Commonwealth of Massachusetts

Town of Bedford

ZONING BYLAWS

as amended through
the Annual Town Meeting of 2014

1. AUTHORITY, PURPOSE, AND DEFINITIONS 1
1.1 Authority 1
1.2 Purpose 1
1.3 Definitions 1
1.3.1 Affordable Housing 1
1.3.2 Abandoned, Abandonment 1
1.3.3 Board 1
1.3.4 Building 1
1.3.5 Building Code 1
1.3.6 Bylaw 1
1.3.7 Dormitory 1
1.3.8 Fraternity or Sorority House 1
1.3.9 Frontage 2
1.3.10 Lot 2
1.3.11 One Ownership 2
1.3.12 Planning Board 2
1.3.13 Record, or Recorded 2
1.3.14 Sideline of Street 2
1.3.15 Street 2
1.3.16 Structure 2
1.3.17 Use, Accessory 2
1.3.18 Use or Structure, Nonconforming 2
1.3.19 Use, Principal 2
2. ESTABLISHMENT OF DISTRICTS 3
2.1 Classification of Districts 3
2.2 Zoning Map 3
2.3 Zoning Map Interpretation 3
2.3.1 Centerline is boundary 3
2.3.2 Boundary is property line 3
2.3.3 Boundaries parallel to street side line 4
2.3.4 Lots divided by residential district 4
2.3.5 Flood plain boundaries 4
2.3.5.1 Notification of Watercourse Alteration 4
2.3.6 Wetland boundaries 4
3. USE REGULATIONS 5
3.1 General Provisions 5
3.2 Provisions Applicable to Table I 5

3.2.1 Use listed in Table I 5
3.2.2 Permitted with Town Meeting approval 5
3.2.3 Use within buildings only 5
3.2.4 Outdoor display 5
3.2.5 Site plan approval 5

4. CLASSIFICATION OF PRINCIPAL USES 6

4.1 Extensive Uses 6
4.1.1 Forestry 6
4.1.2 Agriculture 6
4.1.3 Greenhouse 6
4.1.4 Earth Removal 6
4.1.5 Conservation Use 6
4.1.6 Private Recreation 6

4.2 Residential Uses 6
4.2.1 Single Family Dwelling 6
4.2.2 Two Family Dwelling 6
4.2.2.1 Conversion 6
4.2.2.2 Lot existing on January 1, 1992 6
4.2.3 Cluster Development 6
4.2.4 Planned ResidentialDevelopment 7
4.2.5 Housing for Elderly 7
4.2.6 Hotel or Motel 7
4.2.7 Home Occupation 7
4.2.8 Public School Building Conversion 7
4.2.9 Accessory Apartments 7
4.2.9.1 General Objectives 7
4.2.9.2 Conditions and Requirements 7
4.2.10 Adaptive Reuse 8
4.2.10.1 Permitted circumstances 8
4.2.10.2 Owner occupancy 8
4.2.10.3 Food service 9
4.2.10.4 Historical features 9
4.2.10.5 Parking facilities 9
4.2.10.6 Review Cycle 9

4.3 Institutional Uses 9
4.3.1 Educational 9
4.3.2 Religious 9
4.3.3 Philanthropic 9
4.3.4 Nursing Home 10
4.3.5 Nursing Care Facility 10

4.3.6 Lodge and Club 10
4.3.7 Cemetery 10
4.3.8 Child Care Facility 10
4.4 Government and Public Service 10
4.4.1 Municipal Use 10
4.4.2 Aviation 10
4.4.3 Underground Utility 10
4.4.4 Above Ground Utility 10
4.4.5 Wireless Communications Facilities (or other similar communications use) 10
4.4.5.1 Submission Requirements 10
4.4.5.2 Setback and Height Requirements 11
4.4.5.3 Design Provisions 11
4.4.5.4 Co-location 12
4.4.5.5 Frequencies 13
4.4.5.6 Repair and Upkeep 13
4.4.5.7 License and Permits 13
4.4.5.8 Construction and Removal 13
4.4.5.9 Modifications 14
4.4.6 Amateur Radio Towers 14
4.5 Business Uses 14
4.5.1 Retail Store 14
4.5.2 Supermarket and General Department Store 14
4.5.3 Personal Service Shop 14
4.5.4 Funeral Home 14
4.5.5 Repair Shop and Building Trade 14
4.5.6 Indoor Amusement 15
4.5.7 Restaurant 15
4.5.8 Bank 15
4.5.9 Business and Professional Office 15
4.5.10 Research Facility 15
4.5.11 Auto Service Station 15
4.5.12 Auto Body Shop 15
4.5.13 Retail or Wholesale of New or Rebuilt Auto Parts 15
4.5.14 Vehicular Dealership 15
4.5.15 Parking Facility 15
4.5.16 Mixed Business and Residential 15
4.5.17 Industrial Mixed Use 15
4.5.18 Take Out Retail 15
4.6 Industrial Uses 16
4.6.1 Warehouse 16

4.6.2 Storage Yard, Open-air Sales 16
4.6.3 Light Manufacturing 16
4.6.4 Heavy Vehicular Dealership and Repair Garage 16
4.7 Restricted and Prohibited Uses 16
4.7.1 Prohibited Uses 16
5. ACCESSORY USES 19
5.1 Provisions for Accessory Uses 19
5.1.1 Residential Uses 19
5.1.2 Swimming Pools and Tennis Courts 19
5.1.3 Storage of Recreation Trailer, Home Utility Trailer, Boat and Unregistered Motor Vehicles 19
5.1.4 Garaging or Parking of Commercial Motor Vehicles 19
5.1.5 Home Occupation 19
5.1.6 Renting Rooms and Boarding 19
5.1.7 Fairs, Bazaars, and Antique Shows 20
5.1.8 Trailer and Mobile Home 20
5.1.8.1 Construction Trailer 20
5.1.8.2 Temporary Dwelling 20
5.1.9 Trailer or Truck Rental Yard 20
5.1.10 Farm Product Sales 20
5.1.11 Christmas Tree Sales 20
5.1.12 Temporary Storage 20
5.1.13 Scientific Development 20
5.1.14 Yard Sales 20
5.1.15 Dormitory, Fraternity House and Sorority House 20
5.1.16 Satellite Receiving Antenna 21
5.1.17 Family Day Care Home 21
5.1.18 Common Driveways 21
6. DIMENSIONAL REGULATIONS 22
6.1 Dimensions 22
6.2 Interpretation 22
6.2.1 Lot Area 22
6.2.2 Minimum Lot Area 22
6.2.3 Frontage 22
6.2.4 Frontage Exception 22
6.2.5 Lot Width 22
6.2.6 Front Yards 23
6.2.7 Side Yards 23
6.2.8 Rear Yards 23
6.2.9 Corner Clearance 23

6.2.10 Height....23
6.2.11 Maximum Lot Coverage....24
6.2.12 Minimum Lot Landscaping....24
6.2.13 Floor Area Ratio (FAR)....24
6.3 Special Exceptions....24
6.4 Partial taking of a Lot By Eminent Domain....24
6.5 Educational Uses....25
6.5.1 Minimum Front Yard....25
6.5.2 Minimum Side Yard....25
6.5.3 Athletic Facility....25
6.5.4 Greenbelt....25
6.5.5 Maximum Lot Coverage....25
6.5.6 Minimum Landscaping....25
6.6 Child Care Facility and Religious Uses....25
6.6.1 Minimum Lot Area....25
6.6.2 Maximum Floor Area Ratio....25
6.6.3 Minimum Front, Side and Rear Yards....25
6.6.4 Minimum Lot Landscaping....25
6.6.5 Greenbelt....25
6.6.6 Parking....26
6.6.7 Waivers....26
7. SPECIAL PROVISIONS....29
7.1 Nonconforming Uses....29
7.1.1 Existing Use....29
7.1.2 Changes, Extensions and Alterations....29
7.1.3 Restoration....29
7.1.4 Residential Dwellings....29
7.1.5 Abandonment....30
7.2 Flood Plain/Wetland District....30
7.2.1 Purpose....30
7.2.2 Uses Permitted Without Review by the Board....30
7.2.3 Uses Permitted Subject to Special Permit by the Board....30
7.2.4 Floodway & Base Flood ElevationData....31
7.2.5 Procedure for Review by the Board....312
7.3 Earth Removal....32
7.3.1 Removal Generally Prohibited....32
7.3.2 Removal of Earth Permitted Without Review by the Board....32
7.3.2.1 Building Permit....32
7.3.2.2 Subdivision....32
7.3.2.3 Wetlands Protection Act....32

7.3.3 Removal of Earth Subject to Board Approval 32
7.3.4 Procedure for Review by the Board 32
7.3.4.1 Application Requirements 32
7.3.4.2 Limitations 33
7.4 Parking Regulations 33
7.4.1 Required Spaces 33
7.4.1.1 Dwelling including multiunit structure 34
7.4.1.2 Housing for elderly 34
7.4.1.3 Hotel, motel or lodging house 34
7.4.1.4 Educational 34
7.4.1.5 Nursing home 34
7.4.1.6 Retail, service or business use as defined in Sections 4.5.1, 4.5.3, 4.5.4, 4.5.5 and 4.5.13 34
7.4.1.7 Professional, general office, or research facility 34
7.4.1.8 Industrial use 34
7.4.1.9 Restaurant, lodge, club, recreation use or other place of assembly 34
7.4.1.10 Bank or indoor amusement use and uses defined in Section 4.5.2. 35
7.4.1.11 Auto service station or auto body shop 35
7.4.1.12 Mixed uses 35
7.4.2 Parking Dimensional Regulations 35
7.4.2.1 Residential Stalls 35
7.4.2.2 Small Car Stalls 35
7.4.2.3 Non-residential Entrances 36
7.4.2.4 Layout and Setback 36
7.4.2.5 Landscaping 36
7.4.3 Relief From Parking Regulations 36
7.4.4 Bicycle Parking Facilities 36
7.4.4.1 Requirement 36
7.4.4.2 Conversion of Automobile Parking Spaces 36
7.4.4.3 Placement and Access 37
7.4.4.4 Bicycle Parking 37
7.4.4.5 Security 37
7.4.4.6 Dimensional Regulation 37
7.4.4.7 Exemption from Bicycle Parking Requirement 37
7.5 Site Plan Approval 37
7.5.1 Standards for Requirement of Site Plan Approval 37
7.5.2 Procedure for Review by the Planning Board 37
7.5.2.1 Application For Site Plan Approval 37
7.5.2.2 Design Standards in the Limited Business District and General Business District 39
7.5.2.3 Report of Planning Board 40
7.5.3 Approval by the Inspector of Buildings 41

8. CLUSTER DEVELOPMENT 42
8.1 Purpose 42
8.2 Standards 42
8.2.1 Minimum Tract Size 42
8.2.2 Number of Lots 42
8.2.3 Permitted Uses 42
8.2.4 Utilities 42
8.2.5 Dimensional Regulations 42
8.2.6 Common Land 42
8.2.6.1 Size and Nature of Common Land 42
8.2.6.2 Access, Restrictions and Ownership 43
8.2.6.3 Ownership and Maintainence 43
8.2.7 Limitation of Subdivision 43
8.2.8 Greenbelt 43
8.3 Procedure for Approval 44
8.3.1 Application 44
8.3.1.1 A development statement 44
8.3.1.2 Copies 44
8.3.2 Conditions 44
8.4 Amendments 44
8.4.1 Minor Revisions 44
8.4.2 **Changes** 44
9. PLANNED RESIDENTIAL DEVELOPMENT (PRD) 45
9.1 Purpose 45
9.2 Standards 45
9.2.1 Minimum Tract Size 45
9.2.2 Permissible Density 45
9.2.2.1 PRD Tract 45
9.2.2.2 Transferable Development Rights 45
9.2.2.3 Low and Moderate Income Housing 45
9.2.3 Maximum Allowable Density 46
9.2.4 Permitted Uses 46
9.2.4.1 Single Family Units 46
9.2.4.2 Accessory Uses 46
9.2.4.3 Miscellaneous Uses 46
9.2.5 Lot Area, Frontage and Yard Requirements 46
9.2.6 Height 46
9.2.7 Area of Residential Development 46
9.2.8 Common Open Space 46
9.2.8.1 Minimum Use and Limitations 46

9.2.8.2 Ownership 47
9.2.8.3 Ownership Requirements 47
9.2.9 Limitation of Subdivision 48
9.2.10 Special provisions for the Bedford Housing Authority 48
9.3 Procedure for Approval 48
9.3.1 Application 48
9.3.1.1 Development Statement 48
9.3.1.2 Legal Instruments 48
9.3.1.3 Plans 48
9.3.2 Referral and Schedule 48
9.3.3 Planning Board 48
10. NURSING CARE FACILITY 50
10.1 Purpose 50
10.2 Definitions 50
10.2.1 Nursing/Special Care Facility 50
10.2.2 Hospital Facility 50
10.2.3 Congregate Living Facility 50
10.2.4 Independent Living Facility 50
10.2.5 Elderly 50
10.3 Standards 50
10.3.1 Minimum Tract Size 50
10.3.2 Permissible Density 50
10.3.3 Permitted Uses 50
10.3.3.1 Principal Uses: 50
10.3.3.2 Accessory Uses 50
10.3.4 Frontage and Yard Requirements 51
10.3.5 Height 51
10.3.6 Maximum Coverage 51
10.3.7 Common Open Space 51
10.3.8 **Parking** 51
10.3.8.1 Nursing/Special Care or Hospital Facility 52
10.3.8.2 Congregate Living Facility 52
10.3.8.3 Independent Living Facility 52
10.3.8.4 Employee 52
10.3.8.5 Public Assembly 52
10.3.8.6 Visitor 52
10.4 Procedure for Approval 52
10.4.1 Application 52
10.4.1.1 Development Statement 52
10.4.1.2 Plans 52
10.4.2 Referral for Reports 52

10.4.3 Planning Board Report and Recommendation 52
10.4.3.1 Site Evaluation 52
10.4.3.2 Development Evaluation....52
10.4.3.3 Restricted Land 53
10.4.3.4 Opinion of Suitability 53
10.4.3.5 Effect on Town's Infrastructure....53
10.4.3.6 Adequacy of Plan 53
10.4.3.7 Recommendations....53
10.4.4 Conservation Commission's Report and Recommendations 53
10.4.4.1 Environmental Impact 53
10.4.4.2 Open Space Evaluation....53
10.4.5 Board 53

