless such permit was fully complied with the Inspector shall not issue a building permit pertaining to any parcel on which a building, structure or property identified in paragraph © of this section has been demolished for a period of three (3) years after the date of demolition.

#### (g) APPEALS TO SUPERIOR COURT

Any person aggrieved by a determination of the Commission may, within twenty days after the filing of the notice of such determination with the Inspector, appeal to the Superior Court for Plymouth County. The court shall hear all pertinent evidence and shall annul the determination of the Commission if it finds the decision of the Commission to be unsupported by the evidence or to exceed the authority of the Commission or may remand the case for further action by the Commission or make such other decree as justice and equity shall require.

#### SEVERABILITY

In case any section, paragraph or part of this bylaw is declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph, and part of this bylaw shall continue in full force and effect.

#### NOTIFICATION

The Commission shall be required to present a written Annual Report by January first of each calendar year to the Inspector, the Planning Board and the Highway Department. This report shall include but is not limited to the following: (1) an inventory of any and all buildings, structures and properties that have been designated and registered as being covered by this bylaw; (2) a list of any and all buildings, structures and properties covered by this bylaw

that are under consideration and study by the Commission or the Massachusetts Historical Commission; (3) a copy of this report shall be made available to the Selectmen, Town Public Library and the Massachusetts Historical Commission.

# Special Regulations

The Town of Norwell, Massachusetts

## ARTICLE IV

### SPECIAL REGULATIONS

#### PERSONAL WIRELESS SERVICE FACILITIES (Voted at STM 12/8/1997)

Purpose and Intent. It is the express purpose of this bylaw to minimize the visual and environmental impacts of personal wireless service facilities, consistent with the provisions of Section 253 and 704 of the Federal Telecommunications Act of 1996. The Bylaw enables the review and approval of personal wireless service facilities by the Towns Zoning Board of Appeals in keeping with existing bylaws and historic development patterns. It sets standards which are intended to preserve the safety, character, appearance, property values, natural resources and historic sites of the Town; mitigate any adverse visual effects through proper design, location and screening of structures; and to encourage co-location of antennas where feasible in order to minimize the total number of sites required.

Scope. Section 4600 shall apply to all wireless telecommunications antennas and towers and related equipment, fixtures and enclosures, including any modifications to any of the preceding, but shall not apply to fire, police, ambulance and other safety communications antennas, amateur (ham) radio or citizens band radio antennas, or to non-transmitting television antennas.

District Regulations. \_

Use Regulations. A personal wireless service facility shall require a building permit in all cases, and may be permitted as follows:

A personal wireless service facility may locate on any existing guyed tower, lattice tower, monopole, electric utility transmission tower, fire tower or water tower, provided that the installation of the new facility does not increase the height of the existing structure except as provided in Section 4623(b) below. Such installations shall not require a Special Permit but shall require site plan approval by the Zoning Board of Appeals.

A personal wireless service facility involving construction of one or more ground or building (roof or side) mounts shall require a Special Permit. Such facilities may locate by Special Permit in all zoning districts within the Town, provided that the proposed use complies with the height and setback

requirements of Section 4623 and all of the Special Permit Regulations set forth in Section 4630 of this Bylaw.

A personal wireless service facility that exceeds the height restrictions of Sections 4623(a)-(c) may be permitted by Special Permit in a designated Wireless Service Overlay District provided that the proposed facility complies with the height restrictions of Section 4623(d), and with all of the setback and Special Permit Regulations set forth in Sections 4623 and 4630 of this Bylaw.

Location. Applicants seeking approval for personal wireless service facilities shall comply with the following:

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

If the applicant demonstrates that it is not feasible to locate on an existing structure, personal wireless service facilities shall be designed so as to be camouflaged to the greatest extent possible, including but not limited to: use of compatible building materials and colors, screening, landscaping and placement within trees to create an effective year round visual buffer.

The applicant shall submit documentation of the legal right to install and use the proposed facility at the time of application for a building and/or Special Permit.

Dimensional Requirements. Personal wireless facilities shall comply with the following requirements:

Height, General. The height of a personal wireless service facility shall not exceed by more than ten feet the height limits of the zoning district in which the facility is proposed to be located, unless the facility is completely camouflaged such as within a flagpole, steeple, chimney or similar structure. Personal wireless service facilities may locate on a building that is legally non-conforming with respect to height, provided that the facilities do not project above the existing building height.

Height, Existing Structures. New antennas located on any of the following structures existing on the effective date of this bylaw shall be exempt from the height restrictions of this bylaw: Water towers, guyed towers, lattice towers, fire towers and monopoles, provided that

- 1) location on existing water towers will be subject to approval of the proposed attachment methods and maintenance procedures by the Water Department and Board of Health;
- 2) there is no increase in height of the existing structure as a result of the installation of a personal wireless service facility.

Height, Existing Structure, (Utility). New antennas located on any of the following existing structures shall be exempt from the height restrictions of this bylaw provided that there is no more than a twenty foot (20) increase in the height of the existing structure as a result of the installation of a personal wireless service facility: electric transmission and distribution towers, telephone poles and similar existing utility structures. This exemption shall not apply in Historic Districts, within 150 feet of the right-of-way of any scenic roadway, or in designated scenic viewsheds.

Height, Wireless Facility Overlay Districts. Within the Wireless Facility Overlay District (as designated on the town zoning map), personal wireless service facilities of up to 150 feet are permitted by Special Permit. These taller structures shall be of non-guyed design, and shall comply with all setback and Special Permit Regulations as set forth in this Bylaw.

Setbacks. All personal wireless service facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located. In addition, the following setbacks shall be observed:

The minimum distance from the base of any ground-mounted personal wireless service facility to any property line, public way, habitable dwelling, shall be three (3) times the height of the facility/mount, including any antennas or other appurtenances.

- 2) In the event that an existing structure is proposed as a mount for a personal wireless service facility, the setback provisions of the underlying zoning district shall apply. In the case of pre-existing non-conforming structures, personal wireless service facilities and their equipment shelters shall not increase any non-conformities, except as provided in 4623(e)(3) below.

- 3) Flexibility. In reviewing a Special Permit application for a personal wireless service facility, the Zoning Board of Appeals may reduce the setback by as much as 2/3 of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Appeals shall consider both the visual and safety impacts of the proposed use.

Special Permit Regulations. All personal wireless service facilities shall comply with the Performance Standards set forth in this section.

Design Standards.

a) Visibility/Camouflage. Personal wireless service facilities shall be camouflaged as follows:

1) Camouflage by Existing Buildings or Structures:

i) When a personal wireless service facility extends above the roof height of a building on which it is mounted, every reasonable effort shall be made to conceal the facility within or behind existing architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front façade in order to limit their impact on the buildings silhouette.

ii) Personal wireless service facilities which are side mounted shall blend with the existing buildings architecture and, if over five (5) square feet, shall be painted or shielded with material which is consistent with the design features and materials of the building.

