4.3 **Specific Permitting Standards**. The following standards must be met for the particular use to be approved by the permitting authority. Note, the numbers in parenthesis refer to the item numbers in the Table of Uses.

4.3.1 *Single Family* (A-1) or *Two Family* (A-2). In the MY district, a single housing unit or two housing units are permitted provided they are located in an upper floor or an area on a street level floor that is to the rear of a nonresidential use; the building must contain space designated for nonresidential uses allowed in the MY district as well as residential units (i.e. have mixed uses).

4.3.2 *Multi-Family* (A-3). In the SR or DTR districts:

A. Multi-family buildings may not contain more than 12 dwelling units in a single building.
B. Multi-family projects shall be designed to comply with all design standards in Article 6 of this Zoning Bylaw.
C. An impact statement must be submitted with the site plan application for all projects proposing ten or more dwelling units, and must include a discussion of the probable impacts of the proposed development on municipal utilities, traffic, public schools, municipal service costs, and the supply of housing for low and moderate income households.

4.3.3 *Mobile Home Park* (A-4). New mobile home parks must meet the following:

A. Shall be located on a parcel of at least ten acres.
B. The site plan shall meet the requirements of §7.4 and shall show all park roads and individual sites for the placement of mobile homes, with no more than one mobile home on one site.
C. Individual sites for placement of mobile homes shall be at least 12,000 square feet, with 75 feet of frontage on a park road.
D. Mobile homes and all accessory structures attached to the mobile home shall be placed at least 40 feet from the front site line and 15 feet from any individual side or rear site line.
E. Water supply and sewage disposal systems, whether individual private systems or community systems, must meet all applicable requirements of state or other local authorities, including provisions for fire protection.
F. Park roads must be constructed in accordance with the Ware Subdivision Regulations, with the exception that roads may be 24 feet in width (20-foot travel surface plus 2 foot shoulders on each side). On-street parking shall be prohibited.
G. Recreational areas must be provided, at the rate of one acre for every ten acres of area developed for the mobile home park.
H. A community center, which may include a laundry facility for use by the residents of the mobile home park, is permitted provided it is included in the plans approved by the Planning Board.
I. No mobile home may be placed within the park until the Planning Board certifies that all site work has been completed for the phase within which the mobile home is to be placed.

4.3.4 *Major Utilities* (B-12) are permitted provided they are appropriately screened with landscaping and/or fencing, at the discretion of the SPGA.

4.3.5 *Large Ground Mounted Solar Facilities* (B-13) are permitted in accordance with §4.8.3.

4.3.6 *Wind Energy Facilities* (B-14) are permitted in accordance with §4.8.4.

4.3.7 *Farms less than five acres in size* (C-2) are permitted in the SR, DTR, and MY districts provided the SPGA makes a finding that the proposed use will have a minimal detrimental impact on all abutting land, regardless of current use, and any buildings for housing animals shall be located a minimum of 100 feet from any property boundary.

4.3.8 *Equestrian Stables* (C-5) are permitted in the SR and DTR districts on parcels less than five acres in size provided the SPGA makes a finding that the proposed use will have a minimal detrimental impact on all abutting land, regardless of current use, any buildings for housing animals shall be located a minimum of 100 feet from any property boundary, and any paddock area shall be located (and fenced) a minimum of 30 feet from any property boundary.

4.3.9 *Laboratories* (D-4) and *Research Facilities* (D-5) are permitted in the SR district provided they are located near a hospital and are related to the health care industry.

4.3.10 *Auto Body Shops* (E-2) are permitted by special permit in the RB, DTC or MY districts provided that all activities are conducted entirely within a building, and disassembled vehicles and/or parts are not stored outdoors. At the discretion of the SPGA in consideration of nearby uses, such buildings may be required to be sound-insulated and designed to protect the neighborhood from vehicle exhaust, paint fumes, and other by-products of vehicle repairs and restoration.

4.3.11 *Auto Service* (E-4) is permitted in the DTC or MY districts provided that repair activities are conducted entirely within a building, and disassembled vehicles are not stored outdoors. At the discretion of the SPGA in consideration of nearby uses, such buildings may be required to be sound-insulated and designed to protect the neighborhood from vehicle exhaust and other by-products of vehicle servicing.

4.3.12 *Construction Trades* (E-8) are permitted by special permit in the RR district provided the parcel is a minimum of three acres in size, the building or outside area used for storage of equipment or materials is a minimum of 50 feet from any lot line and 200 feet from any existing dwelling, and the area between any abutting property and the storage area is vegetated with either dense natural vegetation or landscaped to provide a dense buffer.

4.3.13 *Eating Establishments, Drive-in or Drive-thru* (E-9) are permitted in the RR district provided they are associated with an agricultural use (e.g. an ice cream stand at a dairy farm). Note that most such uses will likely be accessory to the primary use of agriculture but this provision allows separate lots in separate ownership to own and operate such eating establishments.