11. CONVERSION OF PUBLIC SCHOOL BUILDINGS TO MULTIPLE RESIDENTIAL USE 54
11.1 Special Permit....54
11.2 Purpose 54
11.3 Permitted Uses....54
11.4 Application Requirements....54
11.4.1 Procedure....54
11.4.1.1 Site Plan 54
11.4.2 Planning Board Signature Block 54
11.4.3 Schedules 54
11.5 Special Permit Procedure 54
11.5.1 Schedule and Procedure....54
11.5.2 Special Permit Expiration....54
11.5.3 Extension of Review Period 54
11.5.4 Revocation of Permit....54
11.6 Performance Standards....55
11.6.1 Land Use....55
11.6.2 Parking and Other Facilities 55
11.6.3 Additional Structures 55
11.6.4 Access to Public Way 55
11.6.5 Open Space....55
11.6.6 Exterior Lighting 55
11.6.7 Mixed Use....55
11.6.8 Parking Requirements 55

12. RESIDENTIAL DEVELOPMENT RATE LIMITATION 56
12.1 Applicability....56
12.2 Building Permit Limitations....56

13. AQUIFER PROTECTION DISTRICTS....57

13.1 Purpose **57**
13.2 Definitions pertaining to Aquifer Protection Districts **57**
13.3 Establishment of Districts **57**
13.3.1 Overlay Districts 57
13.3.2 District Boundary Disputes 57
13.4 Use Regulations **58**
13.4.1 Permitted and Prohibited Uses 58
13.5 Special Permit Procedures **60**
13.5.1 Special Permit Requirements 60
13.5.2 Application Requirements 60
13.5.3 Inter-Agency Review 60
13.5.4 Public Hearings 61
13.5.5 Decision Process 61
13.5.6 Posting 61
13.6 Design and Operation Guidelines **61**
13.6.1 Safeguards 61
13.6.2 Locations 61
13.6.3 Erosion Control 61
13.6.4 Recharge 61
13.7 Severability **61**
14. ADMINISTRATION AND ENFORCEMENT **62**
14.1 Enforcement **62**
14.1.1 Enforcement Officer 62
14.1.2 Enforcement Action 62
14.1.3 Criminal Complaint 62
14.1.4 Non-Criminal Disposition 62
14.2 Building Permit **62**
14.3 Certificate of Occupancy **62**
14.4 Board of Appeals **62**
14.4.1 Designation 62
14.4.2 Jursidiction 62
14.4.3 Appeal 62
14.5 Rules and Regulations **63**
14.6 Special Permit **63**
14.6.1 Process 63
14.6.2 Additional Conditions 63
14.7 Variance **63**
14.8 Town Meeting Approval **63**
14.8.1 Circumstances Not Requiring Town Meeting Approval 63
14.8.2 Special Permit Requirements 64

14.9 Bylaw Construction **64**
14.10 Validity and Separability **64**
15. INDUSTRIAL MIXED USE **65**
15.1 Purpose **65**
15.2 Authority **65**
15.3 Permitted Uses **65**
15.3.1 Business and Professional Office 65
15.3.2 Research Facility 65
15.3.3 Multifamily Dwellings 65
15.3.4 Retail Store not exceeding 2000 square feet of sales floor area 65
15.3.5 Personal Service Shop 65
15.3.6 Restaurant 65
15.3.7 Child Care Facility 65
15.3.8 Bank 65
15.3.9 Private Recreation 65
15.3.10 Municipal Use 65
15.3.11 Underground and Above Ground Utilities 65
15.3.12 Parking Facility 65
15.4 Density **65**
15.4.1 Floor Area Ratio 65
15.4.1.1 Business and Professional Office 66
15.4.1.2 Research Facility 66
15.4.2 Multifamily Dwellings 66
15.4.3 Maximum Combined FAR Ratio 66
15.5 Dimensional Requirements **66**
15.5.1 Minimum contiguous area of the Industrial Mixed Use development 66
15.5.2 Minimum Lot Frontage 66
15.5.3 Minimum Lot Width 66
15.5.4 Maximum Front Yard 66
15.5.5 Minimum Rear Yard 66
15.5.6 Maximum Height 66
15.5.7 Maximum Lot Coverage 66
15.5.8 Minimum Landscaping 66
15.5.9 Maximum Floor Area 66
15.6 Parking and Curb Cut **66**
15.6.1 Mixed Use Developments 66
15.6.2 Parking Locations 67
15.6.3 Parking at Buildings 67
15.6.4 Curb Cuts 67
15.6.5 Parking Spaces for Each Dwelling Unit 67

15.6.6 Granting of Relief from Parking Regulations 67
15.7 Application **67**
15.7.1 Development Statement 67
15.7.2 Development Plans 67
15.7.3 Additional information as the Board may determine. 67
15.8 Planning Board Findings **67**
15.9 Amendments **68**
16. Section 16.0 Multiple Dwelling on a Lot **69**
16.1 Purpose **69**
16.2 Applicability **69**
16.3 Authority **69**
16.4 Permitted Uses **69**
16.5 Application **69**
16.5.1 Development Statement 69
16.5.2 Development Plans. 69
16.5.3 Additional information 70
16.6 Design Standards and Planning Board Findings **70**
16.6.1 A public benefit 70
16.6.2 Open Spaces or Recreational facilities 70
16.6.3 Sidewalks and pedestrian trail connections 70
16.6.4 Curb cuts 70
16.6.5 Curb cuts Project design 70
16.6.6 In the event that the project 70
16.6.7 Project density and design 70
16.6.8 Project incorporates 70
16.6.9 Existing mature vegetation is 70
16.6.10 Landscape materials used as buffers 70
16.6.11 A mix of trees, shrubs, and 70
16.7 Retail, Restaurant, Personal Service Shops, Offices **71**
16.8 Parking **71**
16.9 Affordable Housing **71**
16.10 Amendments **71**
17. North Road Mixed Use Overlay District **72**
17.1 Purpose **72**
17.2 Authority **72**
17.3 Special Permit Goals **72**
17.4 Uses Allowed By Special Permit **72**
17.5 Performance Standards **73**
17.5.1 General Criteria 73

17.5.2 Mix of Uses 73
17.5.3 Ground floor uses 73
17.5.4 Density 73
17.5.5 Minimum Lot Frontage 50 feet 74
17.5.6 Minimum Percent Open Space 74
17.5.7 Maximum Height of Structures 74
17.5.8 Minimum Lot Size 74
17.5.9 Setbacks and Yard Regulations for Buildings 74
17.5.10 Vehicle and Pedestrian Features 74
17.5.11 Vehicle Parking 75
17.5.12 Off Site Motor Vehicle Parking 75
17.5.13 Parking Facilities 75
17.5.14 Bicycle Parking 76
17.5.15 Pedestrian Access 76
17.5.16 Affordable Housing Units 76
17.6 Design Standards 76
17.6.1 Scale 77
17.6.2 Architectural Details - Existing Historic Buildings 77
17.6.3 External Materials and Appearance 77
17.6.4 17.6.5 Signs 77
17.7 Application 77
17.7.1 Development Statement 77
17.7.2 Development Plans 77
17.7.3 Additional information as the Board may determine 78
17.8 Planning Board Findings 78
17.9 Amendments 78
18. Depot Area Mixed-Use Overlay District 79
18.1 Purpose 79
18.2 Authority 79
18.3 Special Permit Goals 79
18.4 Uses Allowed By Special Permit 79
18.5 Performance Standards 80
18.5.1 General Criteria 80
18.5.2 Mix of Uses 80
18.5.3 Ground floor uses 80
18.5.4 Density 80
18.5.5 Minimum Lot Frontage 50 feet 81
18.5.6 Minimum Percent Open Space 81
18.5.7 Maximum Height of Structures 81
18.5.8 Minimum Lot Size 81

18.5.9 Setbacks and Yard Regulations for Buildings 81
18.5.10 Vehicle and Pedestrian Features 81
18.5.11 Vehicle Parking 82
18.5.12 Off-Site Motor Vehicle Parking 82
18.5.13 Parking Facilities 82
18.5.14 Bicycle Parking 82
18.5.15 Pedestrian Access 83
18.5.16 Affordable Housing Units 83
18.6 Design Standards 83
18.6.1 Scale 83
18.6.2 Architectural Details - Existing Historic Buildings 84
18.6.3 External Materials and Appearance 84
18.6.4 Sustainable Building and Site Design 84
18.6.5 Signs 84
18.7 Application 84
18.7.1 Development Statement 84
18.7.2 Development Plans 84
18.7.3 Additional information as the Board may determine. 85
18.8 Planning Board Findings 85
18.9 Amendments 85
19. Article 19.0 Town Center Mixed Use Overlay District 86
19.1 Purpose 86
19.2 Authority 86
19.3 Permitted Uses 86
19.4 Application 86
19.4.1 Development Statement. 86
19.4.2 Development Plans (if applicable). 86
19.4.3 Phasing Plan. 87
19.4.4 Additional information 87
19.5 Design Standards and Planning Board Findings 87
19.5.1 The site plan and mix of uses 87
19.5.2 Shared Parking 87
19.5.3 Curb cuts shall be limited to 87
19.5.4 Project design maximizes the 87
19.5.5 Landscape materials used as 87
19.5.6 A mix of trees, shrubs, and 87
19.5.7 Residential units located 87
19.6 Retail, Restaurant, Personal Service Shops, Offices 88
19.7 Parking 88
19.8 Amendments 88

Table I: Use Regulations **17**
Table II Dimensional Regulations **27**
Table III: Parking Stall Dimensions **35**
Table IV Hydrogeologic Credentials **57**
Table V: Aquifier Protection Districts Use Regulations **58**

INFORMATION RELATING TO LAWS AND REGULATIONS GOVERNING LAND USE

Land use in the Town of Bedford is subject to regulation under various Town Bylaws and Statutes of the Commonwealth. Included among these are the Bedford Zoning Bylaw, adopted pursuant to MGL Ch 40A, –The Zoning Actî of the Commonwealth of Massachusetts, and the following:

TOWN OF BEDFORD GENERAL BYLAWS set forth the Town's general regulations including provisions pertaining to: street and sidewalk openings; fire hazards and protection; acceptance of streets; the sewer system; and the water system.

BEDFORD SIGN BYLAWS set forth the Town's restrictions and regulations for the erection, reconstruction, construction, alteration and maintenance of signs including all applicable provisions for prohibited signs.

SUBDIVISION RULES AND REGULATIONS set forth the Planning Board's procedures and standards to be followed in the subdivision of land and the construction of ways.

STATE BUILDING CODE sets forth the regulations, administered by the Inspector of Buildings, relative to the construction, reconstruction, alteration, repair, demolition, removal, inspection, issuance and revocation of permits or licenses, installation of equipment, classification and definition of buildings and structures and use or occupancy thereof.

STATE ENVIRONMENTAL CODE TITLE 5 sets forth the minimum standards for the protection of public health and the environment when circumstances require the use of individual systems for the disposal of sanitary sewage in areas where municipal sewage systems are not available.

BEDFORD INDIVIDUAL SEWAGE DISPOSAL SYSTEM REGULATIONS sets forth the Board of Health's local rules and regulations pertaining to the construction or installation of on-lot sewage disposal systems.

HISTORIC DISTRICTS is administered by the Historic District Commission and information on boundary descriptions, application and regulations administered by the Commission pertaining to preservation and protection of buildings and places is available at the Town Hall.

WETLANDS PROTECTION is administered by the Conservation Commission under both the state Wetlands Act, MGL Ch 131, —40, and the Town Wetlands Bylaw, Town of Bedford General Bylaws, Sec. 32 (1997); separate regulations further define both documents. Both laws provide for public review of proposed projects which involve construction or other alterations of land in or near wetlands or land deemed subject to periodic flooding.

1. AUTHORITY, PURPOSE, AND DEFINITIONS

1.1 Authority

The Town of Bedford Zoning Bylaw is adopted pursuant to and under the authority of "The Zoning Act" of the Commonwealth of Massachusetts, MGL Ch. 40A.

1.2 Purpose

The purpose of this Bylaw is to implement the zoning powers granted to the Town of Bedford under the Constitution and Statutes of the Commonwealth and includes, but is not limited to, the following objectives: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town; to preserve and increase amenities; and to preserve and enhance the development of the natural scenic and aesthetic qualities of the community.

1.3 Definitions

In this Bylaw the following terms shall have the following meanings:

1.3.1 Affordable Housing

Dwelling units which are available for rent or purchase to households earning up to one hundred and fifty (150) percent of the median income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development.

1.3.2 Abandoned, Abandonment

The visible or otherwise apparent intention of an owner or occupant to discontinue or abandon a particular nonconforming use or structure including, but not limited to, the removal of equipment or furnishings customarily incident to a particular use without their immediate replacement with similar equipment or furnishings or the replacement of a nonconforming use or structure with a conforming use or structure.

1.3.3 Board

The Town of Bedford Zoning Board of Appeals which for the purposes of MGL Ch 40A shall be deemed the Permit Granting Authority.

1.3.4 Building

A structure enclosed within exterior walls or firewalls, built, erected and framed of a combination of any materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals or property. For the purpose of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature. The word "building" shall be construed, where the context requires, as though followed by the words "or part or parts thereof."

1.3.5 Building Code

The State Building Code of the Commonwealth of Massachusetts as the same may be amended from time to time. Terms used in this Bylaw shall have the same meaning as ascribed to them in the Building Code unless the context of usage in this Bylaw clearly indicates another meaning.

1.3.6 Bylaw

The Town of Bedford Zoning Bylaw. All Sections and Subsections refer to Sections and Subsections of this Bylaw unless otherwise specifically stated.

1.3.7 Dormitory

A building designed or occupied as a residence for students or staff of an educational institution owned or operated by or for such institution.

1.3.8 Fraternity or Sorority House

A building occupied by a group of students of either sex of an educational institu-

tion as their residence during the academic year.

