

## Article II Use and Intensity Regulations

### § 198-14. Establishment of districts.

- A. [Amended 3-28-1970 ATM by Art. 56; 5-15-1976 ATM by Art. 69; 10-7-1982 STM by Art. 14; 5-10-1988 ATM by Art. 11; 5-6-1995 ATM by Art. 24; 5-3-1997 STM by Art. 15; 5-2-1998 STM by Art. 26; 5-1-1999 ATM by Art. 8; 5-1-2010 ATM by Art. 32] The Town of Fairhaven is hereby divided into the following districts:

Rural Residence Districts	RR
Single Residence Districts	RA
General Residence Districts	RB
Apartment/Multifamily Districts	RC
Park Districts	P
Business Districts	B
Industrial Districts	I
Agricultural Districts	AG
Nasketucket Overlay District	NRB
Floodplain Districts (Refer to § 198-28)	FP
Mixed Use District [Added 5-2-1998 STM by Art. 26]	MU
Wetland Resource Protection District [Added 5-1-1999 ATM by Art. 8]	WRP

- B. The boundaries of these districts are defined and bounded on the map accompanying this chapter and on file with the Clerk of the Town of Fairhaven entitled “Town of Fairhaven Zoning Map” as amended through May 1, 2010. That map, as clarified through measurements identified on plats on file with the Town Clerk’s office, all explanatory matter thereon and all subsequent amendments to it are hereby made part of this chapter.<sup>1</sup>
- C. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at streets, railroad or utility easement, center or layout lines, boundary or lot lines, or the channel of a stream shall be construed to be actually at those lines; when shown approximately parallel, perpendicular or radial to such lines shall be construed to be actually parallel, perpendicular or radial thereto. When not locatable in any other way, boundaries may be determined by scale from the map.
- D. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations for any district in which the lot has frontage on a street may be extended not more than 20 feet into the other districts.

### § 198-15. Use regulations [Amended 5-4-1991 ATM by Art. 24]

- A. No building or structure shall be erected or used and no premises shall be used except as set forth in the Use Regulation Schedule. Symbols employed shall mean the following.
- Y A permitted use
  - N An excluded use
  - A A use authorized under special permit as provided for in §§ 198-6, 198-7, 198-8, 198-15C and 198-16 and as otherwise specified within this chapter.
- B. 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.
- C. Special Permit uses.

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<sup>1</sup> Editor’s note: The Zoning Map is included in a pocket at the end of this volume.

- (1) The Planning Board shall be the SPGA for all use allowed by special permits within the Apartment/Multifamily [RC], Park [P], Wetland Resource Protection District [WRP], Business [B], Mixed Use (MU), Industrial [I] Districts and as otherwise specified in this bylaw. The Zoning Board of Appeals shall be the SPGA for all uses allowed by special permits within the Rural Residence [RR], Single Residence [RA], General Residence [RB], Agricultural [AG] Districts and as otherwise specified in this bylaw. **[Added 5-6-2006 ATM by Art. 9]**
- (2) Where any proposed use, or expansion of a use otherwise permitted [Y] or authorized [A] in an Apartment/Multifamily [RC], Park [P], Wetland Resource Protection District [WRP], Business [B], or Industrial [I] District results in a requirement of a total of five (5) or more parking spaces for the previously existing and new demand combined pursuant to the provisions of § 198-27 of this chapter, such use shall be deemed authorized by special permit granted by the Planning Board pursuant to the provisions of § 198-29 of this chapter upon review by the Planning Board of the site development plan. **[Added 5-4-1991 ATM by Art. 24; amended 12-10-1992 STM by Art. 1; amended 5-1-1999 ATM by Art. 8; amended 2-11-2004 STM by Art. 15, amended 5-6-2006 ATM by Art. 9]**
- (3) The provisions of § 198-29 shall apply to a change of use, to new construction and to the expansion of the gross floor area of a building existing before January 1, 1998 in the Mixed Use (MU) District as provided in § 198-27B(4). **[Added 5-2-1998 STM by Art. 26; amended 2-11-2004 STM by Art. 15, amended 5-6-2006 ATM by Art. 9]**

D. Wetland Resource Protection District. **[Added 5-1-1999 ATM by Art. 8]**

- (1) The Purpose of the Wetland Resource Protection District is to:
  - (a) Promote development that is compatible with the sensitive environmental features of the designated Wetland Resource Protection areas.
  - (b) To promote increased protection for wetland resource areas in town.