4.3.14 *Inns, Bed & Breakfasts, and Tourist Homes* (E-19) shall be limited to a maximum of eight rooms for guests, and all required parking shall be provided on-site.

4.3.15 *Kennels or Pet Day Care Establishments* (E-20) are permitted in the RR district provided any buildings housing the animals are either located in an area where sound will be buffered so as to not cause a disturbance to the neighborhood or the buildings are sound-insulated, all dog wastes shall be collected and properly disposed of in a manner to prevent pollution of surface or ground waters; and dogs shall not be permitted to bark excessively at night (e.g. for periods longer than fifteen minutes) so as to create a nuisance.

4.3.16 *Non-family Accommodations* (E-22) are limited to a maximum number of fifteen residents in addition to the property owner or resident manager's family, and all required parking shall be provided on-site.

4.3.17 *Outdoor Recreation Facilities* (E-23) are permitted provided they have a minimum 50-foot buffer between any activity areas and the exterior boundary lines of the parcel.

4.3.18 *Parking Facilities* (E-24) are permitted within the BLR district provided they are open to the public or to a lake association and are for the purpose of providing parking for access to the lake. Such parking facilities shall be designed to minimize sedimentation of the lake and to minimize the visual impact of parked vehicles on abutting properties.

4.3.19 *Private Membership Clubs or Lodges* (E-26) are permitted provided all activity is conducted within the building or off the premises, or the SPGA makes a finding that there will be no detrimental impact to properties within the neighborhood. In those districts where such establishments are permitted by right, those that propose to serve alcohol or to have outdoor activities (e.g. occasional events or everyday games or sports) shall be subject to the granting of a special permit, for the purpose of ensuring that potential negative impacts on the neighborhood are mitigated.

4.3.20 *Small Scale Retail Sales and Service, with no Outside Storage* establishments (E-31) are permitted in the RR district by special permit provided they are a maximum of 3,000 square feet GFA inclusive of retail, office, and storage spaces.

4.3.21 *Taxicab Businesses* (E-34) are permitted by special permit in the DTC district provided all parking associated with the business (vehicles for hire and employees) is on-site or off-site on a parcel under the business owner's control, that no spaces within public parking lots will be utilized, and that no on-street spaces will be utilized.

4.3.22 *Veterinarian or Pet Grooming Establishments* (E-36) are permitted in the SR or DTR districts provided they are sound-insulated and provide adequate off-street parking as determined by the SPGA.

4.3.23 *Registered Marijuana Facilities* (G-3) are permitted in the DTC, MY, and HC districts subject to the provisions of 4.8.8.

4.3.24 *Industrial classification uses* (all uses listed under F) are required to meet the following performance standards whether permitted by right or by special permit. When reviewing an application, the permitting authority may require the submission of a statement from an independent authority qualified in addressing a specific type of environmental concern indicating that the proposed structure and/or use will not constitute a detriment to the community with respect to that particular environmental concern. The cost of preparing said statement shall be borne by the applicant. In enforcing these standards, the Building Inspector may call upon specific standards, technical specifications, and the technical expertise of such appropriate federal, state or regional agencies having an interest in the specific kind of environmental disturbance under question.

A. General. No use shall be conducted in a manner as to emit any dangerous, noxious, injurious, or otherwise objectionable fire, explosion, radioactivity or other hazard; noise or vibration; smoke, dust, odor or other form of environmental pollution; electrical or other disturbance; glare, liquid or solid refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substances, conditions or elements in an amount as to affect adversely the surrounding environment.

B. Vibration. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration measuring equipment.

C. Noise.
   1. The maximum permissible sound-pressure level of any continuous, regular or frequent source of sound produced by any use or activity shall not exceed the following limits at the property line or the sound source: from 7:00 am to 9:00 pm, a maximum dBA level of 70, and from 9:00 pm to 7:00 am, a maximum dBA level of 60.
   2. Sound pressure shall be measured at all major lot lines at a height of at least four feet above the ground surface. Noise shall be measured with a sound-level meter meeting the standards of the American Standard Institute, ANSI S 1.4, 1983, Specification for Sound Level Meters, as amended. The instrument shall be set on the A-weighted response scale. Measurements shall be conducted in accordance with ANSI SI 51.2-1962, American Standard Meter for the Physical Measurement of Sound, as amended.
   3. Sound levels specified shall not be exceeded for more than 15 minutes in any one day, except for temporary construction or maintenance work, agricultural activity, timber harvesting, church bells, emergency working devices or other similar special circumstance.
   4. An intermittent, irregular or infrequent source of sound shall be considered in violation of this section if the source:
      a) Increases the broadband sound level by more than 10 dBA above ambient;
      b) Produces a "puretone" condition. A "puretone" condition exists when any octave band center frequency sound-pressure level exceeds the two adjacent center frequency sound-pressure levels by three decibels or more; or

c) Occurs between the hours of 9:00 p.m. and 7:00 a.m., except in emergency situations.