1.3.9 Frontage

A continuous portion of a sideline of a street between the side lot lines of a lot. Frontage shall be measured in accordance with the requirements of Subsection 6.2.3.

1.3.10 Lot

An area of land in one ownership with definitive boundaries ascertainable from a recorded deed or recorded plan.

1.3.11 One Ownership

Undivided ownership of a lot by one or more natural or legal persons, whether title thereto be joint, in common or by the entirety.

1.3.12 Planning Board

The Town of Bedford Planning Board which for the purposes of Chapter 40A shall be deemed the Special Permit Granting Authority on petitions for Cluster Development as set forth in Section 8.

1.3.13 Record, or Recorded

Title to a lot as disclosed by a deed recorded in the Middlesex County South District Registry of Deeds, or a Certificate of Title issued by the Land Court and registered in the Land Court Section of such Registry or record title disclosed by any and all pertinent public records.

1.3.14 Sideline of Street

A line which coincides with the sideline of the street right of way.

1.3.15 Street

An improved public way laid out by the Town of Bedford, the Middlesex County Commissioners or the Commonwealth of Massachusetts, or a way which the Bedford Town Clerk certifies is maintained by public authority and used as a public way, or a way in existence having in the opinion of the Planning Board sufficient width, suitable grades and adequate construction to accommodate the vehicular traffic anticipated by reason of the proposed use of the 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. A way shall not be a –streetî with respect to any lot which does not have appurtenant to it a recorded right of access to and over such way for vehicular traffic.

1.3.16 Structure

A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, mast for radio antenna or the like. The word –structureî shall be construed, where the context requires, as though followed by the words –or part or parts thereof.

1.3.17 Use, Accessory

Any use which is customarily accessory and incidental to a permitted principal use.

1.3.18 Use or Structure, Nonconforming

A use or structure lawfully existing at the time of adoption of this Bylaw or any subsequent amendment hereto, and any use or structure lawfully begun or in respect of which a building permit or Special Permit has been issued before the first publication of notice of public hearing on this Bylaw or any amendment hereto, which does not conform to one or more provisions of this Bylaw.

1.3.19 Use, Principal

The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it is permitted to be used, occupied or maintained under this Bylaw.

2. ESTABLISHMENT OF DISTRICTS

2.1 Classification of Districts

For the purpose of this Bylaw, the Town of Bedford is hereby divided into the following classes of zoning districts:

- **Residential Districts -**
  Residence R
  Residence A
  Residence B
  Residence C
- Residence D
- **Business Districts -**
  Limited Business (A)
  General Business (B)
  Commercial
- **Industrial Districts -**
  Industrial (B)
  Industrial Park (A)
- Industrial (C)
- **Conservancy District -**
  Flood Plain/Wetland District
- "Depot Area Mixed Use Overlay District"
- North Road Mixed Use Overlay District"
- Town Center Mixed Use Overlay District

2.2 Zoning Map

Location and boundaries of the zoning districts shall be as shown on the following identified zoning maps as the same may be hereinafter amended, which maps are herein collectively referred to as –The Zoning Mapî.

- Zoning Districts, Town of Bedford, Massachusetts, Prepared by Bedford Public Works, December 2008.

- Flood Plain District--The district includes all special flood hazard areas within the Town of Bedford designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Bedford are panel numbers 25017C0264F, 25017C0268F, 20517C0377F, 25017C0381F and 25017C0383F dated July 7, 2014; and 25017C0269E, 25017C0288E 25017C0282E, 25017C0384E and 25017C0401E dated June 4, 2010. The FIRMs and the accompanying Flood Insurance Study report dated July 7, 2014 are incorporated herein by reference and are on file with the Code Enforcement Department.

- Wetland District, Town of Bedford, July 2007 (Scale 1" = 200', consisting of 81 matched sheets, Index Sheet, and guidelines page and designated as Wetlands Maps, prepared by Bedford GIS), subject to delineation as required in Zoning Bylaw Section 2.3.6.

The Flood Plain/Wetland District is an overlay district whose boundaries and regulations are superimposed on the Residential, Business, and Industrial Districts established by this Bylaw. Said zoning maps are hereby made part of this Bylaw and are on file in the Office of the Town Clerk.

2.3 Zoning Map Interpretation

For purposes of interpretation of the Zoning Map, the following shall apply:

2.3.1 Centerline is boundary

Boundaries which appear to follow streets, railroads or water courses shall be deemed to coincide with the center line thereof.

2.3.2 Boundary is property line

Boundaries which appear to follow a property or lot line, the exact location of which is not indicated by means of dimen-

sions, shall coincide with the property or lot line.

2.3.3 Boundaries parallel to street side line

Boundaries which appear to run parallel to the sideline of streets shall be regarded as parallel or radial to such line and dimensions between the district boundary lines and sidelines of streets shall be measured perpendicular to the sideline of the street.

2.3.4 Lots divided by residential district

In the Residential Districts where a boundary divides a lot, the regulations applicable to either Residential District may be extended by Special Permit from the Board, with the advice of the Planning Board, not more than 50 feet into the other district to achieve a sound subdivision plan. In all other districts where a boundary line divides a lot, the regulations applicable to either district may be extended by Special Permit from the Board, with the advice of the Planning Board, not more than 20 feet into the other district to achieve a sound development.

2.3.5 Flood plain boundaries

The exact boundaries of the Flood Plain District shall be located on the ground, as determined by an actual field survey, of the (100 year) flood contours shown for Zone A and AE on the Flood Insurance Rate Maps and further defined by the Flood Insurance Study, all with effective dates as listed in Section 2.2.

2.3.5.1 Notification of watercourse alteration

In a riverine situation, the Zoning Enforcement Officer shall notify the following of any alteration or relocation of a watercourse:

Adjacent Communities

NFIP State Coordinator at Massachusetts Department of Conservation and Recreation

NFIP Program Specialist at Federal Emergency Management Agency, Region 1

2.3.6Wetland boundaries

The exact boundaries of the Wetland District shall be the location on the ground of any wet meadow, marsh, swamp, bog and areas of flowing or standing water all as defined in MGL Ch 131 and the current Department of Environmental Protection Wetlands Protection Regulations.

3. USE REGULATIONS

3.1 General Provisions

No land shall be used or buildings or other structures erected or modified in any district for any use not set forth and denoted in either with the word "yesî or by the letters "SP", except accessory uses permitted pursuant to Section 5 and nonconforming uses as provided in Subsection 7.1, it being the intent of this Bylaw to prohibit in any district any use which is not specifically permitted therein, including, but not limited to, those uses specifically prohibited and those denoted in by the word "no".

3.2 Provisions Applicable to Table I

Existing and future uses of land, buildings or structures shall be allocated among the categories set forth in Table I. Each use set forth in the principal use column of such table shall be defined by reference to the Subsection of Section 4 appearing next to such principal use and shall be subject to conditions as may be set forth therein and in such Subsection.

3.2.1 Use listed in Table I

A use listed in Table I is permitted in any district under which it is denoted by the word "yes". If denoted by the letters "SP", the use is permitted only if the Board or the Planning Board grants a Special Permit as provided herein and makes such specific findings as may be required by this Bylaw in respect of such use.

3.2.2 Permitted with Town Meeting approval

The letters "SP" followed by the numeral one, SP^1, denotes that the use is permitted only upon Town Meeting approval and if the Board subsequently grants a Special Permit as provided herein and makes such specific findings as may be required by this Bylaw in respect of such use.

3.2.3 Use within buildings only

A principal use listed Table I, Subsections 4.5 and 4.6 and permitted in either the Limited Business, General Business, Industrial, or Industrial Park District shall be conducted entirely within building(s), except where the Bylaw expressly allows all or part of such uses to be conducted outside buildings: 4.5.11 Auto Service Station; 4.5.12 Auto Body Shop; 4.5.14 Vehicular Dealership; 4.5.15 Parking Facility; 4.6.2 Storage Yard, Open-air Sales; and 4.6.4 Heavy Vehicular Dealership and Repair Garage.

3.2.4 Outdoor display

Outdoor display of merchandise is permitted for uses 4.5.1 Retail Store and 4.5.2 Supermarket and General Department Store where such merchandise:

(a) is displayed in an area, parallel to the front of the building in which the principal use is located, of no more than fifty percent (50%) of the front facade of such building; and

(b) is not displayed on those areas designated for zoning purposes as front, side or rear yards, or on public or private streets or ways, or on public sidewalks, and where there are private sidewalks, four (4) feet of the sidewalk width remain unencumbered; and

(c) is a maximum of six (6) feet in height; and

(d) is the type that is displayed or sold in the ordinary and customary operations of the principal use.

3.2.5 Site plan approval

Site plan approval in accordance with Subsections 7.5, is required where the letter "R" appears and is not required where the letters "NR" appear.

4. CLASSIFICATION OF PRINCIPAL USES

4.1 Extensive Uses

4.1.1 Forestry

Cultivating and harvesting of forest products including, if upon more than five acres, the sale of firewood.

4.1.2 Agriculture

Cultivating and harvesting general crops and market gardens, including the storage of necessary farm equipment, and including, if upon more than five acres, a farm for the raising of cattle, horses, sheep, goats and poultry and a farm stand for the sale of farm products grown in the Town of, or towns contiguous to, Bedford.

4.1.3 Greenhouse

A commercial greenhouse, salesroom or stand for the sale of nursery, garden or farm products, provided that in all residential districts such use shall be upon more than five acres.

4.1.4 Earth Removal

Removal in accordance with the provisions of Subsection 7.3.

4.1.5 Conservation Use

Wildlife management, boating, fishing and hunting.

4.1.6 Private Recreation

Country club, riding stable, playground and tennis, fishing, boating, skiing, ski run and tow, skating, swimming and similar non-municipal facility for organized athletic activities.

4.2 Residential Uses

4.2.1 Single Family Dwelling

A detached dwelling unit designed and used exclusively as a single housekeeping unit with common cooking and living facilities provided that in the Limited Business District such use conforms to the dimensional regulation for the Residence C District. No more than one dwelling shall be located upon a lot except as provided pursuant to Subsections 4.2.4 and 4.2.5.

4.2.2 Two Family Dwelling

4.2.2.1 Conversion

A single family dwelling in existence on March 1, 1945 may be converted to accommodate no more than two families, provided that:

(a) Each dwelling unit shall have a minimum gross floor area of 800 square feet;

(b) No exterior changes are made which, in the judgment of the Board, do not conform to the single-family character of the neighborhood.

4.2.2.2 Lot existing on January 1, 1992

A two family dwelling may be built on a lot in existence on January 1, 1992, provided such lot was not held in common ownership with any adjoining land and has one and one half times the minimum lot area for the Zoning District and provided the following conditions are met:

(a) The two family dwelling shall be new construction, it cannot be conversion of an existing building.

(b) Two off-street parking spaces shall be provided for each dwelling unit.

(c) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either: (1) outdoor parking spaces located in a side or rear yard, or (2) in a garage or carport.

(d) Parking spaces shall be located so that both dwelling units shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.

(e) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

(f) Only one exterior entrance shall be located on the front facade of the dwelling.

4.2.3 Cluster Development

Single family dwelling in accordance with the provisions of Section 8.

4.2.4 Planned ResidentialDevelopment

Single family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 9.

4.2.5 Housing for Elderly

Single family detached other than a single family dwelling in accordance with Subsection 4.2.1 and attached, and multiunit structures of all types which will be owned and operated by the Bedford Housing Authority and for which it is the applicant, provided that the Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

4.2.6 Hotel or Motel

Lodging for more than four roomers, boarders or tourists, provided that such lodging facilities shall not be within 1,300 feet of a similar business and open space shall be provided on the lot in addition to any area required for parking and associated driveways, equal to twice the gross floor area of the hotel or motel and in the Industrial Park District provided that the parcel contains at least 10 acres and the hotel or motel has at least 100 guest rooms. If the above hotel or motel has independent living units with cooking facilities, such units shall not be occupied by any guest for more than four (4) continuous months, nor may the guest reoccupy any unit within 30 days of a four-month continuous stay, nor may the guest stay more than six months in any calendar year.

4.2.7 Home Occupation

The practice or conduct of a profession or occupation in a dwelling or in an accessory building in accordance with the provisions of Section 5.1.5.

4.2.8 Public School Building Conversion

Conversion of a public school building to a multiple residential use in accordance with the provisions of Section 11.

4.2.9 Accessory Apartments

An accessory apartment is a second dwelling unit located within a structure constructed as a detached one family dwelling, subordinate in size to the principal dwelling unit and separated from it, in a manner that maintains the appearance of the structure as a one family unit.

4.2.9.1 General Objectives

The provision of accessory dwelling units in owner occupied one family dwellings is intended to: 1) increase the number of small dwelling units available for rent in town, 2) increase the range of choice of housing accommodations, 3) encourage greater diversity of population with particular attention to young adults and senior citizens, and 4) encourage a more economic and energy-efficient use of the town's housing supply while maintaining the appearance and character of the town's single family neighborhoods.

4.2.9.2 Conditions and Requirements

The Building Inspector shall issue a building permit for an accessory apartment in a detached, one family dwelling in any residential district provided that the unit meets the standards of the building code and each of the following conditions and requirements is met:

(a) General

(i) The owner of the dwelling in which the accessory apartment is created, shall occupy either of the dwelling units in the located structure in question, except for temporary absences of up to six months. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling, who hold title and for whom the dwelling is the primary residence for voting and tax purposes.

(ii) There shall be no more than one accessory apartment within a one family dwelling.

(iii) There shall be no boarders or lodgers within either unit of a dwelling with an accessory apartment.

(iv) The gross floor area of the dwelling, including the basement shall be at least 1,800 square feet. (Note: Gross floor area is defined as the sum of the gross horizontal areas of several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces or any space where the floor to ceiling height is less than six (6) feet.)

(v) The maximum gross floor area of the accessory apartment shall not exceed 30% of the gross floor area of the dwelling.

(vi) There shall be no more than two (2) bedrooms in an accessory apartment.

(vii) No structure that is not connected to the public water and sanitary sewer systems shall have an accessory apartment.

(b) Exterior Appearance of a Dwelling with an Accessory Apartment

The accessory apartment shall be designed so that the appearance of the structure remains that of a one family dwelling, subject further to the following conditions and requirements:

(i) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.