**§ 198-16. Use Regulation Schedule**

**[Amended 3-18-1967 STM by Art. 6; 3-25-1967 ATM by Art. 54; 3-25-1967 ATM by Art. 56; 3-23-1968 ATM by Art. 58; 3-22-1969 ATM by Art. 56; 3-28-1970 ATM by Art. 56; 3-28-1970 ATM by Art. 57; 3-28-1970 ATM by Art. 58; 9-14-1972 STM by Art. 19; 3-15-1973 ATM by Art. 76; 3-15-1973 ATM by Art. 78; 6-20-1974 STM by Art. 7; 4-16-1975 ATM by Art. 57; 5-15-1976 ATM by Art. 69; 5-18-1976 ATM by Art. 68; 1-22-1977 STM by Art. 6; 5-14-1977 ATM by Art. 42; 5-13-1978 ATM by Art. 54; 5-13-1978 ATM by Art. 55; 5-10-1988 ATM by Art. 11; 5-9-1989 ATM by Art. 19; 5-4-1991 ATM by Art. 26; 12-10 1992 STM by Art. 1; 5-1-1993 STM by Art. 7; 5-6-1995 ATM by Art. 24, 11-6-1997 STM by Art. 20, 11-6-1997 STM by Art. 34, 11-6-1997 STM by Art. 35, 5-2-1998 STM; by Art. 26, 5-2-1998 STM; by Art. 29, 5-6-1998 ATM; by Art. 18, 5-8-1998 ATM by Art. 19, 5-8-1998 STM by Art. 28; 11-23-1998 STM by Art. 22; 11-23-1998 STM by Art. 25, 5-1-1999 ATM by Art. 8; 5-5-2001 ATM by Art. 11, 5-1-2004 STM by Art. 11, 5-6-2006 ATM by ART. 8]**

**Use Regulation Schedule**

Activity or Use	District								
	RR & RA	RB	RC	P	B	I	AG	MU <sup>14</sup>	WRP <sup>16</sup>
<b><u>AGRICULTURAL USES</u></b>									
Farm without Livestock	Y	Y	Y	Y	Y	Y	Y	Y	Y
<b><u>GREEN HOUSE</u></b>									
With retail sales									
Site under 5 Acres	A	A	A	A	Y	Y	Y	N	N
Site Over 5 Acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wholesale only									
Site Under 5 Acres	A	A	A	A	Y	Y	Y	N	N
Site Over 5 Acres	Y	Y	Y	Y	Y	Y	Y	Y	Y
Roadside Stand (temporary)	A	A	A	A	Y	Y	Y	N	N
Roadside Stand (permanent)	A	A	A	N	Y	Y	Y	N	N
<b><u>Livestock Raising***</u></b>									
Site Under 5 Acres	Y*	A	N	N	N	Y	Y	N	N <sup>a</sup>
Site Over 5 Acres	Y	Y	Y	Y	Y	Y	Y	Y	Y <sup>a</sup>
<b><u>COMMERCIAL USES</u></b>									
Animal Kennel or Hospital	N**	N	N	N	A	A	A	N	N
Business, Professional Office	N	N	N	N	Y	Y	N	Y	N
Funeral Home	N	N	N	N	A	A	N	A	N
Auto, Boat sales, rental, service <sup>X</sup>	N	N	N	N	Y	Y	N	N	N
Printing Shop	N	N	N	N	Y	Y	N	A	N
Bank	N	N	N	N	Y	Y	N	Y	N
Restaurant	N	N	N	N <sup>2</sup>	Y	Y	N	Y	A
Retail sales or service, <sup>X</sup>	N	N	N	N	Y	Y	N	Y	A <sup>b</sup>
Wholesaling without storage	N	N	N	N	Y	Y	N	A	N
Wholesaling with storage	N	N	N	N	A	Y	N	N	N
Non-accessory signs <sup>1</sup>	N	N	N	N	Y	Y	N	N	N
Launderettes	N	N	N	N	Y	Y	N	A	N
Limousine service	A	A	N	N	Y	Y	A	N	N
Drive-through Window	N	N	N	N	A <sup>XX</sup>	A <sup>XX</sup>	N	N	N
<b><u>Sexually oriented business<sup>XXX</sup></u></b> [Added 11-23-1998 STM by Art 25]									
Adult Bookstore <sup>XXX</sup>	N	N	N	N	A	A	N	N	N
Adult Paraphernalia Store <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Adult Video Store <sup>XXX</sup>									
With Preview Booths <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Without Preview Booths <sup>XXX</sup>	N	N	N	N	A	A	N	N	N
Adult Motion Picture Theater <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Adult Motion Picture Arcade <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Adult Cabaret <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Adult Motel <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Adult Theater <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Nude Model Studio <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Sexual Encounter Center <sup>XXX</sup>	N	N	N	N	N	A	N	N	N
Museum	A	A	A	A	A	A	A	A	A
Conference meeting/facility	N	N	N	N	Y	Y	N	A	A
Body Art Establishment	N	N	N	N	A <sup>19</sup>	A <sup>19</sup>	N	N	N
[Added 5-5-2001 ATM by Art 11]									