Color.

i) Personal wireless service facilities which are side-mounted on buildings shall be painted or constructed of materials to match the color of the building material directly behind them.

ii) To the extent that any personal wireless service facilities extend above the height of the vegetation immediately surrounding them, they shall be painted in a light gray or light blue hue that blends with sky and clouds.

b) Equipment Shelters. Equipment shelters for personal wireless service facilities shall be designed consistent with one of the following design standards:

Equipment shelters shall be located in underground vaults, or

Equipment shelters shall be designed to be consistent with the architectural styles, materials and roof design typical of the district in which the facility is located; or

Equipment shelters shall be camouflaged behind an effective year-round landscape buffer and/or wooden fence, equal to the height of the proposed building. The Zoning Board of Appeals shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood.

c) Lighting and Signs.

Personal wireless facilities shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. There shall be total cutoff of all light at the property lines of the property to be developed, and foot candle measurements at the property line shall be 0.0 initial foot candles when measured at grade.

Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All such signs shall comply with the requirements of Section 3300 of these Bylaws.

#### Historic Buildings and Districts.

- 1) Any personal wireless service facilities located on or within a historic structure shall not alter the character-defining features, distinctive construction methods or original historic materials of the building.
- 2) Any alteration made to an historic structure to accommodate a personal wireless service facility shall be fully reversible.
- 3) Personal wireless service facilities within a historic district shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas within the district.

#### Scenic Landscapes and Vistas

Equipment shelters shall not be located within open areas that are visible from public roads or residential development. As required in the Section 4631 (a), all ground-mounted equipment shelters which are not camouflaged by existing buildings or structures shall be surrounded by a buffer of dense tree growth.

Any personal wireless service facility that is located within 300 feet of a scenic vista, scenic landscape or scenic road as designated by the Town shall not exceed the height of vegetation at the proposed location. If the facility is located farther than 300 feet from the scenic vista, scenic landscape or scenic road, the height regulations described elsewhere in this bylaw will apply.

#### Environmental Standards.

Personal wireless service facilities shall not be located in wetlands. Locating of wireless facilities in wetland buffer areas shall be avoided whenever possible and disturbance to wetland buffer areas shall be minimized.

No hazardous waste shall be discharged on the site of any personal wireless service facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least 110% of the volume of the hazardous materials stored or used on the site.

Storm water run-off shall be contained on-site.

Ground-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at the property line.

Roof-mounted or side-mounted equipment for personal wireless service facilities shall not generate noise in excess of 50 db at ground level at the base of the building closest to the antenna.

#### 4633. Safety Standards.

a) Radio-frequency Radiation (RFR) Standards. All equipment proposed for a personal wireless service facility shall be authorized per the FCC *Guidelines for Evaluating the Environmental Effects of Radio-frequency Radiation.*

All ground mounted personal wireless service facilities shall be surrounded by a security barrier.

#### Application Procedures.

Special Permit Granting Authority. The Special Permit Granting Authority for personal wireless service facilities shall be the Zoning Board of Appeals (ZBA).

Site Plan Approval. Applications require approval of a site plan consistent with Section 1500, except that such approval is required in all districts.

Application Filing Requirements. The following shall be included with an application for a Special Permit for all personal wireless service facilities.

#### General Filing Requirements

Name, address, and telephone number of applicants and any co-applicants, as well as any agents for the applicants or co-applicants.

Co-applicants may include the landowner of the subject property, licensed carriers and tenants for the personal wireless service facility.

A licensed carrier shall either be an applicant or a co-applicant.

Original signatures for the applicant and all co-applicants applying for the Special Permit are required. If the applicant or co-applicant will be represented by an agent, original signature authorizing the agent to represent the applicant and/or co-applicant is required. Photo reproductions of signatures will not be accepted.

#### Location Filing Requirements

Identify the subject property by including the Town as well as the name of the locality, name of nearest road or roads and street address, if any.

Tax map and parcel number of subject property.

Zoning district designation for the subject parcel. (Submit copy of Town Zoning map with parcel identified.)

A line map to scale showing the lot lines of the subject property and the location of all buildings, including accessory structures, on all properties shown within 300 feet of the proposed wireless facility.

The proposed locations of all existing and future personal wireless service facilities in the Town on a Town-wide map for this carrier.

#### b) Siting Filing Requirements

A "one inch equals 40 feet" (1"=40") vicinity plan showing the following:  
Property lines for the subject property.

Property lines of all properties adjacent to the subject property within three hundred (300) feet of the property line.

Tree cover on the subject property and adjacent properties within three hundred (300) feet of the proposed wireless facility, by dominant species and average height, as measured by or available from a verifiable source.

Outline of all existing buildings, including purpose (e.g. residential buildings, garages, accessory structures, etc.) on subject property and all adjacent properties within three hundred (300) feet of the proposed wireless facility.

Proposed location of antenna, mount and equipment shelter(s).

Proposed security barrier, indicating type and extent as well as point of controlled entry.

Location of all roads, public and private, on the subject property and on all adjacent properties within three hundred (300) feet of the proposed wireless facility, including driveways proposed to serve the personal wireless service facility.

Distances, at grade, from the proposed personal wireless service facility to each building on the vicinity plan.

Contours at each two feet (2') AMSL for the subject property and adjacent properties within three hundred feet (300) of the property line.

All proposed changes to the existing property, including grading, vegetation removal and temporary or permanent roads and driveways.

Representations, dimensioned and to scale, of the proposed mount, antennas, equipment shelters, cable runs, parking areas and any other construction or development attendant to the personal wireless service facility.

Lines representing the sight line showing viewpoint (point from which view is taken) and visible point (point being viewed from "Sight Lines" sub-section below.)

#### Sight Lines and Photographs as Described Below:

**Sight Line Representation.** A sight line representation shall be drawn from any public road within 300 feet and the closest façade of each residential building (viewpoint) within three hundred (300) feet, to the highest point (visible point) of the personal wireless service facility. Each sight line shall be depicted in profile, drawn at one inch equal 40 feet (1"=40'). The profiles shall show all intervening trees and buildings. In the event there is only one residential building within three hundred (300') feet, there shall be at least two sight lines from the closest habitable structures or public roads, if any.

**Existing (before condition) photographs.** Each sight line shall be illustrated by one (1) four inch by six inch (4" x 6") color photograph of what can currently be seen from any public road within 300 feet of the proposed wireless facility.

**Proposed (After Condition).** Each of the existing condition photographs shall have the proposed personal wireless service facility superimposed on it to show what will be seen from public roads if the proposed personal wireless service facility is built.

**Siting Elevations,** or views at-grade from the north, south, east and west for a fifty foot (50-foot) radius around the proposed personal wireless service facility plus from all existing public and private roads that serve the subject property.

Elevations shall be at either one-quarter inch equals one foot (1/4" = 1') or one-eighth inch equals one foot (1/8" = 1') scale and show the following:

Antennas, mounts and equipment shelter(s), with total elevation dimensions and AGL of the highest point.

**Security Barrier.** If the security barrier will block views of the personal wireless service facility, the barrier drawing shall be cut away to show the view behind the barrier.

Any and all structures on the subject property.

Existing trees and shrubs at current height and proposed trees and shrubs at proposed height at time of installation, with approximate elevations dimensioned.

- v) Grade changes, or cuts and fills, to be shown as original grade and new grade line, with two-foot contours above mean sea level.