(ii) Any new entrance shall be located on the side or in the rear of the dwelling.

(iii) Where there are two or more existing entrances on the front facade of a dwelling, if modifications are made to any entrance, the result shall be that one appears to be the principal entrance and the other entrances appear to be secondary.

(c) Off Street Parking

There shall be provided at least two off-street parking spaces for the principal dwelling unit and at least two off-street parking spaces for the accessory unit. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

(i) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicles shall be regularly parked on the premises other than in such a parking space.

(ii) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either: 1) outdoor parking spaces located in a side or rear yard or 2) in a garage or carport.

(iii) Parking spaces shall be located so that both the principal dwelling unit and the accessory apartment shall have at least one parking space with direct and unimpeded access to the street without passing through a parking space designated to serve the other dwelling unit.

(iv) Where there are more than two outdoor parking spaces, there shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the area between the parking space and front lot line. Screening shall be sufficient to minimize the visual impact on abutters and to maintain the single family appearance of the neighborhood.

4.2.10 Adaptive Reuse

Lodging and Boarding facility (Bed and Breakfast Facility), with not more than six guest bedrooms provided the conditions listed below are met. This would provide an adaptive use of historic buildings that would increase the economic feasibility of preserving the building.

4.2.10.1 Permitted circumstances

This facility shall be allowed in a building which:

(a) In whole or in part was built in or prior to 1860 or is of unknown age; or

(b) is listed on, or is within an area listed on the National Register of Historic Places, the Massachusetts Register of Historic Places, or is the subject of a pending application for listing on one of these said registers; or

(c) has been determined by vote of the Historical Commission to be (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; provided that the owner of such building and the Building Inspector have been noticed, in hand or by certified mail, within ten (10) days of such vote.

4.2.10.2 Owner occupancy

The owner of the building in which the facility is created shall occupy the building. For the purposes of this section, the "owner" shall be one or more individuals residing in a dwelling,

who hold title and for whom the dwelling is the primary residence for voting and tax purposes. All guest rooms shall be located in the principal structure.

4.2.10.3 Food service

The facility shall contain not more than one kitchen and meals shall only be served to overnight guests.

4.2.10.4 Historical features

Distinctive historical features shall be maintained and the appearance of the structure shall remain that of a one family dwelling, subject further to the following conditions and requirements:

(a) All stairways to second or third stories shall be enclosed within the exterior walls of the dwelling.

(b) There shall be no enlargements or extensions of the dwelling in connection with any facility except for minimal additions necessary to comply with building, safety or health codes or for enclosure of a stairway to a second or third story. Any enlargements or extensions built after May 1, 1995, shall not be used as a lodging and boarding facility. The Board shall seek the recommendations of the Fire Department, Board of Health and Planning Board before granting a special permit under this section.

4.2.10.5 Parking facilities

There shall be two off-street parking spaces plus at least one off-street parking space for each guest room. In order to maintain the appearance of a single family neighborhood all parking spaces on the lot shall be subject further to the following conditions and requirements:

(a) Each parking space and the driveway leading thereto shall be paved or shall have an all-weather gravel surface. No motor vehicle shall be regularly parked on the premises other than in such a parking space.

(b) No more than two outdoor parking spaces shall be located in the required front yard. All other parking spaces shall be either: 1) outdoor parking spaces located in a side or rear yard or 2) in a garage or carport.

(c) Parking spaces shall be located so that there is direct and unimpeded access to the street without passing through another parking space.

(d) There shall be provided suitable screening with evergreen or dense deciduous plantings, walls, fence, or a combination thereof in the area between the parking spaces and the nearest side lot line and, if the parking space is in the front yard and parallel to the street, in the front yard and parallel to the street, in the area between the parking space and front lot line. Screening shall be sufficient to minimize visual impact on abutters and to maintain the single family appearance of the neighborhood.

4.2.10.6 Review Cycle

Any special permit granted under this section shall be reviewed for reapproval by the Board no less than once every five years.

4.2.11Multiple Dwellings

More than one residential dwelling unit, located in one or more attached or detached buildings located on a single lot.

4.3 <u>Institutional</u> <u>Uses</u>

4.3.1 Educational

Use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a recognized religious sect or denomination or by a non-profit educational entity which may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.

4.3.2 Religious

Use of land, buildings and structures for public worship carried on by a recognized religious sect or denomination which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to furthering the beliefs of such sect or denomination.

4.3.3 Philanthropic

Charitable or nonprofit library, museum, art gallery or other similar use.

4.3.4 Nursing Home

Sanitarium or nursing, rest or convalescent home.

4.3.5 Nursing Care Facility

Nursing care, congregate living, independent living, day care for elderly persons and facilities for medical or rehabilitation programs all in accordance with the provisions of Section 10.

4.3.6 Lodge and Club

Private lodge or club operated for members or employees.

4.3.7 Cemetery

4.3.8 Child Care Facility

Use of land, buildings or structures for a facility or program providing day care to children as defined in MGL Ch. 40A, Section 3.

4.4 <u>Government</u> <u>and</u> <u>Public</u> <u>Service</u>

4.4.1 Municipal Use

Town of Bedford facility.

4.4.2 Aviation

Aviation field and related facilities.

4.4.3 Underground Utility

Underground facilities for communications or other utility uses.

4.4.4 Above Ground Utility

Above ground structures for communications or other utility uses.

4.4.5 Wireless Communications Facilities (or other similar communications use)

The design, construction and location of a wireless communications facility within any district shall be such as to minimize the visual and environmental impacts of the facility's presence, operation and maintenance. The term "wireless communications facilities" shall include but is not limited to antennas, antenna towers and support structures, equipment shelters, and other structures associated with such facilities. This section excludes any office, storage, or repair use unless otherwise allowed by the regulations of the district. Nothing in this section is intended to preclude the location of a wireless communication antenna as an accessory use and contained within the interior of any existing structure.

The Permit Granting Authority for any wireless communications facility located on municipal property shall be the Selectmen; the Permit Granting Authority for wireless communications facilities located on all other property shall be the Zoning Board of Appeals.

4.4.5.1 Submission Requirements

An application for a permit to erect or modify any wireless communications facility requires that the following items be submitted to the Permit Granting Authority (including eight copies of all plans and drawings):

1. A plot plan;
2. Design drawings showing how the completed wireless communications facility is to be constructed (elevation and plan views). The structural integrity of the design in conformance with 780 CMR 3108.0 shall be verifiable from the drawings and certified thereon by a professional engineer registered to practice in the Commonwealth of Massachusetts;
3. Eight view lines shown along a one-mile radius from the site, beginning at true North continuing clockwise at forty-five degree intervals. Said view lines shall, to the extent feasible, be taken from existing vantage points commonly used by the public, such as public ways, buildings, facilities, and at selected sites from which the tower is visible. The submittal shall include unaltered photographs taken from eye level (5 feet above grade) which show the existing conditions of these view lines, as well as accurate

scale perspective elevation drawings, computer-altered photographs, or other accurate representations showing said view lines with the completed facility in place.

4. Drawings that demonstrate that the requirements in Federal Aviation Regulation (FAR) Part 77 and Federal Aviation Administration (FAA) Advisory Circular AC 70/7460-1J are met. (See Section 4.4.5.3.i)
5. Drawings of communication pattern coverage justifying the requested antenna height. (See Section 4.4.5.2.)
6. Drawings and illustrations demonstrating that the proposed wireless communication facility will hide objectionable features from view to the maximum practical extent, minimize the visual impact on the surrounding area, and enhance aesthetic assets. Landscape plans shall be submitted with the application to identify all significant existing vegetation, to indicate which vegetation is to be retained on site, and to show all proposed new vegetation and other landscape treatments.
7. A contingent fee of $2,500 in addition to the fee normally accompanying a petition to the Zoning Board of Appeals. The permit granting authority will use this fee to employ the services of an independent licensed professional engineering consultant to review and validate the technical submissions provided with the application. Any portion of the contingent fee not used for this purpose will be returned to the applicant upon the unappealed issuance or denial of the requested special permit, subsequent to the twenty day appeal period required by M.G.L. c. 40A, Sections 11 and 17. If consultative services are required beyond those obtainable with the original contingent fee to clarify technical issues in dispute, the applicant will be required to provide the needed funds.

4.4.5.2 Setback and Height Requirements

Towers, antennas, antenna support structures and other structures associated with wireless communications facilities located in a residential district or upon a property abutting a residential use shall be set back from the nearest residential lot line a distance at least equal to their height. In all districts, the height of wireless communication towers including antennas shall be no greater than that required to provide adequate communications coverage within the Town of Bedford but no greater than the height limits set forth in FAR Part 77 for unlit structure or 125 feet above the local ground level, whichever is less. In non-residential districts, the Permit Granting Authority may allow a lesser setback height if such modification provides adequate safety, promotes co-location, and will not significantly impact the character and appearance of the surrounding area. In making a request for a lesser setback, a professional engineer registered to practice in the Commonwealth of Massachusetts shall certify that the tower is designed to collapse upon itself in the event of failure.

4.4.5.3 Design Provisions

Design provisions for wireless communication facilities shall include, but are not limited to:

a. No new wireless communications tower shall be used which involves lattice construction,

requires three or more legs, or requires guy wire supports.

b. No wireless communications tower or facility structure shall contain any signs or devices for the purpose of advertisement.

c. The visible portions of all support facilities and structures such as vaults, equipment buildings or enclosures and utilities shall be constructed out of and/or finished with non-reflective materials.

d. All towers, antennas, and antenna support structures and similar facilities shall be screened from view to the maximum practical extent and shall be of neutral colors that are harmonious with, and blend with, the natural features, buildings, and structures in the surroundings. Facilities located on the exterior of a building shall be of colors and materials that match and/or blend with those of the building.

e. All wireless communications facilities mounted on buildings shall be designed and located so as to appear to be an integral part of the existing architecture of the building.

f. All electronic and other related equipment and appurtenances necessary for the operation of any wireless communications facility shall, whenever possible, be located within a lawfully pre-existing structure.

g. All satellite dishes shall be of mesh construction, unless technical evidence is submitted demonstrating that this requirement is infeasible. Microwave dishes are exempted from this provision.

h. All wireless communications facilities shall be protected against unauthorized climbing or other access by the public.

i. Whenever feasible, design and siting of wireless communication towers shall avoid the need for application of FAA lighting and painting requirements. Except as required by the FAA, towers shall not be artificially lighted. All towers shall meet the requirements set forth in FAR Part 77 and FAA Advisory Circular AC 70/7460-1J (both of these documents are obtainable from www.faa.gov).

4.4.5.4 Co-location

a. All new wireless communication facilities shall be co-located, to the maximum extent practicable and technologically feasible, with one or more existing wireless communications facilities, towers, buildings, or other structures whose height, location, and characteristics meet the needs of the proposed facility.

b. All new wireless communications towers or support structures shall be designed, to the maximum extent practicable and technologically feasible, for co-location of antenna and other necessary facilities for at least three other wireless communications providers, shall offer space to all other providers at market rates, and shall provide for towers that can be expanded upward, provided that in no event shall the height exceed the limitations specified in Section 4.4.5.2. Any Special Permit granted for a new facility under this section may be conditioned upon the written agreement of the facility operator to allow the co-

location of other wireless communications providers on commercially reasonable terms.

c. Any applicant proposing not to co-locate the proposed facility or proposing to locate their facility in a residential district shall provide written evidence and documentation demonstrating why it is not feasible for their facility to be co-located with existing facilities or sited in other, non-residential districts.

4.4.5.5 Frequencies

All telecommunications facilities shall be operated only at Federal Communications Commission (FCC) designated frequencies, power levels, and standards, including FCC Radio Frequency Emission standards. The applicant shall provide certification demonstrating that the maximum allowable frequencies, power levels, and standards will not be exceeded. Certifications shall include technical specifications, a written explanation of those specifications, and, if necessary, field verification. The Permit Granting Authority may condition any Special Permit granted under this section upon a periodic submittal of certification of continued compliance with said standards.

4.4.5.6 Repair and Upkeep

All wireless communications facilities shall be maintained in good order and repair. Paint finishes shall be maintained and repaired when blemished or graffiti are visible from the property line. The applicant shall provide an inspection schedule, and shall file copies of inspections with the Inspector of Buildings.

4.4.5.7 License and Permits

The operator of every wireless communications facility shall submit to the Inspector of Buildings copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location, and operation of said facility, and shall maintain such licenses and permits and provide evidence of renewal or extension thereof when granted.

4.4.5.8 Construction and Removal

The construction contractor of the wireless comunications structure, building and/or access facilities shall be responsible for all damages to municipal, commercial and residential structures, roads and property that may incur during the movement of materials, construction and maintenance of the permitted structures. The contractor will also be responsible for the security of materials stored at the site as well as for the partially completed facilities prior to acceptance. The contractor will be responsible for the removal of all excess building and scrap materials upon completion of the construction.

All structures associated with wireless communications use shall be removed within one year of the cessation of said use. Annual certification demonstrating continued compliance with the standards of the Federal Communications Commission, Federal Aviation Administration, and the American Standards Institute, including provisions for required maintenance, shall be filed with the Inspector of Buildings by the permit holder.

Prior to the issuance of a building permit for a wireless communications use, the applicant shall post and submit a bond or other financial surety acceptable to the Town in an amount sufficient to cover the cost of demolishing and/or removing the facility in the event the Inspector of Buildings condemns the property or deems it to have been abandoned or vacant for more than one year. Said amount shall be certified by an engineer, architect, or other qualified professional registered to practice in the Commonwealth of Massachusetts. In the event the posted amount does not cover the cost of demolition and/or removal, the Town may place

a lien upon the property covering the difference in cost.

4.4.5.9 Modifications

The Permit Granting Authority may modify any portion of these standards and conditions if it can be demonstrated that it is technically infeasible to meet said standards or conditions, or that their effect is to prohibit the proposed use throughout the Town, or if such modification will promote the use of existing buildings, or structures, co-location of wireless communication uses, improve safety, or otherwise promote the purposes of this bylaw.