D. Air Pollution. Atmospheric emissions of gaseous or particulate matter generated by any land use shall conform to the then current regulations of the Massachusetts Department of Environmental Protection (DEP). If the proposed land use shall be of a nature to arouse the concern of the Building Inspector and/or Planning Board, the applicant may be required to produce plans and specifications of detail sufficient for review by DEP. Determination by DEP that potential exists for emissions in excess of allowable limits shall be grounds for permit refusal.

E. Nuisance Odors. There shall be no emissions of toxic or noxious matter or objectionable odors of any kind in such quantity as to be readily detectable at any property line of the lot on which the use emitting the toxic or noxious material or odor is located. For the purposes of this Section, toxic or noxious matter is any solid, liquid, or gaseous matter including, but not limited to, gases, vapors, dusts, fumes, and mists, containing properties which by chemical or other means are inherently harmful and likely to destroy life or impair health, or are capable of causing injury to the well-being of persons or damage to property.

F. Fire and Explosion. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate fire-fighting and fire-suppression devices and equipment.

G. Radioactive Materials. The handling of radioactive materials, the discharges of such materials into the air and water, and the disposal of radioactive wastes, shall be in conformance with the regulations of the Atomic Energy Commission as set forth in the Title 10, Chapter One, Part 20 – Standards for Protection Against Radiation; as amended; and all applicable regulations of the State of Massachusetts.

H. Non-Radioactive Liquid or Solid Wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Ware Board of Health and the Massachusetts DEP.

I. Electromagnetic Radiation. The following standard shall apply. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation or such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which are in conflict with the standards of the Federal Communications Commission regarding such sources of electromagnetic radiation.

J. Heat and Glare. Except for approved exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed building. Glare shall be shielded in such a way that it will not be visible from other lots or public ways.

K. Insects and Rodents. All materials, including wastes, and all grounds and buildings shall be kept in a manner which will not attract or aid the propagation of insects or rodents creating a health hazard.

L. Waste and Refuse. No waste material or refuse shall be dumped upon, or permitted to remain upon, any part of the lot outside of buildings constructed thereon. Waste material or refuse stored outside buildings shall be placed in completely enclosed containers.

M. Water Pollution. The use and discharge of substances into lakes, streams or similar water bodies shall not violate the rules and regulations of the Ware Conservation Commission or the standards of the Massachusetts DEP.

4.3.25 Junkyards (F-2) are allowed by Special Permit in the Industrial District (I). Junkyards must abide by the regulations set forth in M.G.L. Ch.140 §2 and M.G.L. Ch.140 §59A:

- (M.G.L. Ch.140 §2) No person shall establish, operate or maintain a junkyard, any portion of which is within one thousand(1000) feet of the nearest edge of the right-of-way of any interstate or primary highway, unless such junkyard is:
  - a) Screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main traveled way of the system, or otherwise removed from sight, or
  - b) Located within an area which is zoned for industrial use under authority of law, or
  - c) Located within an unzoned industrial area, which area shall be determined from actual land uses and defined by regulations promulgated by the zoning administrator, or
  - d) Is not visible from the main traveled way of the system.
- All junkyards must posses proper licensing as stated in M.G.L. Ch.140 §59A.

Commented [WR1]: Will meet with Health Director to discuss this addition.

4.3.26 *Earth Removal* (F-4) is permitted subject to the provisions of §4.8.7.

4.3.27 Earth Processing (F-5) shall be defined as the processing of earth materials (soil, loam, peat, sand, gravel, or stone) brought on site or brought in and stored for processing in any 12-month period, this includes gravel pits. Earth processing shall be allowed by special permit (see §7.2) in the Rural Residential (RR), Highway Commercial (HC), Commercial Industrial (CI) and Industrial (I) zoning districts. In addition to a special permit, earth processing operations over 500 cubic yards shall warrant a site plan review by the Special Permit Granting Authority (SPGA). A special permit for earth processing may not be required if:

- Conducted on the site of an earth removal operation that was allowed by special permit,
- Conducted on the site of a privately owned subdivision for the sole purpose of developing the private roadway,
- Conducted on the site of, incidental to, and in connection with earth removal necessary for the construction of a principal or accessory structure permitted by the Zoning Bylaw.

4.3.28 *Solid Waste Facilities* (F-9) as defined in MGL c. 111 §150A which have received a site assignment pursuant to MGL c. 111 §150A are permitted in the CI and I districts by special permit imposing reasonable conditions on the construction or operation of such facilities.

4.3.29 *Wood Processing, Lumber Mills* (F-13) limited to the cutting and/or milling of lumber, timbers, and cordwood from raw trees, shall be permitted in the RR district by special permit provided there is a minimum 100 foot heavily vegetated buffer between the area of wood processing activity and any abutting property (including across a street or stream), and/or the activity is carried on inside a building which is insulated to reduce the negative impacts on abutting properties of noise emanating from the wood processing activity.

4.3.30 Marijuana Cultivation Facilities (G-1 ~~of the Use Table~~) are permitted in the MY, CI, RR, and I districts subject to the provisions of 4.8.8.