#### Design Filing Requirements

1) Equipment brochures for the proposed personal wireless service facility such as manufacturers specifications or trade journal reprints shall be provided for the antennas, mounts, equipment shelters, cables as well as runs and security barrier, if any.

2) Materials of the proposed personal wireless service facility specified by generic type and specific treatment (e.g., anodized aluminum, stained wood, painted fiberglass, etc.). These shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs and security barrier, if any.

Colors of the proposed personal wireless service facility represented by a color board showing actual colors proposed. Colors shall be provided for the antennas, mounts, equipment shelters, cables as well as cable runs, and security barrier, if any.

Dimensions of the personal wireless service facility specified for all three directions: height, width and breadth. These shall be provided for the antennas, mounts, equipment shelters and security barrier, if any.

Appearance shown by at least two photographic super-impositions of the personal wireless service facility within the subject property. The photographic super-impositions shall be provided for the antennas, mounts, equipment shelters, cables, as well as cable runs and security barrier, if any, for the total height, width, and breadth.

Landscape plan including existing trees and shrubs and those proposed to be added, identified by size of specimen at installation and species.

Within thirty (30) days of the pre-application conference, or within twenty-one (21) days of filing an application for a Special Permit, the applicant shall arrange for a balloon or crane test at the proposed site to illustrate the height of the proposed facility. The date, time and location of such test shall be advertised in a newspaper of general circulation in the Town at least fourteen (14) days, but not more than twenty-one (21) days prior to the test.

If lighting of the site is proposed, the applicant shall submit a manufacturers computer generated point-to-point printout, indicating the horizontal foot-candle levels at grade, within the property to be developed and twenty-five

(25) feet beyond the property lines. The printout shall indicate the locations and types of luminaire proposed.

Noise Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of noise from the proposed personal wireless service facilities, measured in decibel Ldn (logarithmic scale, accounting for greater sensitivity at night), for the following:

Existing, or ambient: the measurements of existing noise.

Existing plus proposed personal wireless service facilities: maximum estimate of noise from the proposed personal wireless service facility plus the existing noise environment.

Such statement shall be certified and signed by an acoustical engineer, stating that noise measurements are accurate and meet the Noise Standards of this Bylaw.

Radio-Frequency Radiation (RFR) Filing Requirements. The applicant shall provide a statement listing the existing and maximum future projected measurements of RFR from the proposed personal wireless service facility, for the following situations:

Existing, or ambient: the measurements of existing RDR.

Existing plus proposed personal wireless service facilities: estimate of the maximum of RFR from the proposed personal wireless service facility plus the existing RFR environment.

Certification, signed by a RF engineer stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radiofrequency Radiation Standards sub-section of the Bylaw.

Federal Environmental Filing Requirements.

The National Environmental Policy Act (NEPA) applies to all applications for personal wireless service facilities. NEPA is administered by the FCC via procedures adopted as Subpart 1, Section 1.1301 et seq. (47 CFR Ch I).

The FCC requires that an environmental assessment (EA) be filed with the FCC prior to beginning operations for any personal wireless service facility proposed in or involving any of the following:

Wilderness area

Wildlife preserves

Endangered species habitat

Historical site

Indian religious site

Flood plain

Wetlands

High intensity white lights in residential neighborhoods.  
Excessive radio-frequency radiation exposure.

At the time of application filing, an EA that meets FCC requirements shall be submitted to the Town for each personal wireless service facility site that requires such an EA to be submitted to the FCC.

The applicant shall list location, type and amount (including trace elements) of any materials proposed for use within the personal wireless service facility that are considered hazardous by the federal, state, or local government.

The Zoning Board of Appeals may waive one or more of the application filing requirements of this section if it finds that such information is not needed for a thorough review of a proposed personal wireless service facility.

#### Co-Location.

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

A survey of all existing structures that may be feasible sites for co-locating personal wireless service facilities;

Contact with all the other licensed carriers for commercial mobile radio services operating in the Town; and

Providing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location.

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

If the applicant does not intend to co-locate or to permit co-location, the Town shall request drawings and studies which show the ultimate appearance and operation of the personal wireless service facility at full build-out.

If the ZBA approves co-location for a personal wireless service facility site, the Special Permit shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the Special Permit approval shall require no further zoning approval. However, the addition of any facilities not specified in the approved Special Permit shall require a new Special Permit.

Estimates of RFR emissions will be required for all facilities, including proposed and future facilities.

Modifications. A modification of a personal wireless service facility may be considered equivalent to an application for a new personal wireless service facility and require a Special Permit when the following events apply:

The applicant and/or co-applicant want to alter the terms of the Special Permit by changing the personal wireless service facility in one or more of the following ways:

Change in the number of facilities permitted on the site;  
Change in technology used for the personal wireless service facility.  
Additional equipment shelter.

b) The applicant and/or co-applicant want to add any equipment or additional height not specified in the original design filing.

#### Monitoring and Maintenance.

Within ninety (90) days of the beginning of operations, and annually thereafter, the applicant shall submit measurements of RFR from the personal wireless service facility. Such measurements shall be signed and certified by a RF engineer, stating that RFR measurements are accurate and meet FCC Guidelines as specified in the Radio-frequency Standards section of this Bylaw.

4672. The applicant and co-applicants shall maintain the personal wireless service facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier and maintenance of the buffer area and landscaping.

#### Abandonment or Discontinuation of Use

At such time that a licensed carrier plans to abandon or discontinue operation of a personal wireless service facility, such carrier will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that a licensed carrier fails to give such notice, the personal wireless service facility shall be considered abandoned upon such discontinuation of operations.

Upon abandonment or discontinuation of use, the carrier shall physically remove the personal wireless service facility within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

Removal of antennas, mounts and equipment shelters and security barriers from the subject property.

Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

Restoring the location of the personal wireless service facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

If a carrier fails to remove a personal wireless service facility in accordance with this section of this Bylaw, the Town shall have the authority to enter the subject property and physically remove the facility. The Zoning Board of Appeals may require the applicant to post a bond at the time of construction to cover costs for the removal of the personal wireless facility in the event the Town must remove the facility.

Reconstruction or Replacement of Existing Towers and Monopoles. Guyed towers, lattice towers, utility towers and monopoles in existence at the time of adoption of this Bylaw may be reconstructed, altered, extended, or replaced on the same site by Special Permit, provided that the Zoning Board of Appeals finds that such reconstruction, alteration, extension or replacement will not be substantially more detrimental to the neighborhood and/or the Town than the existing structure. In making such a determination, the ZBA shall consider whether the proposed reconstruction, alteration, extension or replacement will create public benefits such as opportunities for co-location, improvements in public safety, and/or reduction in visual and environmental impacts. No reconstruction, alteration, extension or replacement shall exceed the height of the existing facility by more than twenty (20) feet.

Term of Special Permit. A Special Permit issued for any personal wireless service facility over fifty (50) feet in height shall be valid for twenty (20) years. At the end of that time period, the personal wireless service facility shall be removed by the carrier or a new Special Permit shall be required.