4.4.6 Amateur Radio Towers

1.Amateur Radio Facilities: The Board of Appeals may issue a special permit for an amateur radio facility (tower or antenna) subject to the following requirements.

a. The height of an amateur radio tower, inclusive of its appurtenant devices, shall not exceed one hundred (100) feet, and no dish antenna may be mounted on an amateur radio tower.

b. For purposes of public safety an amateur radio tower may not be erected nearer to any property line than a distance equal to the vertical height of the tower inclusive of any appurtenant devices measured from ground level at the base of the tower.

c. A ground mounted amateur radio tower shall be located in the rear yard only. A tower or antenna affixed to a residential structure shall be located on the side or rear of such structure.

d. In order to provide for visual buffering the Board may require fencing or vegetative screening at or around the base of an amateur radio tower.

e. For purposes of safety the Board may require a fence or locked gate surrounding the base of an amateur radio tower of height determined by the Board to be sufficient to restrict unauthorized access.

2. An amateur radio tower shall be dismantled by the owner if the associated license to operate a transmitter has lapsed or has been revoked and has not been renewed for a period of one year.

4.5 <u>Business</u> <u>Uses</u>

4.5.1 Retail Store

Drugstore, book, stationery and gift shop, antique shop, florist, televisions and radio sales, hardware store, news store, neighborhood grocery, dry good and variety store or similar retail facility, provided that in Limited Business and Residence D Districts such retail store or facility shall not exceed 2,000 square feet of sales floor area.

4.5.2 Supermarket and General Department Store

Supermarket, department and discount store, furniture and floor covering sales or similar type retail facility.

4.5.3 Personal Service Shop

Barber or beauty shop, tailor or dressmaker, laundry or dry-cleaning shop, watch and shoe repair, self-service dry cleaning or laundry shop or similar service shop, provided that in Limited Business Districts such service shop shall not exceed 2,000 square feet of sales floor areas.

4.5.4 Funeral Home

Undertaking or funeral establishment.

4.5.5 Repair Shop and Building Trade

Repair shop for appliances, office equipment, bicycles, lawn mowers or similar equipment, caterer and shop of a builder, electrician, mason, plumber or similar occupation, provided that in the Limited Business or General Business Districts no more than five full-time workers, or their equivalent, shall be employed on the premises and provided further that in Limited Business Districts such repair shops shall not exceed 2,000 square feet of gross floor area.

4.5.6 Indoor Amusement

Theater, cinema and bowling alley, provided that in Limited Business Districts such uses shall not exceed 2,000 square feet of gross floor area.

4.5.7 Restaurant

Restaurant where the principal service is the sale of food or beverage to be consumed by persons at tables within the building and the incidental sale of food to "take out" and in the Industrial Park District, provided that the parcel contains at least 10 acres and the restaurant has at least a 150-seat capacity.

4.5.8 Bank

Bank, loan agency or similar financial facility.

4.5.9 Business and Professional Office

Office of a business, doctor, lawyer, accountant, architect, engineer or similar office.

4.5.10 Research Facility

Scientific and medical research facilities, educational facilities for profit and support services for the foregoing, such as office and laboratory, provided that in Limited Business District such facilities shall not exceed 4,000 square feet of gross floor area, exclusive of stairwells.

4.5.11 Auto Service Station

Sale of motor vehicle fuel, related products and services, including a car wash, provided that such stations shall not be within 1300 feet of another station and that all maintenance and service, other than minor service at the island and emergency repairs, shall be conducted entirely within a building.

4.5.12 Auto Body Shop

Establishment where the principal service is the repair and painting of automobiles or similar light motor vehicles (maximum 10,000 pound gross vehicle weight and 135-inch wheel base), provided that all but minor repairs shall be conducted entirely within a building.

4.5.13 Retail or Wholesale of New or Rebuilt Auto Parts

Establishment where the principal service is the retail or wholesale of new or rebuilt auto parts, provided that in Limited Business Districts such establishment shall not exceed 2,000 square feet of sales floor area, excluding the installation of such parts on the premises.

4.5.14 Vehicular Dealership

Salesroom and related dealership facilities, including open-air display for automobiles, boats, motorcycles, farm implements or similar light motor vehicles (maximum 10,000 pound gross vehicle weight and 135-inch wheel base).

4.5.15 Parking Facility

Commercial parking lot or parking garage.

4.5.16 Mixed Business and Residential

The use of an existing or a new structure for mixed business and residential uses provided the following conditions are met:

(a) All dwelling units shall be above the first floor level (the street level which faces the street with the highest traffic use);

(b) Business uses mixed with residential uses on the same floor shall be limited to office uses only;

(c) Business uses shall be limited to only those business uses allowed by right in the district in which the building is located;

(d) Mixed business and residential uses shall be regulated by the parking requirements of section 7.4.1.12;

(e) Balconies and decks, other than those required for access or by the State Building Code, shall not be placed on the front of the building;

(f) Extra floors added to the building shall be in harmony with the design and character of the existing structure and the area. The maximum height shall not exceed the height limitations for the district;

(g) The design and size of each unit shall conform to all applicable building, health, and other codes, and the gross floor area shall not exceed 750 square feet;

Mixed uses shall comply with the site plan review requirements of Section 7.5.

4.5.17 Industrial Mixed Use

Business and residential uses in accordance with the provisions of Section 15.

4.5.18 Take Out Retail

Where the principal service is the preparation and sale

of food for take out where no seating is provided for patrons to eat the food on the premises.

4.6 Industrial Uses

4.6.1 Warehouse

Warehouse or other building for the storage or wholesale marketing of materials, merchandise, products or equipment.

4.6.2 Storage Yard, Open-air Sales

Lumber yard, contractor's yard or other open-air establishment for the storage, distribution or sale at wholesale or retail of materials (but not including salvage materials), merchandise, products or equipment, provided that all operations shall be such as to confine to the premises disturbing dust, noise, odors or other objectionable effects and provided further that such use is not hazardous by reason of the potential for fire, explosion, radiation release or other casualty.

4.6.3 Light Manufacturing

Research or testing laboratory, printing or publishing plant, bottling works, manufacturing establishment or other assembling, packaging, finishing or processing use, provided that all operations shall be such as to confine disturbing smoke, fumes, dust, odors and noise to the premises, and that no operations shall constitute a hazard by reason of the potential for fire, explosion, radiation release or other casualty and provided further that in the Limited Business and General Business Districts only manufacturing of products primarily for sale at retail on the premises shall be conducted and that no more than five full-time workers, or their equivalent, shall be employed on the premises.

4.6.4 Heavy Vehicular Dealership and Repair Garage

Salesroom and related dealership facilities for trucks, buses or similar heavy motor vehicles (gross vehicle weight in excess of 10,000 pounds and wheel base in excess of 135 inches) and establishments for the storage or repair of trucks, construction equipment or similar heavy motor vehicles and equipment, provided that the making of all but minor repairs shall be conducted wholly within a building sufficiently sound insulated to confine disturbing noise to the premises.

4.7 Restricted and Prohibited Uses

4.7.1 Prohibited Uses

Trucking terminal, trailer and truck rental yard, salvage yard, junk yard and all open-air storage of junk, waste products and salvage materials (including non-operable automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

Table I: Use Regulations

PRINCIPAL USES	RESIDENTIAL DISTRICTS					BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		SITE PLAN APPROVAL
	R	A	B	C	D	LB	GB	C	I	IP/IC	
4.1 EXTENSIVE USES											
4.2 4.1.1 Forestry	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**Yes**	**NR**
4.1.2 Agriculture	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.1.3 Greenhouse	SP	SP	SP	SP	SP	No	No	Yes	Yes	Yes	NR
4.1.4 Earth Removal	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.1.5 Conservation Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.1.6 Private Recreation	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R
4.2 RESIDENTIAL USES											
4.2.1 Single Family Dwelling	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	NR
4.2.2.1 Two Family Dwelling (Conv)	SP	SP	SP	SP	SP	SP	No	No	No	No	NR
4.2.2.2 Two Family Dwelling (New)	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	NR
4.2.3 Cluster Development	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.2.4 Planned Residential Development	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.2.5 Housing for Elderly	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.2.6 Hotel or Motel	No	No	No	No	No	Yes	Yes	No	No	SP[1]	R
4.2.7 Home Occupation	Yes	Yes	Yes	Yes	Yes	No	No	No	No	NR	
4.2.8 Public School Building Conversion	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R
4.2.9 Accessory Apartment	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	NR
4.2.10 Adaptive Reuse	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.2.11 Multiple Dwellings	No	No	No	No	SP	No	No	No	No	No	NR
4.3 INSTITUTIONAL USES											
4.3.1 Educational	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R
4.3.2 Religious	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R
4.3.3 Philanthropic	SP	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	R
4.3.4 Nursing Home	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.3.5 Nursing Care Facility	SP[1]	SP[1]	SP[1]	SP[1]	SP[1]	No	No	No	No	No	NR
4.3.6 Lodge and Club	SP	SP	SP	SP	SP	SP	SP	SP	No	No	R
4.3.7 Cemetery	SP	SP	SP	SP	SP	No	No	No	No	No	NR
4.3.8 Child Care Facility & Religious Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	R
4.4 GOVERNMENTAL AND PUBLIC SERVICES											
4.4.1 Municipal Use	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.4.2 Aviation	No	No	No	No	No	No	No	No	No	Yes	NR
4.4.3 Underground Utility	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NR
4.4.4 Above Ground Utility	SP	SP	SP	SP	SP	SP	SP	Yes	Yes	Yes	NR
4.4.5 Wireless Communications Fac.	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.4.6 Amateur Radio Towers	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.5 BUSINESS USES											
4.5.1 Retail Store	No	No	No	No	SP	Yes	Yes	No	No	No	R
4.5.2 Supermarket and General Department Store	No	No	No	No	No	No	Yes	No	No	No	R
4.5.3 Personal Service Shop	No	No	No	No	SP	Yes	Yes	No	No	No	R
4.5.4 Funeral Home	No	No	No	No	No	SP	SP	No	No	No	R
4.5.5 Repair Shop and Building Trade	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	R
4.5.6 Indoor Amusement	No	No	No	No	No	Yes	Yes	Yes	No	No	R
4.5.7 Restaurant	No	No	No	No	SP	SP	SP	No	No	SP[1]	R
4.5.8 Bank	No	No	No	No	No	Yes	Yes	No	No	SP	R
4.5.9 Business and Professional Office	No	No	No	No	SP	Yes	Yes	Yes	Yes	Yes	R
4.5.10 Research Facility	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	R
4.5.11 Auto Service Station	No	No	No	No	No	No	SP	No	No	No	R
4.5.12 Auto Body Shop	No	No	No	No	No	No	No	Yes	No	No	R
4.5.13 Retail or Wholesale of New or Rebuilt Auto Parts	No	No	No	No	No	Yes	Yes	Yes	No	No	R
4.5.14 Vehicular Dealership	No	No	No	No	No	No	No	Yes	No	No	R
4.5.15 Parking Facility	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	R
4.5.16 Mixed Business and Residential	No	No	No	No	No	Yes	Yes	No	No	No	R
4.5.17 Industrial Mixed Use	No	No	No	No	No	No	No	No	SP	SP	NR
4.5.18 Take Out Retail	No	No	No	No	No	SP	SP	No	No	No	R
4.6 INDUSTRIAL USES											
4.6.1 Warehouse	No	No	No	No	No	No	No	Yes	Yes	Yes	R
4.6.2 Storage Yard, Open-air Sales	No	No	No	No	No	No	No	Yes	No	No	R
4.6.3 Light Manufacturing	No	No	No	No	No	Yes	Yes	Yes	Yes	Yes	R
4.6.4 Heavy Vehicular Dealership	No	No	No	No	No	No	No	Yes	No	No	R

4.7 RESTRICTED AND PROHIBITED USES

4.7.1	Prohibited Uses	No	No	No	No	No	No	No	No	No	No	NR

*See Section 3 for provisions applicable to this Table I.

5. ACCESSORY USES

5.1 Provisions for Accessory Uses

Accessory uses shall be permitted on the same lot with the principal use, or a lot adjacent thereto in the same zoning district, provided such uses would not be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity and subject in the following cases to the following provisions:

5.1.1 Residential Uses

In the Residential Districts or for dwellings in the Limited Business District, uses customarily incident to principal uses permitted as of right shall be permitted as accessory uses, including, but not limited to, structures such as a private garage, carport, playhouse, greenhouse and tool shed.

5.1.2 Swimming Pools and Tennis Courts

In the Residential Districts or for dwellings in the Limited Business Districts, a swimming pool, tennis court or similar home recreation facility shall be permitted, provided that such facility is used only by the residents of the premises and their guests and that such recreational facility conforms to the dimensional regulations established herein for accessory buildings. In Cluster and Planned Residential Developments such recreational facilities shall also be permitted upon the Common Land or Common Open Space, provided that such facilities are used only by residents of the development and their guests, unless the Board or Planning Board shall by Special Permit otherwise authorize.

5.1.3 Storage of Recreation Trailer, Home Utility Trailer, Boat and Unregistered Motor Vehicles

In the Residential Districts or for dwellings in the Limited Business District, the storage of one recreation trailer, home utility trailer, boat and one unregistered automobile or similar light motor vehicle (maximum 10,000 pound gross vehicle weight and 135-inch wheel base) shall be permitted, provided that such trailer, boat and vehicle is not stored within the front yard or the minimum side yards. The storage of more than one such trailer, boat and vehicle may be authorized by the Board by Special Permit. In the Limited Business and General Business District the storage of unregistered motor vehicles may be authorized by the Board.

5.1.4 Garaging or Parking of Commercial Motor Vehicles

In the Residential Districts, garaging or parking for one commercial automobile or for one light commercial vehicle (maximum 10,000 pound gross vehicle weight and 135-inch wheel base) shall be permitted, provided that garaging and parking of more than one such vehicle(s) or large commercial vehicle(s) may be authorized by the Board by Special Permit.

5.1.5 Home Occupation

In the Residential Districts or for dwellings in the Limited Business District, the practice or conduct of a profession or occupation in a dwelling or in an accessory building shall be permitted provided that the same is conducted by a resident of the dwelling, no employees or clients come to the premises, the home occupation is secondary to the use of the dwelling as the principal place or residence of the resident conducting the same and no external changes are made which alter the residential character of the premises. Home occupations with not more than one full-time employee, or his equivalent, (exclusive of other residents of the dwelling) and home occupations where clients come to the premises may be authorized by the Board by Special Permit.