**Use Regulation Schedule**

Activity or Use	District								
	RR & RA	RB	RC	P	B	I	AG	MU <sup>14</sup>	WRP <sup>16</sup>
<b><u>INDUSTRIAL USES</u></b>									
Manufacturing, processing, research	N	N	N	N	N	Y	N	N	N
Bulk storage	N	N	N	N	N	Y	N	N	N
Contractor's yard	N	N	N	N	A	Y	N	N	N
Earth removal	A	A	A	A	A	A	N	N	N
Junk yard	N	N	N	N	N	A	N	N	N
Transportation terminal	N	N	N	N	A	Y	N	N	N
Warehouses	N	N	N	N	N	Y	N	N	N
Radio transmission	N	N	N	N	A	Y	A	N	N
Steam laundry or dry-cleaning plant	N	N	N	N	A	Y	N	N	N
Water towers and reservoirs	Y	Y	Y	Y	Y	Y	Y	N	N
<b><u>INSTITUTIONAL USES</u></b>									
Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y
Religious use	Y	Y	Y	Y	Y	Y	Y	Y	Y
Nursery school/pre-school	Y	Y	Y	Y	Y	Y	Y	Y	Y
Other commercial schools	A	A	A	A	Y	Y	A	A	Y
Non-Profit Corporation Educational Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y
Religious Organization Educational Uses	Y	Y	Y	Y	Y	Y	Y	Y	Y
Other schools	Y	Y	Y	Y	Y	Y	A	Y	Y
Cemetery <sup>3</sup>	Y	Y	Y	Y	Y	Y	N	N	N
Crematoria <sup>15</sup>	A	A	A	A	A	A	A	N	N
Hospital	A	A	A	A	N	N	N	N	N
Nursing, convalescent, rest home	A	A	A	A	A	A	N	A	A
Philanthropic institutions	A	A	A	A	A	A	N	A	A
Public utility with service area	N	N	N	N	N	A	A	N	N
Public utility without service area	N	A	A	A	A	A	A	N	N
Club or lodge <sup>4</sup>	A	A	A	A	Y	Y	N	A	Y
Passenger station	Y	Y	Y	Y	Y	Y	N	A	N
Assisted Living Residence	A	A	A	N	A	N	N	A	A
Artist Studio or Gallery	N	N	N	N	Y	Y	N	A	A
Charter School for the Arts	A	A	A	A	Y	Y	A	A	A
Museum	A	A	A	A	A	A	A	A	A
<b><u>RECREATIONAL USE</u></b>									
Boatyard	N	N	N	N	Y	Y	N	A	N
Camping, commercial <sup>10</sup>	N	N	N	A	N	N	N	N	N
Camping, supervised	Y	Y	Y	Y	Y	Y	N	N	N
Golf course	N	N	N	Y	Y	Y	Y	N	N
Indoor commercial recreation	N	N	N	A	A	A	N	A	N
Non profit indoor recreation <sup>13</sup>	A	A	A	A	A	A	A	A	N
Outdoor commercial recreation <sup>5</sup>	N	N	N	A	A	A	N	A	A
Non profit outdoor recreation <sup>13</sup>	A	A	A	A	A	A	A	A	A
Sportsman's club game preserve	Y	Y	Y	Y	Y	Y	Y	N	Y
Public stables	N	N	N	Y	Y	Y	N	N	Y
Bath houses, commercial beaches	A	A	A	Y	Y	Y	N	A	Y
Commercial picnic area, outing areas	A	N	N	Y	Y	Y	N	A	A
Marina	N	N	N	A	A	A	N	A	A
Private Dock or Piers <sup>11</sup>	A	A	A	A	A	A	A	A	A