—

**(FOR DEFINITIONS PERTINENT TO PERSONAL WIRELESS SERVICE FACILITIES SEE ARTICLE V FOLLOWING THIS SECTION.)**

**(SECTION 4600 WAS VOTED AND ADDED TO ZONING BYLAWS AT SPECIAL TOWN MEETING HELD ON MONDAY, DECEMBER 8, 1997.)**

**VILLAGE OVERLAY DISTRICT. (Voted ATM 5/25/1999)**

**PURPOSE:** The purpose of the Village Overlay District (VOD) is to:

**Provide dwelling units for occupancy by individuals fifty-five (55) years of age or older; and**

**Provide for mixed and diverse varieties of housing, including affordable housing; and**

**Provide for residential development in a manner that conserves environmental features, woodlands, wet areas, open space, areas of scenic beauty, views and vistas.**

**APPLICABILITY. The VOD shall be construed as an overlay district. All requirements of the underlying zoning district(s) shall remain in full force and effect, except where the requirements of the VOD are more restrictive or provide for uses or structures not otherwise available in the underlying district; in such cases, the requirements of the VOD may supersede the underlying zoning regulations upon the issuance of a Special Permit from the Planning Board.**

**The VOD shall include all land designated by a two-thirds (2/3) vote of Town Meeting as within the district, all pursuant to M.G.L. c 40A, s.5.**

**DEFINITIONS.**

**Applicant** The person or persons, including a corporation or other legal entity, who applies for issuance of a Special Permit for construction of a Village Residential Development (VRD) hereunder. The Applicant must own, or be the beneficial owner of, all the land included in the proposed VRD, or have authority from the owner(s) to act for him or hold an option or contract duly executed by the owners(s) and the Applicant giving the latter the right to acquire the land to be included in the site.

**Bedroom** A separate room in a dwelling unit intended for, or which customarily could be used for, sleeping.

**Buffer** An area within a VRD adjacent to its boundaries, streams and ponds, which may not be cleared, cut, developed or otherwise disturbed except as provided herein.

**Development Schedule** A schedule showing the order and timing of construction and the sequence of the improvements to be built or furnished in the VRD site, separated into stages where applicable.

**Regulations** The rules and regulations of the Planning Board.

**Upland** All land not defined as wet areas.

**Village Residence Development (VRD)** A combination of single-family dwellings and permissible accessory uses authorized by Special Permit from the Planning Board as set forth herein.

**Wet Areas** All land, other than wetland buffer zones, subject to the provisions of Massachusetts Wetland Protection Act, M.G.L. c. 131, s. 40 and 40A and the Town of Norwell Wetlands Bylaw, Article XVI-a.

**USE RESTRICTIONS.** A VRD, consisting of the uses set forth below, individually or in combination, may be authorized by a Special Permit issued by the Planning Board pursuant to this Section and in compliance with the standards set forth herein.

Attached or detached dwelling units owned and occupied by persons aged fifty-five (55) and over, provided, however, that one spouse may be under age fifty-five (55).

Structures and uses accessory to the use set forth above, including: community buildings serving the residents of the VRD; recreational facilities; underground utilities located on a lot not serving the dwelling units; roadways.

**APPLICATION.** An application for a Special Permit for construction of a VRD within the VOD shall be submitted to the Planning Board on forms furnished by the Planning Board, accompanied by: (a) the filing fee determined in accordance with the Planning Boards Rules and Regulations; (b) the following information and data; and (c) a development plan as described below:

All of the information required for site plan approval pursuant to Section 1520 herein:

The name(s) and address(es) of the Applicant and all legal and beneficial owners of the site; copies of all instruments, options, contracts or encumbrances affecting ownership of the development site; and an instrument executed by all persons owning property within the site consenting to the development of the subject property, as applied for.

A proposed development schedule showing the beginning of construction, the rate of construction and development, including stages, if applicable and the estimated date of completion.

**A narrative report prepared by qualified professionals, detailing the impact of the development on the Towns capacity to furnish services including, but not limited to, roads, water and sanitation.**

**Information regarding the number and kind of dwelling units and other structures proposed, their design, their location, the number of bedrooms planned, the sale prices and fees anticipated and population projections pertaining thereto.**

**Areas to be set aside for building structures, parking areas and conservation and recreation easements.**

**Information regarding the number and kind of dwelling units and other structures proposed, their design, their location, the number of bedrooms planned, the sale price and fees anticipated and population projections pertaining thereto.**

**Copies of all proposed deed restrictions to assure resale at affordable prices and the right of first refusal in favor of the Town for dwelling units to be sold at affordable prices, if applicable.**

**Any and all other information that the Planning Board may reasonably require in a form acceptable to it to assist in determining whether the applicants proposed development plan meets the objectives of this Section.**

**STANDARDS. In order to be eligible for consideration for a Special Permit to construct a VRD pursuant to Section 4700, a proposed VRD shall meet all of the following standards:**

**Qualifying Area. The VRD site shall be located within the VOD and shall contain at least 40 contiguous upland acres, including at least one acre of upland for each dwelling unit proposed.**

**Open Space Requirement. At least fifty percent (50%) of all upland contained within the VRD site shall be open space, which shall be left in its natural vegetated state.**

**Buffer. A buffer area of one hundred seventy-five (175) feet shall be provided at the perimeter of the VRD site where it abuts residentially zoned or occupied properties sufficient to substantially limit the visibility of the VRD from outside its perimeter; provided, however, the buffer may be reduced to not less than fifty (50) feet upon a finding by the Planning Board that suitable screening can be provided. No vegetation in this buffer area will be disturbed, destroyed or removed, except for normal maintenance and provided, however, that structures**

or buildings may be located within the buffer area upon approval of the Planning Board with the issuance of a Special Permit. Undergrowth planting may be added.

**Roadways and Paths.** Where intended for dedication and acceptance by the Town of Norwell, the principal roadway(s) serving the site shall be designed to conform with the standards of the Planning Boards Subdivision Regulations and any other standards of the Town of Norwell. Private ways shall be adequate for intended vehicular and pedestrian traffic and shall be maintained by an association of unit owners or by the applicant. Paths for the use of residents shall be attractively designed with proper regard for convenience, separation of vehicular, bicycle and pedestrian traffic, and access to the amenities and facilities on the site and to paths on adjacent sites.

**Parking.** The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces.

**Surface Drainage.** The surface drainage system shall be designed in accordance with the Subdivision Regulations of the Planning Board, the Rules and Regulations of the Permanent Drainage Study Committee and the DEPs Stormwater Management Policy and Design Guidelines as amended.

**Utilities.** All electric, gas, telephone, and water distribution lines shall be placed underground.

**Dwelling Unit.** The development of one or more dwelling units on a lot or lots shall be permitted in an application to construct a VRD. Dwelling Units may be situated on any common or individual lot consistent with the overall design objectives of the VOD; provided, however, that such dwelling units shall comply with the provisions of the State Sanitary Code, 310 CMR 15.00, any other applicable State Regulations, and with the rules of the Norwell Board of Health.

**REVIEW FEES.** The Planning Board may engage, at the expense of the applicant, professional, technical and/or legal consultants to review an application for a Special Permit within the VOD and to evaluate compliance with the Special Permit.