5.1.6 Renting Rooms and Boarding

In the Residential Districts the renting of rooms and furnishing of table board for not more than two persons shall be permitted, provided that the owner of record of the premises is the prime resident of the dwelling. Renting rooms and boarding for not more than four persons may be authorized by the Board by Special Permit.

5.1.7 Fairs, Bazaars, and Antique Shows

In all districts, any building or premises owned or operated by a municipal, educational or religious organization or private lodge or club may be used with the owner's permission for fairs, bazaars, antique shows or similar events. Events which do not conform to the provisions of this Subsection may be authorized by the Board by Special Permit.

5.1.8 Trailer and Mobile Home

5.1.8.1 Construction Trailer

In all districts, the Inspector of Buildings may authorize the temporary use of a trailer or mobile home as a construction site office for not more than two years, provided that the authorization shall require the removal of such use within 90 days after completion of the work for which the temporary use was permitted and provided further that, if construction is actively proceeding, the authorization for the trailer or mobile home may be renewed by the Inspector of Buildings for successive one-year periods.

5.1.8.2 Temporary Dwelling

In all districts, the use of a trailer or mobile home as a temporary dwelling for not more than seven days in any calendar year shall be permitted but such use of a trailer or mobile home for more than seven days may be authorized by the Board by Special Permit subject to a reasonable time limit.

5.1.9 Trailer or Truck Rental Yard

In the Business Districts, the Board, by Special Permit, may authorize the rental of trucks and trailers, if such rental is secondary to the operation of an auto service station or vehicular dealership permitted under Subsections 4.5.11 or 4.5.14.

5.1.10 Farm Product Sales

In the Residential Districts, the Board, by Special Permit, may authorize the sale of farm products raised outside the Town of, and towns contiguous to, Bedford, if such sales are secondary to the operation of the farm stand as permitted under Subsection 4.1.12.

5.1.11 Christmas Tree Sales

In the Limited Business and General Business Districts and at any farm stand or greenhouse permitted under Subsections 4.1.2 or 4.1.3, the sale of Christmas trees shall be permitted during the months of November and December.

5.1.12 Temporary Storage

In all districts, except the Commercial District, no lot or parcel of land shall be used for the purpose of unenclosed storage of building equipment or supplies ancillary to building, except when a building permit has been issued for said lot or parcel. All such equipment and materials shall be removed 90 days after completion of work for which the building permit was issued.

5.1.13 Scientific Development

The Board, by Special Permit, may authorize uses, whether or not on the same parcel as activities permitted as a principal use, which activities are necessary in connection with scientific research or scientific development or related production, provided that the Board finds that the proposed accessory use does not substantially derogate from the public good.

5.1.14 Yard Sales

The temporary use of residential, institutional, or industrial premises for the sale of personal property is permitted, provided that a temporary permit is obtained. Such permits shall be issued by the Inspector of Buildings for up to two (2) consecutive days only not more than twice each calendar year for any given premises. For each such sale a separate permit shall be required. All signs erected for the purpose of such sales shall be removed within twelve (12) hours of the conclusion of such sale.

5.1.15 Dormitory, Fraternity House and Sorority House

An educational institution as defined in Section 4.3.1 may have as accessory uses, dormitories, fraternity houses and sorority houses.

5.1.16 Satellite Receiving Antenna

A satellite receiving antenna for receiving signals from an earth orbiting satellite shall be permitted in all districts, and in a residence district such antenna shall not be located in a front yard or within fifteen (15) feet of a side or rear property line.

5.1.17 Family Day Care Home

In the Residential Districts, any private residence which receives for temporary custody and care not more than six children, including participating children living in the residence, provided however, that said dwelling and provider have received a license from the Commonwealth of Massachusetts, Office for Children to provide family day care, as defined by MGL Ch 28A.

5.1.18 Common Driveways

The construction or alteration of a private driveway, in such a manner that it may be used by more than one residential lot, may only be authorized by Special Permit from the Zoning Board of Appeals with a recommendation from the Planning Board, and shall meet the following minimum standards:

(a) Not more than two residential lots may share a common driveway.

(b) Common driveways may never be used to satisfy zoning frontage requirements.

(c) The minimum width shall be 15 feet.

(d) The maximum length shall be 250 feet.

(e) The design shall assure adequate and safe access for emergency vehicles.

(f) Common driveways shall access over lot frontage meeting the requirements of this Zoning Bylaw.

6. DIMENSIONAL REGULATIONS

6.1 Dimensions

Minimum lot area, frontage, lot width, setback, yard and corner clearance requirements and maximum lot coverage, minimum lot landscaped and height, and Floor Area Ratio (FAR) shall be as prescribed in Table II Dimensional Regulations. The symbol "--" in Table II indicates no specified minimum or maximum Regulations.

6.2 Interpretation

For purposes of interpretation the following shall apply:

6.2.1 Lot Area

Lot area shall be determined by an area within a lot, including any area within said lot over which easements have been granted, provided that no area within a street shall be included in determining minimum lot area. Any area of any lot more than 500 feet from the lot frontage shall not be used to satisfy any of the minimum lot area. In addition, the Flood Plain/Wetland district area of any lot shall not be used to satisfy more than thirty-five percent (35%) of the minimum lot area.

6.2.2 Minimum Lot Area

When the distance between any two points on lot lines is less than 50 feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two points is less than 150 feet.

6.2.3 Frontage

Frontage shall be measured as follows:

6.2.3.1 Frontage shall be measured in a continuous line along the sideline of the street(s) between the points of intersection of the side lot lines with said sideline of the street(s).

6.2.3.2 In the case of a lot fronting all or partly on the turnaround of a dead-end street, frontage may be measured between the side lot lines therein referred to along a continuous line which at all points is at the minimum front yard setback for each lot.

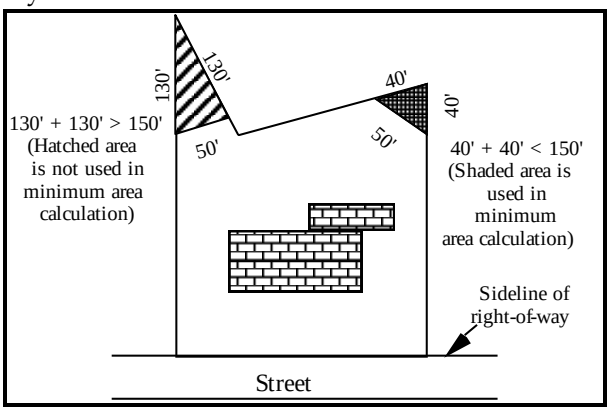


Figure 1: Minimum Lot Area

6.2.4 Frontage Exception

A dwelling in Residence R, A, B and C Districts may be constructed on a lot having 80% of the minimum lot frontage, provided that the lot width at the nearest point on the front wall of the dwelling to the sideline of the right of way shall not be less than the minimum lot frontage. In the case of cluster developments the Planning Board may authorize a minimum of 50 feet of frontage.

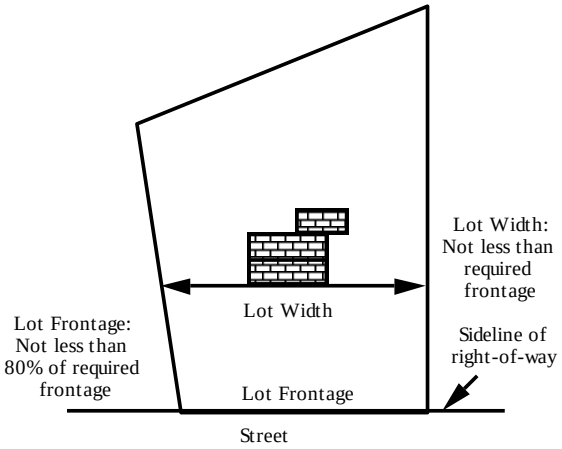
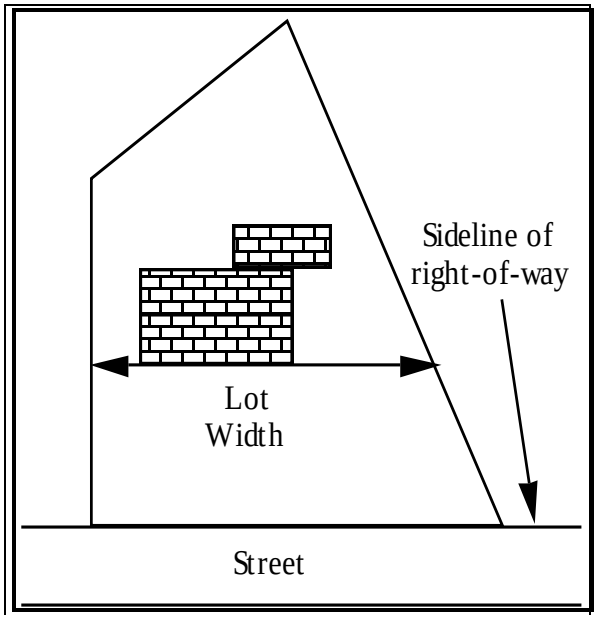


Figure 2: Frontage Exception

6.2.5 Lot Width

Each lot shall have a width of not less than eighty percent (80%) of the required frontage at all points between the sideline of the right

of way along which the frontage of the lot is measured and the nearest point on the front wall of the dwelling upon such lot. In the case of Cluster Developments, each lot shall have a lot width of not less than 50 feet and nearest point on the front wall of the dwelling shall be set back on its lot at least to a point where the lot width is a minimum of 125 feet



in the Residence R District, 100 feet in the Residence A District, and 75 feet in the Residence B or C District. Lot width shall be measured along lines which are parallel to such sideline.

6.2.6 Front Yards

Front yards shall be measured between the sideline of the right of way and the nearest point of any structure, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In all cases, corner lots shall be considered to have two front yards and two side yards. A lot having frontage on two streets shall have two front yards, each of which shall comply with the requirements of the front yard provisions.

6.2.7 Side Yards

Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. Notwithstanding the foregoing, in the Residential Districts or for single family dwellings in a Limited Business District, a building of accessory use may be placed not less than 10 feet from a side line, and not less than 10 feet from another building on the same lot, so long as such building is not to be located nearer the sideline of the right of way than the rearmost point of the dwelling or any structure attached thereto.

6.2.8 Rear Yards

Rear yards shall be measured from the nearest point of any dwelling or structure attached thereto to the rear lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the Residential Districts or for single family dwellings in the Limited Business District, no building of accessory use shall be placed nearer to the rear lot line than 10 feet.

6.2.9 Corner Clearance

Between the sidelines of the intersecting streets and a straight line joining points on such sidelines 10 feet distant from their point of intersection or, in the case of a rounded corner, a straight line joining the points of intersection of their tangents, no building or structure may be erected and no vegetation may be maintained three feet above the plane through their curb grades.

6.2.10 Height

In all Districts, except the Limited Business, Industrial and Industrial Park Districts, no building shall be altered or erected to exceed three (3) stories or thirty-seven (37) feet in height. In the Limited Business District, where the front yard minimum is thirty-five (35) feet, the height shall not exceed three (3) stories or thirty-seven (37) feet; and where the front yard minimum is ten (10) feet, the height shall not exceed two (2) stories or twenty-five (25) feet. In the Industrial and Industrial Park Districts height shall not exceed three (3) stories or forty- two (42)

feet. Height is to be measured as the vertical distance from the average ground elevation around the perimeter of the structure to the highest point of a roof or parapet in the case of a flat roof, or to the mean average finished grade between the plate and the ridge in the case of a pitched roof, plus not more than eight (8) feet additional for mechanicals to service the building.

6.2.11 Maximum Lot Coverage

The total ground area covered by the principal and accessory structures shall not exceed the maximum coverage of the total lot area as noted in Table II.

6.2.12 Minimum Lot Landscaping

The total ground area landscaped shall be at least the required minimum lot landscaping as noted in Table II. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property and within the lot. Where the developed area adjoins land zoned for residential use, a –greenbeltî shall be provided. Such –greenbeltî shall consist of four (4) staggered rows, each row ten (10) feet apart, of substantially sight impervious evergreen foliage at least 8 feet in height or planting of shrubs and trees complimented by a sight-impervious fence of at least 6 feet, but not more than 8, in height or such other type of landscaping as may be required under site plan approval. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum lot landscaping. In the Limited Business and Commercial Districts the frontage lots shall be landscaped with a minimum of one deciduous tree for each 35 linear feet. The tree species shall be in accordance with the requirements of the Bedford Department of Public Works.

6.2.13 Floor Area Ratio (FAR)

The maximum floor area ratio defined as the total gross floor area of the building(s) on the site, exclusive of accessory parking structure(s), divided by the total area of the site, shall be as prescribed in Table II.

6.3 Special Exceptions

Any increase in area, frontage, width, yard or depth requirements of this Bylaw shall not apply to a lot of a single family dwelling 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 had less than the proposed requirement, but at least 5,000 square feet of area and 50 feet of frontage. Prior to the issuance of a building permit under this Subsection, the Inspector of Buildings shall be provided with satisfactory documentary assurance that the land was not held in common, conformed to the then existing provisions and meets the requirements of this Subsection.

6.4 Partial taking of a Lot By Eminent Domain

No building, structure or part thereof shall be constructed, altered, moved, added to or reconstructed, for use carried on, except in accordance with the requirements of this zoning Bylaw of the Town of Bedford, or as exempted here from by this Bylaw or the General Laws of Massachusetts, and no buildable or built-upon lot shall be subdivided, altered or reduced except by eminent domain taking or by conveyance for a public purpose for which an eminent domain taking could have been made, so as to result in a violation of the dimensional or other requirements of this bylaw.

Any lot reduced in size by an eminent domain taking or conveyance for a public purpose for which an eminent domain taking could have been made may, upon issuance of a special permit by the Board of Appeals, be used for purposes allowed by the bylaw, despite its nonconformity. In such an instance any special permit application fee or legal ad cost shall be borne or waived by the Town. The following criteria shall govern the decision of the Board of Appeals as to whether a special permit will be issued:

(a) A determination by the Board that the lot was in conformance with the requirements

of this Bylaw prior to the taking or conveyance for a public purpose;

(b) A determination by the Board that denial of the special permit would result in hardship to the applicant;

(c) A determination by the Board that sufficient area remains available on the lot that its use for purposes otherwise allowed under this bylaw would not be substantially detrimental to the neighborhood.