**Use Regulation Schedule**

Activity or Use	RR & RA	District					AG	MU <sup>14</sup>	WRP <sup>16</sup>
		RB	RC	P	B	I			
<b><u>RESIDENTIAL USES</u></b>									
Dwelling									
Single family	Y	Y	Y	N	N	N	Y	Y	Y
Semidetached	N	Y	Y	N	N	N	N	N	N
Two-family	N	Y	Y	N	N	N	N	Y	Y
Multifamily <sup>9</sup>	N	N	Y	N	N	N	N	A	N
Non-family accommodations	N	A	A	N	A	A	N	A	N
Motel or hotel	N	N	N	N	A	A	N	A	A
Mobil home (stored or occupied)									
subject to § 198-28	A	A	A	N	N	N	N	N	N
Dwelling conversion (subject to the provisions of § 198-32.1)	A	A	A	N	A	A	A	A	A
Accessory apartment/inlaw apartment	A	A	A	N	N	N	A	A	A
Accessory apartment to a business	N	N	N	N	A	A	N	Y	Y
Bed & breakfast home	A	A	A	N	A <sup>12</sup>	A <sup>12</sup>	A	A	A
<b><u>OTHER PRINCIPAL USES</u></b>									
Temporary structures	Y	Y	Y	Y	Y	Y	N	A	A
Airport, heliport	N	N	N	N	N	N	A	N	N
<b><u>ACCESSORY USES</u></b>									
Home occupation									
Parking Not More Than:									
2 non commercial vehicles per dwelling unit <sup>6</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y
1 commercial vehicles not over 1 1/2 tons	Y	Y	Y	Y	Y	Y	Y	Y	Y
Parking in excess of above	N	N	N	N	N	N	N	N	N
Taking of boarders	Y	Y	Y	N	Y	Y	N	Y	Y
Signs <sup>7</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y
Light manufacturing for retail sales primarily on premises	A	A	A	A	Y	Y	N	A	N
Storage of camper or utility trailer <sup>8</sup>	Y	Y	Y	Y	Y	Y	Y	N	N
Other customary uses	Y	Y	Y	Y	Y	Y	Y	Y	Y
Wireless Communications Facilities	A	A	A	N	A	A	A	A	N
Facade and Roof-Mount Antennas	A	A	A	N	Y	Y	A	Y	N
Commercial Wind Facility	A	A	A	A	A	A	A	A	A
Municipal Wind Facility	Y	Y	Y	Y	Y	Y	Y	Y	Y

see § 198-23

NOTES:

- \* Except "A" in RA District.
- \*\* Except "A" in RR District.
- \*\*\* Any permit issued for livestock raising as defined shall be subject to approval by the Board of Health.
- X See § 198-25.
- XX The special permit granting authority for all drive-through windows shall be the Fairhaven Planning Board. **[Added by Art. 22, 11-23-1998 STM]**
- XXX Subject to the provisions of § 198-29.3, Sexually oriented businesses. **[Added by Art. 25, 11-23-1998 STM]**
- a Aquaculture facilities allowed by special permit. **[Added 5-1-1999 ATM by Art. 8]**
- b Provided that no individual retail business unit exceeds 5,000 square feet. **[Added 5-1-1999 ATM by Art. 8]**
- 1 See § 198-26.
- 2 Alcoholic beverages other than light wines and malt beverages shall not be served or sold in any form.
- 3 Provided it is an extension of and, except for intervening streets, contiguous to an existing cemetery.
- 4 Except those whose chief activity is one customarily on as a business.
- 5 Except that roller coasters, Ferris wheels, outdoor theaters, race tracks and similar large and noisy structures shall not be permitted.
- 6 Or four (4) non-commercial vehicles accessory to a single family house.
- 7 Subject to the provisions of § 198-26. **[Amended 5-2-1998 STM by Art. 29]**
- 8 Provided that it is not stored within a required front yard, and further provided that it is not occupied more than forty-eight (48) hours consecutively. Storage of a mobile home, whether occupied or not, or longer term occupancy of a camper requires a special permit from the Zoning Board of Appeals and is not considered a customary accessory use to a residential structure.
- 9 Subject to § 198-29.
- 10 See § 198-32.
- 11 Subject to § 198-32.2. **[Amended 5-7-05 ATM by Art. 20]**
- 12 Provided that the home has been legally used and occupied as a residential home for a minimum period of one year.
- 13 In RR, RA, and AG districts parking for 20 or more cars requires a Planning Board special permit.
- 14 Mixed use buildings may contain any combination of uses that are allowed [Y] or allowed by special permit [A].
- 15 Provided it is an extension of and contiguous to an existing cemetery; provided it is an extension of and contiguous to an existing cemetery containing no less than 20 acres as provided for in MGL c 114 § 43D. All crematoria shall require a special permit of the Planning Board only.
- 16 Subject to the provisions of § 198-29C the Planning Board as special permit granting authority may, by special permit, allow a use or combination of uses on a lot in the Wetland Resource Protection District provided that such use or combination of uses is either permitted or authorized by special permit in either the district in which the lot was last zoned or in the Mixed Use District. **[Added 5-1-1999 ATM by Art. 8]**
- 17 (Reserved)
- 18 (Reserved)
- 19 A Body Art Establishment shall not be located within 1,000 feet of an exterior property line of a school or church as determined by the Building Inspector **[Added 5-5-2001 ATM by Art 11]**