**AFFORDABLE UNITS.** The applicant is encouraged to provide dwelling units at prices affordable to persons or families of low or moderate income. Such affordable dwelling units shall be integrated into the overall development so as to prevent the physical segregation of such units and shall

**otherwise be indistinguishable in all respects, including but not limited to materials, size and design, from comparable market price units.**

**DECISION.** The planning Board by affirmative vote of 4/5 of its members present and voting, may grant a Special Permit for a VRD upon finding that the proposed VRD complies with the requirements of this section. The Planning Board shall not grant a Special Permit unless it determines that all criteria set forth in Section 1420 herein are satisfied. The Special Permit may be granted with such reasonable conditions, regulations, or limitations as the Planning Board may deem necessary to serve the purposes of the Bylaw.

**EXPIRATION.** Special Permits shall lapse in accordance with Section 1450 herein.

**PUBLIC HEARING.** Special Permits shall only be issued following Public Hearings held in accordance with Section 1430 herein.

**MODIFICATIONS.** No structure created within the VRD shall be externally enlarged by more than two hundred (200) square feet and no use changed or expended in the ground except upon approval of the Planning Board and subject to the provisions of Section 4740 through Section 4820.

## **ARTICLE IV**

**ADULT ENTERTAINMENT OVERLAY DISTRICT  
VOTED AT STM 12/17/2001  
(ARTICLES 1 AND 2)**

### **4900 ADULT ENTERTAINMENT OVERLAY DISTRICT**

#### **Section 4910 PURPOSE**

It is the purpose and intent of this bylaw to address and mitigate the secondary effects of the adult uses referenced herein, which include but are not limited to increase crime, adverse impacts on public health, safety and welfare, decreased property values and neighborhood blight, all of which have been relied upon in considering the enactment of the bylaw.

The provisions of this bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials unless such matter is prohibited by state

of federal law. Similarly, it is not the purpose or intent of this bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitutions of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is it the purpose or intent of this bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

**SECTION 4920 There is hereby created an ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD):**

Adult Bookstores,  
Adult Motion Picture Theatres,  
Adult Paraphernalia Stores,  
Adult Video Stores and  
Establishments Which Display Live Nudity,

As those terms are defined in G. L. c. 40A s. 9A, as amended, and sexually-oriented businesses, hereinafter referred to as “adult entertainment establishments,” are prohibited in ALL zoning districts except as allowed in the ADULT ENTERTAINMENT OVERLAY DISTRICT (AEOD) upon the grant of a special permit by the Board of Appeals, in accordance with Section 1400, as modified by this Section 4900, following Site Plan Review in accordance with Section 1500.

**SECTION 4930 APPLICABILITY**

The AEOD shall be construed as an overlay district. All requirements of the underlying district(s) shall remain in full force and effect, except where the requirements of the AEOD are more restrictive or provide for uses or structures not otherwise available in the underlying district. In such cases, the requirements of the AEOD shall supersede the underlying zoning regulations upon the issuance of a Special Permit from the Board of Appeals.

**SECTION 4940 ADULT ENTERTAINMENT OVERLAY DISTRICT**

The AEOD shall include that portion of the land within Business District C-1, Described in Section 6510, which is situated between a line which runs 200 feet from, and parallel to, the southeasterly side of Pond Street and an easterly boundary line which runs 1,000 feet from, and parallel to, the boundary line between Residence “B” and Business “C-1” aforesaid, shown as the AEOD Overlay District (as designated on the Town Zoning Map), and made a part hereof.

**SECTION 4950 SPECIAL PERMIT REQUIREMENTS AND CONDITIONS**

**SPECIAL PERMIT** No adult entertainment establishment shall commence operations without first applying for and receiving a Special Permit from the Board of Appeals.

**CONDITIONS** The following conditions shall be attached to any Special Permit for adult entertainment establishments:

Special permits granted under Section 4900 shall remain exclusively with the applicant, who shall be the owner or lessee of the premises described in the application. The Special Permit shall terminate automatically on the date the applicant alienates that title or leasehold interest in the premises.

Special Permits issued under Section 4900 shall be for a period of three (3) years from the date of the decision. It shall be renewed for successive three-year (3-year) periods provided that a written request for renewal is made to the Board of Appeals not less than three (3) months prior to the expiration of the then-existing three-year period.

Publication of notice of said request shall be made in the same manner as would be required for an original application for a Special Permit. Said notice shall state that the renewal request will be granted unless, prior to the expiration of the then-existing permit, a written objection to the renewal, stating reasons, is received by the Board of Appeals. In the event of such an objection, a hearing on the renewal shall be held and shall proceed in a manner identical to the course of proceedings in connection with an original permit application.

The Special Permit shall remain in effect until the conclusion of the public hearing and decision of the Board of Appeals either granting or denying the Special permit renewal. In granting the renewal, the Board of Appeals may impose additional conditions, including, without limiting the foregoing, time limits to correct violations, hours of operation and additional screening, upon which a specified lapse or time without correction or compliance shall result in a revocation of the permit.

No adult entertainment establishment shall be located within one hundred fifty (150) feet of a place of worship, school, or day care center.

No adult entertainment establishment shall be located within five hundred (500) feet of another adult entertainment establishment.

With the exception of an adult motion picture theater, adult entertainment establishments may not exceed 3,000 square feet of usable floor area.

Hours of operation for any adult entertainment establishment shall be established by the Board of Appeals.

All exterior building openings, entries and windows shall be screened in such a manner as to prevent the public's view of the interior from any public or private right of way or abutting property.

No adult entertainment establishment may have any flashing lights visible from the exterior of the premises.

Appearance of buildings for adult uses shall be consistent with the appearance of buildings in similar (but not specifically "adult") use in Norwell, not employing unusual color or building design, which would attract attention to the premises.

Exterior signs shall identify the name of the establishment but shall not contain any other advertisement or information.

Special Permits shall be granted only after a determination by the Board of Appeals that the location and design of the facility are in harmony with its surroundings, and that adequate safeguards exist through licensing or other means to assure on a continuing basis that activities therein will not be patently contrary to prevailing standards of adults in the community and will not, in any way, involve minors.

#### **PROCEDURAL REQUIREMENTS FOR SPECIAL PERMITS**

Special Permits shall only be issued following public hearings held within sixty-five (65) 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 Board of Appeals shall act within ninety (90) days following a public hearing for which notice has been given by publication or posting and by mailing to all parties in interest. Failure by the Board of Appeals to take final action upon an application for a Special Permit within said ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for.

A Special Permit granted under this section shall lapse within two (2) years, including such time required to pursue or await the determination of an appeal as referred to in G.L. c 40A, s. 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if such construction has not begun by such date except for good cause.

Any Adult Entertainment Establishment Special Permit issued under this section shall require that the owner of such business shall supply on a continuing basis to the Building Inspector and Zoning Enforcement Officer any change in the name of the record owner or address or any change in the name of the current manager; and that failure to comply with this provision

shall result in the immediate revocation of such Special Permit. If anyone so identified is or has been convicted of violating G. L. c. 119, s. 63, or G.L. c. 272, s. 28, or s. 31, or is listed on the Sex Offender Registry, such Special Permit shall be immediately null and void.

Any existing adult entertainment establishment shall apply for such a Special Permit within ninety (90) days following the adoption of this Section 4900.