6.5 Educational Uses

In all residence districts the following dimensional requirements shall apply to educational uses including accessory uses.

6.5.1 Minimum Front Yard

The minimum front yard shall be 75 feet.

6.5.2 Minimum Side Yard

The minimum side and rear yards shall be 75 feet.

6.5.3 Athletic Facility

No athletic facility shall be erected within 75 feet of the boundary line with adjoining land zoned for residential use.

6.5.4 Greenbelt

A greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use as specified in Section 6.2.12.

6.5.5 Maximum Lot Coverage

The maximum lot coverage shall be 25%.

6.5.6 Minimum Landscaping

The minimum lot landscaping, including unpaved recreational facilities, shall be 50%.

6.6 Child Care Facility and Religious Uses

In addition to the standards set forth in Table II Dimensional Regulations the following standards shall apply to child care facilities and religious uses located in residential districts or on lots which are not in a residential district but any portion of which lot is directly contiguous to a lot in a residential district.

6.6.1 Minimum Lot Area

The Minimum Lot Area shall be one acre as further defined in Section 6, Dimensional Regulations.

6.6.2 Maximum Floor Area Ratio

The maximum floor area ratio shall be 15 percent. The maximum floor area ratio is defined as the total gross floor area of the building(s) on the site, including accessory buildings, divided by the total area of the site not including any area in the Flood Plain/Wetland district.

6.6.3 Minimum Front, Side and Rear Yards

The minimum front yard shall be 35 feet, minimum side yards shall be 25 feet and minimum rear yard shall be 30 feet. No playground area (an area designed or set aside for children for recreation or play) shall be located closer to a lot line than the minimum yard set back.

6.6.4 Minimum Lot Landscaping

The minimum lot landscaping shall be 35% exclusive of any playground area.

6.6.5 Greenbelt

A greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use as specified in Section 6.2.12.

6.6.6 Parking

All parking spaces and driveways, other than entrances, shall be set back at least 35 feet from front property lines, 25 feet from side property lines and 30 feet from rear property lines. Parking spaces shall be located behind or beside buildings.

6.6.7 Waivers

In the case of proposed child care use facility or religious use, the Planning Board may recommend to the Building Inspector to waive any requirement of the bylaw upon written application of the project proponent, based upon a showing that the requirement sought to be waived is unreasonable in the particular circumstances.

Table II Dimensional Regulations

ZONING DISTRICTS	MINIMUM LOT AREA IN SQ.FT.	MINIMUM LOT FRONTAGE IN FEET	FRONTAGE EXCEPTION IN FEET	MINIMUM LOT WIDTH IN FEET	MINIMUM FRONT YARD IN FEET	MINIMUM SIDE YARD IN FEET	MINIMUM REAR YARD IN FEET	CORNER CLEARANCE IN FEET	MAXIMUM HEIGHT IN FEET	MAXIMUM LOT COVERAGE %	MINIMUM LOT LANDSCAPING %	MAXIMUM FLOOR AREA RATIO %	MAX DENSITY
RESIDENCE R Standard Subdivision	60,000	200	160	160	35	15	30	15	37	–	–	–	
RESIDENCE A "	40,000	150	120	120	35	15	30	15	37	–	–	–	
RESIDENCE B "	30,000	125	100	100	35	15	30	15	37	–	–	–	
RESIDENCE C "	25,000	115	92	92	35	15	30	15	37				
RESIDENCE D	10 acres	50	-	50	20	50	50	15	37	25	50		4 Dwellings Peracre
RESIDENCE R Cluster Development	– 40,000	– 125	– 50	125	35	15	30	15	37	–	–	–	
RESIDENCE A "	30,000	100	50	100	35	15	30	15	37	–	–	–	
RESIDENCE B "	20,000	75	50	75	35	15	30	15	37	–	–	–	
RESIDENCE C "	15,000	75	50	75	35	15	30	15	37	–	–	–	
LIMITED BUSINESS	10,000	60	–	50	35	10	10	15	37	35	25	50	
LIMITED BUSINESS	10,000	60	–	50	10	10	10	15	25	35	25	50	
GENERAL BUSINESS	80,000	–	–	–	10	10	10	15	37	35	25	50	
COMMERCIAL	20,000	90	–	50	35	20' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 50'.		15	37	25	30% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.		–
INDUSTRIAL	60,000	90	–	50	35	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 100'.		15	42	25	50% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.		25
INDUSTRIAL PARK	4 acres	50	–	50	100	50' side and rear yard in all cases provided that where		15	42	25	50% in all cases provided that where such use abuts		25

						such use abuts a residential district the yard shall be increased to 150'.				a residential district a greenbelt shall be provided.	
INDUSTRIAL C	4 acres	50	–	50	100	50' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 150'.	15	45	25	50% in all cases provided that where such use abuts a residential district a greenbelt shall be provided.	35

*See Section 6 for provisions applicable to this Table II.

7. SPECIAL PROVISIONS

7.1 Nonconforming Uses

7.1.1 Existing Use

Any structure or use lawfully existing at the time of the adoption of this Bylaw or any amendment hereto and any use or structure lawfully begun or in respect of which a building or Special Permit has been issued before the first publication of notice of public hearing on this Bylaw or any amendment hereto may be continued or completed, although such structure or use does not conform to the provisions hereof, provided that, in the case of the issuance of a building or Special Permit, construction or operation thereunder shall conform to the provisions of this Bylaw or any amendment hereto, unless the construction or use has commenced within a period of not more than six months after the issuance of the permit and that in cases involving construction, such construction is continued through to completion as continuously and expeditiously as is reasonable.

7.1.2 Changes, Extensions and Alterations

A nonconforming structure or use may be changed, extended or altered, provided that in each case the Board grants a Special Permit and concludes that such change, extension or alteration is in harmony with the purpose and intent of this Bylaw and will not be substantially more detrimental or injurious to the neighborhood in which it is to take place than the existing nonconforming structure or use.

7.1.3 Restoration

Restoration of a nonconforming structure, which has been damaged by fire, flood or other casualty or by vandalism, may be made without conformance to the provisions of this Bylaw or any amendment hereto, provided that such restoration shall have commenced within six months of the date the damage was sustained and that such restoration continue through to completion as continuously and expeditiously as is reasonable, provided that if the cost of such restoration shall exceed 50% of the fair market value of the structure immediately prior to such damage, as determined by the Inspector of Buildings, such restoration shall only proceed if authorized by the Board by Special Permit and if the Board shall find that the restoration of the structure would not:

7.1.3.1 Substantially impinge upon any public right of way that adjoins the lot on which the structure is to be constructed;

7.1.3.2 Create a danger to public safety by reason of traffic access, flow and circulation; and

7.1.3.3 Be out of character with the traditional settlement and construction patterns of the area in which it is to be reconstructed.

7.1.3.4 Restoration of nonconforming structures in all districts may be made as of right without regard to the degree of damage or restoration cost if the reconstructed structure:

(a) is entirely within the footprint of the damaged structure,

(b) has a gross floor area not in excess of the gross floor area of the original structure and

(c) restoration shall have commenced within six months of the date the damage was sustained and that such restoration continue through to completion as continuously and expeditiously as is reasonable, and

(d) does not exceed:

(i) the height of the original structure, or

(ii) the height permitted under Table II Dimensional Regulations if less.

7.1.4 Residential Dwellings

A single or two family dwelling may be altered, reconstructed, extended or structurally changed if the alteration, reconstruction, extension or structural change does not increase any portion(s) of the existing nonconforming nature of said structure. The determination as to whether any proposed alteration, reconstruction, extension or structural change increases the nonconforming nature of the structure (*i.e.*, intensifies the existing nonconformities or results in additional

nonconformities) shall be made by the Building Inspector.

7.1.5 Abandonment

Any structure or lot, in or on which a nonconforming use is abandoned or superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not be thereafter resumed. A nonconforming use or structure, other than a single or two family dwelling, not used for a period of two years shall be deemed abandoned and shall not again be revived or such structure used, except in conformity with all applicable provisions of this Bylaw or any amendment hereto.

7.2 Flood Plain/Wetland District

7.2.1 Purpose

7.2.1.1 To protect persons and property against the hazards of flood water inundation by assuring the continuation of the natural flow pattern of the rivers and those portions of their tributaries located within the Flood Plain District within the Town and by preserving natural floodwater storage areas;

7.2.1.2 To maintain the quality and level of the ground water table and water recharge areas for existing or potential water supplies; and

7.2.1.3 To protect the Town against unsuitable use or development of areas subject to flooding.

7.2.2 Uses Permitted Without Review by the Board

The following uses are permitted within the Flood Plain/Wetland District:

7.2.2.1 Wildlife management, boating, fishing and hunting where otherwise legally permitted;

7.2.2.2 Construction and maintenance of at-grade sidewalks, duckwalks, bicycle, equestrian and foot paths or bridges, and unpaved recreation areas which do not alter the existing topography;

7.2.2.3 Flower and vegetable gardens, lawns, pastures, soil conservation, forestry, grazing and farming, including nurseries, truck gardening and harvesting of crops;

7.2.2.4 Construction and maintenance of public and private water supplies, ponds, ditches and other water bodies;

7.2.2.5 Repair, alteration, extension or restoration of existing buildings, provided that there shall be no incremental coverage of any Flood Plain/Wetland area. If the cost of repair, alteration, extension or restoration of any building in the Flood Plain/Wetland area exceeds 50% of the market value of the building either (1) before the improvement is started or (2) if damaged, before the damage occurred and/or there will be incremental coverage of any Wetland area, such construction shall only proceed by Special Permit in accordance with Subsection 7.2.5;

7.2.2.6 Construction and maintenance of accessory structures which do not interfere with water flow, floodway or affect ground water including: fences, flag poles, patios, in ground swimming pools (not exceeding one foot above existing grade) screen houses and similar structures; and

7.2.2.7 Construction and maintenance in the Flood Plain area only of at-grade and non-paved parking for any uses permitted in the Flood Plain/Wetland District without review by the Board.

7.2.3 Uses Permitted Subject to Special Permit by the Board

The following uses may be permitted by the Board after notice and a public hearing, provided, however, a certification by a registered professional engineer is submitted by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood:

7.2.3.1 Any use permitted in the underlying district in which the land is situated, subject to the same use and development regulations as may otherwise apply thereto, provided that:

(a) In the flood plain area of the Flood Plain/Wetland District, the land is proven by the applicant to be in fact not subject to flooding during a 100-year storm, nor subject to conditions of flowing or standing surface

water, nor a recharge area for a ground water aquifer, nor unsuitable for the proposed use because of hydrological, soil or topographic conditions; and

(b) In the wetland area as defined by the current Wetlands Map, the land is proven, by the applicant, to be in fact not a vegetated wetland (marsh, wet meadow, swamp or bog) nor land under any flowing or standing body of water (creek, river, brook, stream, pond or lake) which occurs for at least 5 months of the year.

7.2.3.2 The following uses, together with such minimal filling, diking or drainage as is necessary to practically accomplish such construction, subject to the same use and development regulations as may otherwise apply in the underlying district and provided that the Board finds such use in harmony with the purpose and intent of the Flood Plain/Wetland District:

(a) Telephone, telegraph, power and transmission lines, and municipal land use, including, but not limited to, temporary storage of equipment, pumping stations, and well fields, provided that such equipment, buildings and other structures are located, elevated and constructed to minimize or eliminate flood damage;

(b) Non-Residential buildings and other structures, including greenhouses, cold frames, and garden sheds, used in connection with fishing or raising and harvesting of crops grown on the premises;

(c) Golf courses and parks (but excluding amusement parks);

(d) Roads, driveways, utilities and other associated roadway facilities over any portion of the Flood Plain/Wetland District to serve lands not in the district, provided that such uses shall not be permitted if there is other reasonable access to such land not in the district;

(e) Above-grade bridges or similar structures for foot, bicycle and horse travel;

(f) Activities that are necessary for and incidental to flood or mosquito work performed by or under the direction of an authorized public agency;

(g) Accessory structures, including above-ground swimming pools, bicycle sheds, and pool houses, but excluding Residential, Industrial and Commercial buildings, which may be permitted only under Subsection 7.2.3.1.

(h) Repair, alterations, extension or restoration of existing buildings in the Flood Plain area if the cost of such work exceeds 50% of the market value of the building either (1) before the improvement is started or (2) if damaged, before the damage occurred, provided, however, that there shall be no incremental coverage of any Flood Plain area; and

(i) Repair, alteration, extension or restoration of existing buildings in the Wetlands area if the cost of such work exceeds 50% of the market value of the building either (1) before the improvement is started or (2) if damaged, before the damage occurred or if there will be incremental coverage of any Wetland area, provided, however, the total Wetland area covered by such construction on a lot shall not exceed by 40% the coverage of the existing buildings used for residential purposes, including garages, or exceed by 20% the coverage of the existing buildings used for non-residential purposes as such coverage existed on April 28, 1976.

7.2.4 Floodway and Base Flood Elevation Data

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used by the board to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge. Base flood elevation data is required for subdivision proposals or other developments.

7.2.5 Procedure for Review by the Board

7.2.5.1 The Board shall, within ten days of receipt of an application under Subsection 7.2, refer the application and plans to the Planning Board, Selectmen, Conservation Commission, Board of Health and Inspector of Buildings for written reports and recommendations and no decision shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

7.2.5.2 If a Special Permit is granted, the Board shall impose such conditions and safeguards as public safety, welfare and convenience may require, including that no use may be permitted unless that use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the 100-year flood.

7.3 Earth Removal

7.3.1 Removal Generally Prohibited

The removal from any property not in public use of soil, loam, peat, sand, gravel or stone (herein, –earthî) is prohibited in all districts, except when incidental to and in connection with the construction of a building or street or other activity authorized by this Bylaw, provided that at least a six-inch layer of packed loam is left covering all open areas. No earth removal permit shall be required for moving earth within the limits of a lot or contiguous lots in the same ownership, provided that no such moving shall take place across or within a street.