## **198-17. Intensity of use regulations.**

- A. All buildings hereafter erected in any district shall be located on a lot such that all minimum requirements set forth in the following table are conformed with, except where specifically exempted by this chapter or General Law.
- B. No existing lot shall 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 below. **[Amended 1-22-1977 STM by Art. 5]**
- C. **[Amended 3-16-1974 ATM by Art. 89; 1-22-1977 STM by Art 5; 5-4-1991 ATM by Art. 24]** Exempt lots MGL. c. 40A § 6, exempts the following lots from current lot use, area and frontage requirements.
- (1) Single lot exemption for single family and two-family use. Any increase in area, frontage, width, yard or depth requirements of a zoning ordinance or bylaw shall not apply to a lot for single- and two-family residential use which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and has less than the proposed requirement but at least 5,000 square feet of area and 50 feet of frontage.
  - (2) Common lot exemption for single- and two-family use. Any increase in area, frontage, width, yard or depth requirement of a zoning ordinance or by-law shall not apply for a period of five years from its effective date to a lot for single- and two-family residential use, provided that the plan for such a lot was recorded or endorsed and such lot was held in common ownership with adjoining land and conformed to the existing zoning requirements as of January 1, 1976, and contained at least 7,500 square feet and 75 feet of frontage, and provided that said five year period does not commence prior to January 1, 1976, and provided that the provisions of this sentence shall not apply to more than three adjoining lots held in common ownership.
  - (3) Approval Not Required Plans (ANR) exemption. ANR plans referred to in MGL c.41 § 81P, when submitted to the Planning Board along with written notice to the Town Clerk and subsequently approved by the Planning Board, the use of the land shown on such plan shall be governed by the provisions of the zoning bylaw in effect at the time of submission to the Planning Board and for a period of three years from the date of endorsement by the Planning Board.
  - (4) Definitive subdivision plans exemption. If a definitive plan, or a preliminary plan followed within seven months by a definitive plan, is submitted to a Planning Board for approval under the Subdivision Control Law<sup>2</sup>, and written notice has been given to the Town Clerk before effective date of a zoning bylaw, the land shown on such plan shall be governed by the provisions of the zoning bylaw in effect at the time of the first submission to the Planning Board, and when such definitive plan is approved for eight years from the date of the Planning Boards endorsement; plans submitted and approved by the Planning Board before January 1, 1976, for seven years from the date of Planning Board endorsement.<sup>3</sup>
- D. Not more than one single-family, semidetached or two-family dwelling shall be erected on a lot. Not more than one principal building other than the above shall be erected on a lot unless each such building is served by access and utilities determined by the Building Commissioner to be functionally equivalent to those otherwise required for separate lots. Two or more principal buildings on a single lot, if listed as uses on separate rows in § 198-16, must each meet the minimum dimensional requirements of this section without counting any lot area twice. **[Added 3-15-1973 ATM by Art. 75; amended 4-16-1975 ATM by Art. 58]**

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<sup>2</sup> Editor's Note: See MGL c. 41 § 81K et seq.

<sup>3</sup> Editor's Note: Former Section 2.4.4, which immediately followed this subsection, was deleted 3-22-1969 ATM by Art. 56.

**198-18 Intensity of use schedule.** [Amended 3-22-1969 ATM by Art 56; 3-28-1970 ATM by Art 56; 3-30-1972 ATM by Art. 76; 9-14-1972 STM by Art. 20; 3-15-1973 ATM by Art 77; 3-15-1973 ATM by Art 78; 5-10-1988 ATM by Art. 11; 11-29-1988 STM by Art. 2; 5-9-1989 ATM by Art. 19; 12-10-1992 STM by Art. 1; 5-6-1995 ATM by Art. 24, 11-6-1997 STM by Art. 19, 5-2-1998 STM by Art.26, 5-1-1999 ATM by Art. 8; 5-5-2001 ATM by Art. 13; 2-11-2004 STM by Art. 14]<sup>4</sup>

Intensity of Use Schedule

Minimum Lot Requirements

	RR	RA & RB	RC	P	B	I	AG	MU <sup>3</sup>	WRP
Lot Area (sq. ft.)	30,000	15,000 <sup>1</sup>	100,000 <sup>2</sup>	100,000	15,000	50,000	50,000	---	100,000
Frontage at Street (ft.)	140	100	200	200	100	140	200	100	140
Contiguous upland	24,000	13,500	70,000	70,000	14,250	35,000	35,000		50,000
Percent of minimum lot area	80%	90%	70%	70%	95%	70%	70%		50%

NOTES:

1 Increase fifty percent (50%) for permitted semidetached and two family dwellings.

2 Multifamily dwellings require five thousand (5,000) sq. ft. per dwelling unit plus five hundred (500) sq. ft. per bedroom.

<sup>3</sup> In the Mixed Use District the minimum lot sizes shall be 15,000 square feet or that present as of January 1, 1998 whichever is less.