No Adult Entertainment Establishment Special Permit shall be issued under this section, become valid or in full force and effect until and unless the owner of the property containing such adult entertainment establishment shall supply to Board of Appeals a notarized statement agreeing to all terms and conditions of said Adult Entertainment Establishment Special Permit.

No Adult Entertainment Establishment Special Permit shall be effective until the expiration of any applicable appeal period under G. L. c.40A, s. 17.

**STATUTORY PROHIBITION** No Special Permit under Section 4900 shall be issued to any person convicted of any violation under G. L. c.119, s. 63, or G.L. c. 272, s. 28 or s. 31.

#### **SECTION 4960 APPLICATION INFORMATION**

Name and address of the legal owner of the establishment;

Name and address of all persons having lawful equity or security interests in the establishment;

Name and address of the manager;

Number of employees;

Proposed provisions for security within and without the establishment;

The physical layout of the interior of the establishment;

Design of proposed signs;

Proposed design of building exterior;

Plan of proposed parking and exterior lighting;

Plan of proposed screening.

#### **SECTION 4970 SEVERABILITY**

The invalidity of any part, section or provision of this Section 4900 shall not invalidate any other part, section or provision therein.

# Definitions

## The Town of Norwell, Massachusetts

### ARTICLE V

#### DEFINITIONS

In this Bylaw, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future.

ACCESSORY BUILDING: A building devoted exclusively to a use subordinate to and customarily incidental to the principal use.

ACCESSORY SIGN: Any sign that advertises, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereof or advertises the property itself or any part thereof as for sale or rent and which contains no other matter.

ACCESSORY USE: A use subordinate to and customarily incidental to the principal use.

ADULT BOOKSTORE: an establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c. 272, s. 31.

ADULT MOTION PICTURE THEATRE: an enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c. 272, s. 31.

ADULT PARAPHERNALIA STORE: an establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31.

ADULT VIDEO STORE: an establishment having as a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in G. L. c. 272, s. 31.

ESTABLISHMENT WHICH DISPLAYS LIVE NUDITY: establishment which provides live entertainment for its patrons, which includes the display of nudity, as that there is defined in G.L. c. 272, s. 31.

BODY ART: means the practice of physical body adornment by permitted establishments and practitioners using the following techniques: body piercing, tattooing and cosmetic tattooing. Extreme forms of body art, such as, but not limited to, branding, cutting, braiding and scarification shall not be permitted. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which are prohibited. (ATM 5/15/2001, Art. 26)

BODY ART ESTABLISHMENT OR ESTABLISHMENTS: means a business where the practices of body art are performed. (ATM 5/15/2001)

BUILDING (or part or parts thereof): A combination of any materials, whether portable or fixed, having a roof to form a structure for the shelter of persons, animals or property. Roof shall include an awning or any similar covering whether or not permanent in nature.

DWELLING: Any fixed structure containing one or more dwelling units, but not including hotels, motels,

boarding houses, or structures solely for transient or overnight occupancy.

DWELLING UNIT: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family including provisions for living, sleeping, cooking and eating.

FLOOR AREA, GROSS: The sum of the area of the several floors of each building on a lot including areas used for, or available for conversion to, human occupancy in basements, attics and penthouses, as measured from the exterior faces of the walls.

FLOOR AREA, NET: Gross floor area less areas for incidental storage, mechanical or heating equipment, rest rooms, stairways, corridors, and space for services incidental to the operation or maintenance of the building.

FRONTAGE: A continuous and uninterrupted portion of a sideline of a way, public or private, between the sidelines of a lot in common ownership and in the case of a corner lot, between a sideline of such lot and the intersection of sidelines of ways or the midpoint of the curve connecting such sidelines.

GROUNDWATER RECHARGE: as defined in the Massachusetts Department of Environmental Protection (MA DEP) and Massachusetts Office of Coastal Zone Management (MA CZM) Stormwater Management Technical Handbook of March, 1997.

Groundwater Recharge is defined on Page A-5 of Volume Two of the above-referenced handbook as: "The return of water to an underground aquifer by either natural or artificial means such as exfiltration of a BMP."

HEIGHT: The vertical distance above the average grade adjoining the building or surrounding the structure to the ridgeline of the building.

LOT: A single area of land in one ownership throughout defined by metes or bounds or boundary lines as shown in a recorded deed or on a recorded plan. The area of a lot shall not include any part of a way, public or private, which adjoins the lot.

LOT CORNER: A lot at the point of intersection of, and abutting on, two or more intersecting streets, the angle of intersection of the street lines or, in the case of a curved street, street lines extended, being not more than one hundred and thirty-five (135) degrees.

MOTOR HOME: A vehicle with motive power designed for sleeping or living quarters for one (1) or more persons, which is not a dwelling.

PERSON: An individual, corporation, society, association, partnership, trust or other entity, public or private.

SETBACK: Front, Side, and Rear: The minimum horizontal distance from a street line or lot line, as the case may be, to any part of a building or structure, excluding overhang three (3) feet or under, bulkheads, or fences.

SIGN: Any privately owned permanent or temporary device, placard, painting, drawing, poster, letter, word, banner, pennant, insignia, trade flag, or representation used as or which is in the nature of an advertisement, announcement, or direction which is on a public way or on private property within public view of a public way.

SIGN, Area of:

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

The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.

The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.

In computing the area of signs, only one side of back-to-back signs shall be counted.

STORY: That part of a building between any floor, other than a basement, and the floor or roof next above; HALF-STORY: That part of a building under a sloping roof where the full-length rafters rest on the top beam of the story below.

STREET OR WAY: Any public way or any private way shown on a plan approved under the provisions of the subdivision control law or in existence when the provisions of said subdivision control law became effective in the Town of Norwell, having in the opinion of the Planning Board suitable width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

STRUCTURE: Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something located on the ground including tennis courts, and an artificial or a constructed swimming pool having a depth of water of two (2) feet, but excluding a fence, boundary wall, public utility pole, public utility supporting device or a structure with less than sixty-four (64) square foot ground coverage and a height of less than seven (7) feet.

TRAILER: A vehicle without motive power, designed to be and capable of being towed, including, but not limited to a utility trailer, storage, or box trailer, boat trailer, horse trailer, tent trailer, and mobile home.

**THE FOLLOWING DEFINITIONS WERE ADDED AS A RESULT OF THE STM DECEMBER 8, 1997 WHEN IT WAS VOTED TO AMEND ZONING BYLAWS AND ADD SECTION 4600, PERSONAL WIRELESS SERVICE FACILITIES.**

ABOVE GROUND LEVEL (AGL): A measurement of height from the natural grade of a site to the highest point of a structure.

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

CAMOUFLAGED: A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing or proposed structure is considered “camouflaged”.

CARRIER: A Company that provides wireless services.

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

CROSS-POLARIZED (OR DUAL-POLARIZED) ANTENNA. A low mount that has three panels flush-mounted or attached very close to the shaft.

ELEVATION: The measurement of height above sea level.

ENVIRONMENTAL ASSESSMENT (EA): An EA is the document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a personal wireless service facility is placed in certain designated areas.

EQUIPMENT SHELTER: An enclosed structure, cabinet, shed or box at the base of the mount within which are housed batteries and electrical equipment.

FALL ZONE: The area on the ground within a prescribed radius from the base of a personal wireless service facility. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

FUNCTIONALLY EQUIVALENT SERVICES: Cellular, Personal Communication Services (PCS), Enhanced Special Mobile Radio, Specialized Mobile Radio and Paging.

GUYED TOWER: A monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

LATTICE TOWER: A type of mount that is self-supporting with multiple legs and cross bracing of structural steel.

LICENSED CARRIER: A company authorized by the FCC to construct and operate a commercial mobile radio services system.

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

DEFINITIONS: (Continued)

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

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

OMNI-DIRECTIONAL (WHIP) ANTENNA: A thin rod that beams and receives a signal in all directions.

PANEL ANTENNA: A flat surface antenna usually developed in multiples.

PERSONAL WIRELESS SERVICE FACILITY: Facility for the provision of personal wireless services, as defined by the Telecommunications Act.

PERSONAL WIRELESS SERVICES: The three types of services regulated by this Bylaw.

PUBLIC UTILITY: A public service corporation either private or municipal, supplying or transmitting gas, water, electricity or communications to any or all members of the public and subject to federal, state or town regulations by virtue of its natural or legal monopoly, except for a corporation or other business enterprise which provides cellular telephone service, personal communication services or enhanced specialized mobile radio services to any or all members of the public.

RADIO-FREQUENCY (RF) ENGINEER: An engineer specializing in electrical or microwave

engineering, especially the study of radio frequencies.

RADIO-FREQUENCY RADIATION (RFR): The emissions from personal wireless service facilities.

SECURITY BARRIER: A locked, impenetrable wall, fence or berm that completely seals an area from unauthorized entry or trespass.

SEPARATION: The distance between one carriers array of antennas and another carriers array.

# Description of Districts

## The Town of Norwell, Massachusetts

### ARTICLE VI

#### Description of Districts

##### **6100. Residential District A**

Residential District A shall include all the land, except Business District A, east of a line starting at the Norwell-Hanover town line marker on Main Street at Jacobs Lake and running northerly to a point on Grove Street 1,000 feet west of the westerly way line of Prospect Street, thence running northerly to a point on the Norwell-Hingham town line 1,000 feet west of the westerly way line of Prospect Street, and east of extension thereof northerly and southerly.

##### **6200. Residential District B**

Residential District B shall include all the land, except Business District B and Business District C west of a line starting at the Norwell-Hanover town line marker on Main Street at Jacobs Lake and running northerly to a point on Grove Street, 1,000 feet west of the westerly way line of Prospect Street thence running northerly to a point on the Norwell-Hingham town line, 1,000 feet west of the westerly way line of Prospect Street.

##### **6300. Business District A**

Business District A shall include all land within the following boundaries:

Beginning at the intersection of the easterly way line of River Street and the northwesterly way line of Dover Street, due east to a point 300 feet from the southeasterly way line of Dover Street; thence, parallel to the southeasterly way line of Dover Street and 300 feet therefrom to a point due south of the intersection of the northerly way line of Dover Street and the southerly way line of Main Street; thence, due north to a point 300 feet from the northerly way line of Main Street; thence, westerly parallel to the northerly way line of Main Street, and 300 feet therefrom, to Central Street; thence, southerly along the easterly way lines of Central and River Streets to a point of beginning.

##### **6400. Business District B**

Business District B shall include all the land shown as B1,B2,B3,B4,B5,B6,B7,B8, on map entitled "Zoning Map of Norwell, September, 1959, revised June 21, 1972 and March 20, 1980" and described as follows:

6410. Starting at the southwesterly way line of Washington Street at the Hanover-Norwell town line, thence northwesterly by the southwesterly way line of Washington Street to the southeasterly lot line of the Washington Street Cemetery; thence, southwesterly in the southeasterly lot line of the Washington Street Cemetery; and thence, on the same course to the Hanover-Norwell town line, thence easterly by the Hanover-Norwell town line to the point of beginning.

6420. Starting at a point in the southwesterly way line of Washington Street at the northwesterly corner of the Washington Street Cemetery; thence, southwesterly by the northwesterly property line of the Washington Street Cemetery to a point 200 feet from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly by a line 200 feet southwesterly from the southwesterly way line of Washington Street and parallel thereto to a point 200 feet southwesterly from the southwesterly way line of Washington Street at \*Station 69 plus 45 (approximate northerly property boundary of Frederick H. and Edith M. Hall as shown on the 1959 Assessors' records) measured at a right

angle therefrom; thence southwesterly 100 feet to a point 300 feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly by a line 300 feet southwesterly from a southwesterly way line of Washington Street and parallel thereto to a point 300 feet southwesterly from the southwesterly way line of Washington Street at \*Station 40 plus 55 (approximate northerly property bound by Elmer G. and Irene T. MacDonald as shown on 1959 Assessors' records) measured at a right angle therefrom; thence, northeasterly to the southwesterly way line of Washington Street at \*Station 40 plus 55; thence, southeasterly by the southwesterly way line of Washington Street to the point of beginning.

6430. Starting at the intersection of the northerly way line of Oak Street and the southwesterly way line of Washington Street; thence, westerly by the northerly way line of Oak Street to a point 300 feet westerly from the southwesterly way line of Washington Street measured at right angles therefrom; thence, northwesterly by a line 300 feet from the southwesterly way line of Washington Street and parallel thereto to the easterly way line of High Street; thence, by the easterly way line of High Street to the southwesterly way line of Washington Street; thence, by the southwesterly way line of Washington Street to the point of beginning.

6440. Starting at the intersection of the southwesterly way line of Washington Street and the westerly way line of High Street; thence, southerly by the westerly way line of High Street to a point 500 feet from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly by a line 500 feet southwesterly from the southwesterly way line of Washington Street and parallel thereto to a point in the Norwell-Hingham town line 500 feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northeasterly by the Norwell-Hingham town line, to the southwesterly way line of Washington Street; thence, southeasterly by the southwesterly way line of Washington Street to the point of beginning; also to include the entirety of lot 15, Block 17 on the easterly side of Pond Street, as shown on Sheets 5D and 11B of the Atlas of the Town of Norwell.

6450. Starting at a point in the northeasterly side line of Washington Street, at the intersection of the Hingham-Norwell town line thence in a northeasterly direction, by the Hingham-Norwell town line, to a point, which is 1000 feet measured at right angles therefrom from the sideline of said Washington Street, thence in a southeasterly direction and parallel to the northeasterly sideline of said Washington Street to a point, and land shown on the "Atlas of the Town of Norwell" but excluding Lot 43 shown on the Town of Norwell Assessors' Map, Sheet 5-D, Block 12, shown as Lot 25, Block 12, Sheet 5D, thence in a southerly direction nine hundred fifty and 80/100 (950.80) feet, by Lots 25, 39, 40, 41, 42 and 43, shown on Block 12, Sheet 5D northerly sideline of Grove Street, thence a southwesterly direction by said Grove Street to its intersection with the northeasterly sideline of said Washington Street, thence in a northwesterly direction, by the northeasterly sideline of said Washington Street to the point of beginning.