Minimum Yard Requirements

	RR	RA & RB	RC	P	B	I	AG	MU	WRP
Building setbacks									
Front (ft.) <sup>1, 6</sup>	30	20	50 <sup>4</sup>	50	---	50	50	20 <sup>1, 2</sup>	20
Side (ft.)	20	10	25 <sup>4</sup>	25 <sup>5</sup>	---	25 <sup>5</sup>	30	10	10
Rear (ft.) <sup>7</sup>	30	30	50 <sup>4</sup>	50	---	50	50	30	30
Maximum Building height (ft.)	35	35	40	40	40	40	35	40	35
Maximum Lot coverage (%) <sup>10</sup>	25%	50%	50%	50%	70%	65%	25%	70%	50% <sup>8</sup>
Maximum Building coverage (%) <sup>9</sup>	15%	30%	25%	25%	25%	25%	10%	25%	25%

NOTES:

<sup>1</sup> No new building need provide yards greater than the average of those existing or abutting lots on the same street. Front deck and/or porch setbacks may conform to the average setbacks of those existing on the same street. Corner or through lots shall observe front yard requirements from both streets.

<sup>2</sup> Front yard requirements established by Town Meeting votes recorded on plats on file in Town Clerk's office. Minimum of 20 feet required if none specified.

<sup>4</sup> Editors Note: This article also provided that it shall apply to all new special permits subject to § 198-29 applied for after January 4, 2001, as provided for in MGL c. 40A, § 6. It shall also apply to such special permits granted prior to January 4, 2001, as provided for in MGL c. 40A, § 6, if the building permits authorized under such special permit are not issued prior to November 5, 2001.

3. When abutting a residence district, 10 feet. None required elsewhere, provided that access to rear of structure and space for any required off-street loading or parking can be gained by other means.
4. For multifamily dwellings, increase to not less than building height for any yard in which building width parallel to lot line exceeds 30 feet.
5. When abutting a residential use or district, increase to 50 feet; which shall contain no parking, but at least 10 feet of which shall contain densely planted trees (at least two inches in diameter) and shrubs (at least three feet high) unless existing vegetation is retained and provides equal screening for the purpose.
6. A noncovered porch, deck or landing not exceeding 72 square feet, nor extending more than six feet into a required front yard, and attached to a principal building, shall be exempt from this requirement. This exemption applies only to zoning districts RR, RA, and AG.
7. A noncovered porch, deck or landing not exceeding 450 square feet, nor extending more than 15 feet into a required rear yard, and attached to a principal building, shall be exempt from this requirement. This exemption only applies to zoning districts RR, RA, and AG.
8. Building coverage shall be a maximum of 25%, total coverage of lot shall be 50% including building and all accessory uses such as parking etc. At least 50% of the lot shall remain in its natural state. **[Added 5-1-1999 ATM by Art. 8]**
9. Maximum Building Coverage - See definitions Section 198-33. **[Added 5-5-2001 ATM by Art. 13; Amended 2-11-2004 STM by Art. 14]**
10. Maximum Lot Coverage - See definitions Section 198-33. **[Added 5-5-2001 ATM by Art. 13; Amended 6-8-2002 ATM by Art. 5; Amended 2-11-2004 STM by Art. 14]**

**§ 198-19 Fences. [Added 3-22-1969 ATM by Art. 56]**

- A. Corner lots shall provide visibility unobstructed at intersections. No sign, fence, wall, hedge or other obstruction shall be allowed to obstruct vision between three and one-half (3 ½) feet and eight (8) feet above the street grade within an area formed by intersecting street lines and a straight line joining points on said street lines two (2) feet back from their point of intersection.
- B. No boundary fence, wall or hedge shall exceed six (6) feet in height, and no boundary fence, wall, hedge, or other landscape feature, which obstructs vision shall exceed forty-two (42) inches in height within any required front yard area or within twenty (20) feet of the street, whichever is the lesser requirement. **[Amended 5-1-2010 ATM by Art. 31]**
- C. All fences shall be installed so that the finished side faces the abutting properties.

**§ 198-20 Soil Removal. [Added 5-6-1989 STM by Art. 5]**

No loam shall be removed from any lot area or other area of a subdivision that is not outlined on the plan as a roadway, until specific building permits are issued for the specific lots involved.