6460. Starting at the intersection of the northeasterly way line of Washington Street and the southeasterly way line of Grove Street; thence, northeasterly by the southeasterly way line of Grove Street to a point 500 feet from the northeasterly way line of Washington Street measured at right angles therefrom; thence, southeasterly by a line 500 feet from the northeasterly way line of Washington Street and parallel thereto to a point 500 feet northeasterly from the northeasterly way line of Washington Street at \*Station 74 plus 90 (approximate southerly property boundary of Helene L. Hall as shown on 1959 Assessors' records) measured at a right angle therefrom; thence, southwesterly to the northeasterly way line of Washington Street at \*Station 74 plus 90; thence northwesterly by the northeasterly way line on Washington Street to the point of beginning.

6470. Starting at a point in the northeasterly way line of Washington Street at \*Station 86 plus 18 (approximate northerly property line of Pilgrim Motel & Realty Co., Inc., as shown on 1959 Assessors' records); thence, northeasterly to a point 400 feet northeasterly from the northeasterly way line of Washington Street measured at right angles therefrom; thence, southeasterly by a line 400 feet from the northeasterly way line of Washington Street and parallel thereto to a point 400 feet northeasterly from the northeasterly way line of Washington Street at \*Station 99 plus 08 (approximate southerly property line of Edward F. and Helen M. Farmer as shown on 1959 Assessors' records) measured at a right angle therefrom; thence, to the northeasterly way line of Washington Street at \*Station 99 plus 08; thence, by the

northeasterly way line of Washington Street to the point of beginning.

6480. Starting at a point in the northeasterly way line of Washington Street at \*Station 107 plus 25 (approximate southerly property line of Ralph G. and Edith F. Lambert as shown on the 1959 Assessors' records); thence, northeasterly to a point 400 feet from the northeasterly way line of Washington Street measured at a right angle therefrom; thence, by a line 400 feet from the northeasterly way line of Washington Street and parallel thereto to a point at the Hanover-Norwell town line; thence, by the Hanover-Norwell town line to the northeasterly way line of Washington Street; thence, by the northeasterly way line of Washington Street to the point of beginning.

(\*Station refers to the center line distance as shown on the Massachusetts State Highway Layout Plans dated November 18, 1919, and as altered and laid out dated December 29, 1931, and recorded Plymouth County Registry of Deeds. Stations are 100 feet apart and start at the Hingham-Norwell town line.)

6500. Business District C

6510. Beginning at the intersection of the southeasterly way line of Pond Street and the Norwell-Rockland town line; thence, southerly in the Norwell-Rockland town line to its intersection with the northeasterly way line of the Southeast Expressway; thence, southeasterly in the northeasterly way line of the Southeast Expressway to a point four hundred seventy-five feet southwesterly from the center line of High Street measured at a right angle therefrom; thence, generally northwesterly and northerly in a line four hundred seventy-five feet from the center line of High Street and parallel thereto to a point in the southwesterly line of Zone Area B-4, which is five hundred feet southwesterly from the southwesterly way line of Washington Street measured at a right angle therefrom; thence, northwesterly in the southwesterly line of Zone Area B-4 to its intersection with the southeasterly way line of Pond Street; thence, southwesterly in the southeasterly way line of Pond Street to its intersection with the Norwell-Rockland town line at the point of beginning; also to include Lots 1,2,3,4,5,6, Block 16 on the westerly side of Pond Street as shown on Sheets 5C and 5D as shown on the Atlas of the Town of Norwell.

**Adult Entertainment Overlay District (AEOD) (Voted STM 12/17/2001)**

The AEOD shall include that portion of the land within Business District C-1, described in Section 6510, which is situated between a line which runs 200 feet from, and parallel to, the southeasterly side of Pond Street and an easterly boundary line which runs 1,000 feet from, and parallel to, the boundary line between Residence "B" and Business "C-1", aforesaid, shown as the AEOD OVERLAY DISTRICT (as designated on the Town Zoning Map) and made a part hereof.

6520. Starting at a point in the southwesterly way line of the Southeast Expressway, and in the westerly boundary line of the towns of Norwell and Rockland; thence, running southeasterly by the southwesterly way line of the Southeast Expressway, a distance of approximately 3280 feet to the northwesterly corner of Lot 14; thence, turning and running southerly by the westerly property line of Lot 14 to the southwesterly corner of Lot 14; thence, turning and running easterly by the southerly property lines of Lots 14 and 13 to the northwesterly corner of Lot 12; thence, turning and running southerly by the westerly property lines of Lots 12 and 11 to the southwesterly corner of Lot 11; thence, running southerly in a straight line, through Lots 10 and 9 to the northwesterly corner of Lot 8, thence, running southerly by the westerly property line of Lot 8 to the southwesterly corner of Lot 8, thence, turning and running easterly in the southerly property line of Lot 8 to a point in the westerly way line of High Street; thence, turning and running southerly by the westerly way line of High Street to the northeasterly property corner of Lot 7; thence, turning and running westerly by the northerly property line of Lot 7 to the northwesterly corner of Lot 7; thence, turning and running southerly by westerly property line of Lot 7 to a point in the Norwell-Hanover town line; thence, turning and

running westerly by the Norwell-Hanover town line to a stone monument marking the Norwell-Hanover-Rockland corner; thence, turning and running northerly by the Norwell-Rockland town line to the point of beginning. The Lot numbers referred to above are all shown on the Atlas Town of Norwell, Assessors' Map, sheet R-17, block 18. Also including Lot 2 consisting of 1.904 acres situated on the westerly side of High Street and the southerly side of Longwater Drive, as shown on a plan entitled "Plan of Land in Norwell, Mass.," Loring H. Jacobs., 293R Washington Street, Norwell, Mass., dated July 26, 1983 and recorded in the Plymouth County Registry of Deeds, Plan Book 23, Page 1164, which is a portion of Lot 7, Block 18, Sheet R-17 as shown on the Atlas of the Town of Norwell.

**(STM 12/8/1997 - Business District C shall also include the NORWELL HIGH SCHOOL PROPERTY, South Street, as shown on Assessors Map, Block 53, Lot 35, and described in a deed dated December 29, 1970; Book 3641, Page 499, in the Plymouth County Registry of Deeds. WIRELESS FACILITY OVERLAY DISTRICT established.)**

6530. Beginning at the intersection of the southwesterly way line of the Southeast Expressway and the northwesterly way line of South Street, thence, southwesterly in the northwesterly way line of South Street to its intersection with the northerly way line of Mill Street; thence, westerly in the northerly way line of Mill Street to its intersection with the thread of Third Herring Brook which is also the Norwell-Hanover town line; thence, in a generally northwesterly direction in the thread of Third Herring Brook which is the Norwell-Hanover town line to the intersection with the southwesterly way line of the Southeast Expressway to its intersection with the northwesterly way line of South Street at the point of beginning.

VILLAGE OVERLAY DISTRICT was established by vote of ATM 5/25/1999, Article 14.

**Article 15, ATM 5/25/1999 voted to designate the following parcel of land as within the VILLAGE OVERLAY DISTRICT. The parcel of land, containing 45± acres, having frontage on Circuit Street as shown on a Plan of Land prepared for the Town of Norwell by Modern Continental Enterprises, dated May 14, 1999. (former Donovan property)**