7.3.2 Removal of Earth Permitted Without Review by the Board

Under the following conditions, the removal of not more than 1000 cubic yards of earth shall be permitted, provided that the Chief of Police has approved the days of operation, the trucking route and type of vehicle to be used on any street for removal of earth and provided further that, at least 48 hours prior to any removal, the Inspector of Buildings has been given written notification of the volume of earth to be removed and a notice of approval by one or more of the following procedures as applicable:

7.3.2.1 Building Permit

Removal by building permit when such removal is at the site of, incidental to, and in connection with the excavation and grading necessary for the construction of a principal or accessory use permitted by this Bylaw;

7.3.2.2 Subdivision

Removal by approval of a definitive plan under the Subdivision Control Law when such removal is necessary to construct an approved street or definitive subdivision; and

7.3.2.3 Wetlands Protection Act

Removal pursuant to an order of conditions issued under the Wetlands Protection Act (G.L.c. 131 Sec. 40) when such removal is incidental to a use permitted without review by the Board in the Flood Plain/Wetland District.

7.3.3 Removal of Earth Subject to Board Approval

The removal of earth in excess of 1000 cubic yards may be permitted by the Board after notice and a public hearing, if the Board finds that:

7.3.3.1 The volume proposed for removal does not exceed the minimum practical removal required to accomplish the construction, development or improvement in accordance with the plans therefor;

7.3.3.2 The plans submitted in connection with the removal are designed to minimize changes in existing contours to enhance attractive land utilization, effective drainage, suitable road gradients, access or other design considerations; and

7.3.3.3 Effecting the removal will not be detrimental or injurious to abutters or the neighborhood, either by the alteration of existing topography or by a substantial change in the use of the streets in the neighborhood.

7.3.4 Procedure for Review by the Board

7.3.4.1 Application Requirements

Any person who desires to remove in excess of 1000 cubic yards of earth shall submit

a written application for a Special Permit to the Board. Each such application shall be accompanied by plans and specifications prepared by a Registered Professional Engineer or Registered Land Surveyor as follows:

(a) A plan of the area from which removal is proposed and a strip 150 feet wide surrounding said area, showing all man-made features, lot lines, zoning boundaries, vegetative cover, soil characteristics and existing topography;

(b) A plan of the area showing the finished grade and treatment of the site after the proposed completion of the excavation;

(c) An analysis and evaluation of the impact of the proposed earth removal on existing site features, particularly groundwater elevation, as determined between December first and April thirtieth, the groundwater significance and any existing surface water, wetlands and vegetative cover;

(d) The estimated quantity of materials to be removed and topsoil to be stripped and replaced, together with a detailed statement of the hours and days of operation, the trucking route and type of vehicle to be used on any street for the removal of earth, the treatment of the site during operations to reduce dust and mud and, where appropriate, the proposed form of bond; and

(e) Such additional information as the Board may determine.

7.3.4.2 Limitations

If a Special Permit is granted, the Board shall impose limitations on the time and the extent of the permitted removal and such other appropriate conditions, limitations and safeguards as the Board deems necessary for the protection of the neighborhood and of the public health, safety, convenience and welfare of the Town and may condition the continuance of the permit upon compliance with regulations of the Board then in force or thereafter adopted. The Board may require sufficient security, including necessary convenants, to insure compliance with the terms, conditions and limitations of the earth removal permit.

7.4 Parking Regulations

7.4.1 Required Spaces

The purpose of these parking regulations is as follows:

To prevent the creation of unnecessary or surplus amounts of parking spaces which contribute to additional Single-Occupancy Vehicle (SOV) trips being generated, thereby exacerbating traffic congestion and traffic service level deterioration on impacted roadways within the Town;

To encourage and ensure use of Transportation Management strategies; and to encourage the development of a regional Transportation Management Association (TMA) to help reduce new SOV trips from being generated within the Town;

To encourage the use of bicycles to reduce traffic congestion and to release motor vehicle parking places by providing secure bicycle parking facilities;

To encourage and ensure use of Public Transportation opportunities and use of High Occupancy Vehicles (HOV) such as buses, carpools and vanpools, associated with new development within the Town; and

To reduce unnecessary amounts of impervious surface areas from being created within the Town, and particularly within the wellhead and aquifer recharge areas around public water supplies.

Permanent offstreet parking facilities and adequate loading areas shall be provided on the same lot for each of the following uses and structures described in the following subsections 7.4.1.1 through 7.4.1.11 in accordance with the requirements of the applicable subsection. Whenever a change in the type or extent of use of any premises would require an increase of more than 20% in the number of required parking spaces by application of the following subsections, off street parking spaces shall be provided in accordance with said subsections. Where a use is not specifically included in the schedule below, it is intended that the regulations for the most nearly comparable use specified shall apply.

The Planning Board may grant a Special Permit to increase the maximum parking spaces and ratios specified below provided that all of the following findings and conditions are met:

(a) The applicant, site operator or owner agrees to reduce 20% of the estimated Institute of Transportation Engineers (ITE) trip generation rates related to the subject development or use in both the AM and PM peak hours, based upon the latest edition of "ITE Trip Generation" manual. The method or methods by which such a reduction or reductions are accomplished shall be satisfactory to the Planning Board.The Planning Board may elect to determine compliance with this condition by monitoring traffic movements at the site after project completion and occupancy. The applicant, site operator or owner shall fund this monitoring program.

(b) The applicant has developed and submitted data and evidence, including but not limited to parking accumulation and utilization data, that demonstrate the need for additional parking spaces to be created, in the opinion of the Planning Board.

7.4.1.1 Dwelling including multiunit structure

Two parking spaces for each dwelling unit.

7.4.1.2 Housing for elderly

One parking space for each dwelling unit.

7.4.1.3 Hotel, motel or lodging house

One parking space for each bedroom plus such additional spaces as shall be required for the number of employees' vehicles which can be reasonably expected at any one time on the premises.

7.4.1.4 Educational

One parking space for each classroom plus one space for each two staff positions and one space for each five persons of rated capacity of the largest place of assembly plus such additional spaces as shall be required for the number of students' vehicles which can be reasonably expected at any one time on the premises.

7.4.1.5 Nursing home

One parking space for each sleeping room for single or double occupancy or, where not divided into

such rooms, one parking space for each two beds plus such additional spaces as shall be required for the number of employees' vehicles which can be reasonably expected at any one time on the premises.

7.4.1.6 Retail, service or business use as defined in Sections 4.5.1, 4.5.3, 4.5.4, 4.5.5 and 4.5.13

Four parking space for each 1000 square feet of gross floor area, excluding permanent storage areas, staircases, corridors and restrooms.

7.4.1.7 Professional, general office, or research facility

A minimum of 2.5 parking spaces for each 1000 square feet of gross floor area. A maximum of 2.86 parking spaces for each 1000 square feet of gross floor area if the building or the property under common ownership has 10,000 square feet or more of gross floor area. Gross floor area does not include permanent storage areas, staircases, corridors and restrooms. Preferential carpool and vanpool parking shall be provided to encourage the use of carpooling and vanpooling.

7.4.1.8 Industrial use

A minimum of two parking spaces for each 1000 square feet of gross floor area. A

maximum of 2.5 parking spaces for each 1000 feet of gross floor area if the building or the property under common ownership has 10,000 square feet or more of gross floor area. Gross floor area does not include permanent storage areas, staircases, corridors and restrooms. Preferential carpool and vanpool parking shall be provided to encourage the use of carpooling and vanpooling.

7.4.1.9 Restaurant, lodge, club, recreation use or other place of assembly

One parking space for each four seats of rated capacity or one space for each four persons normally expected on the premises at the time of maximum use plus such

additional spaces as shall be required for the number of employees' vehicles which can be reasonably expected at any one time on the premises.

7.4.1.10 Bank or indoor amusement use and uses defined in Section 4.5.2.

6.67 parking spaces for each 1000 square feet of gross floor area, excluding permanent storage areas, staircases, corridors and rest-rooms.

7.4.1.11 Auto service station or auto body shop

Three parking spaces for each lubrication or repair bay, excluding such bays, plus such additional spaces as shall be required for the number of employees' vehicles which can be reasonably expected on the premises at any one time.

7.4.1.12 Mixed uses

In the case of mixed uses, the requirements shall be calculated based upon each area of use to the end that, in the opinion of the Inspector of Buildings, adequate space shall be provided to accommodate the cars of all persons likely to be gathered at the premises at any one time. Parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times.

Shared use of motor vehicle parking is strongly encouraged. Where shared parking between adjacent properties is feasible a shared parking agreement shall be submitted. Said shared parking agreement shall address issues such as the maintenance, striping, and snow plowing of shared parking area. Where shared parking is allowed in accordance with this section, the building inspector retains the authority to waive strict compliance with the zoning bylaw.

7.4.1.13 Child Care Facility

One parking space per ten children of rated capacity of the child care facility plus one space for each staff person on the largest shift.

7.4.2 Parking Dimensional Regulations

Table III: Parking Stall Dimensions

Angle of Parking (degrees)	Width of Parking Stall (feet)	Depth of Parking Stall (feet)	Maneuvering Aisle (feet)
61□-90□	9	19	24
46□-60□	9	19	18
Less than 45□	9	19	14
Parallel	8	22	14

Off-street parking facilities shall be laid out or striped in compliance with the minimum provisions of Table III and Figure 4.

7.4.2.1 Residential Stalls

For single family detached, single family attached or two family dwellings, one parking stall may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirements stated above and provided further that in no case shall stalls which are more than two deep be considered in computing the requirements of the parking regulations.

7.4.2.2 Small Car Stalls

In parking facilities containing more than 40 parking stalls, thirty (30) percent of such parking stalls may be for small car use. Such small car stalls, if provided, shall have a stall depth of at least 15 feet and a width of 7 feet 6 inches. The width of the maneuvering aisle shall not vary from that set forth in Section 7.4.3. Such small car stalls shall be located in

one contiguous area and shall be suitably and conspicuously signed.

7.4.2.3 Non-residential Entrances

The construction of any entrance or driveway in a Business or Industrial District to a public way may only be authorized by Special Permit from the Board.

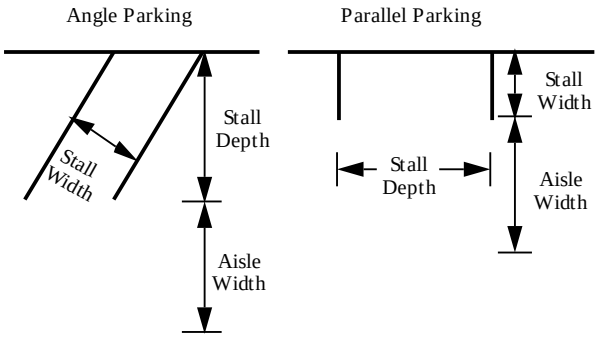


Figure 4: Parking Configuration

7.4.2.4 Layout and Setback

The required parking spaces, circulation areas, loading facilities and driveways shall be provided and maintained with a nuisance-free surface, adequate drainage, acceptable grading and a setback of all spaces and circulation other than entrances twenty (20) feet from the sidelines of the street and (10) feet from all other property lines and bodies of surface water. In the Business or Industrial Districts a common driveway may straddle the lot line and serve two lots or a driveway on one lot may lead to a parking facility on another lot, provided a binding agreement, satisfactory in form to Town Counsel is executed.

7.4.2.5 Landscaping

All parking and loading facilities shall be suitably landscaped. Such landscaping shall be designed to reduce the visual impact of the use upon adjacent property by the use of trees, shrubs, walls, fences or other landscape elements. Where the developed area in a business or Industrial District is within 100 feet of any Residential District, a screen of planting shall be provided consisting of a fence or continuous dense line of shrubs or combination thereof or such other type of landscaping as may be required under site plan approval. In the case of parking facilities for more than 40 spaces, at least ten percent of the area within the limits of the parking facilities shall be set aside for landscaped areas and such areas shall be provided with a minimum width of 10 feet, curbing and shade trees.

7.4.3 Relief From Parking Regulations

The Board may grant relief by Special Permit from the parking requirements of Subsection 7.4, except auto service station use, if the petitioner cannot comply therewith and the Board finds that the use to which the premises, subject to such regulations are to be put is not different in kind in its effect on the neighborhood from the prior use so that a literal application of such parking regulations, would be unreasonable or that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. In all such cases, the petitioner shall submit a plan of the off-street parking facilities and the Board shall make its determination based upon <u>all</u> <u>matters</u> arising under this Bylaw.

7.4.4 Bicycle Parking Facilities

7.4.4.1 Requirement

One bicycle parking space is required for every 20 motor vehicle parking spaces, with a minimum of 2 and a maximum of 40. No bicycle parking is required where there are fewer than 20 motor vehicle parking spaces. Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner within the same block to meet these requirements.

7.4.4.2 Conversion of Automobile Parking Spaces

For properties having 100 automobile parking spaces or more, one automobile parking space as required by the preceding sections of this Parking Regulation may be converted to bicycle parking for up to 15 bicycles. For every 200 automobile parking

spaces or portion thereof, one automobile parking space may be converted to bicycle parking and yet shall still be counted as a parking space for the purpose of meeting the requirement of section 7.4.1 Required Spaces.

7.4.4.3 Placement and Access

7.4.4.4 Bicycle Parking

Bicycle Parking shall be situated near the primary entrance(s) of the property. Bicycle Parking apparatus shall not be installed in a manner which will cause obstruction of pedestrian or motor vehicle traffic.Bicycle Parking shall be situated in such a way that normal snow removal activities and snow storage do not impact the bicycle parking facility.

7.4.4.5 Security

Bicycle Parking apparatus shall be of a high-security design to which the frame and wheel of a parked bicycle may be attached; installed in a visible location so as to deter vandalism and theft; and permanently mounted to the ground or to a building or other immovable structure.

7.4.4.6 Dimensional Regulation

Each bicycle parking space shall be sufficient to accomodate a bicycle 7 feet in length and 2 feet in width. Inverted U frame or other racks approved by the Planning Board that support the bicycle at 2 or more points above the center of gravity are required.

7.4.4.7 Exemption from Bicycle Parking Requirement

The following facilities are exempt from bicycle parking requirements: private residences; elderly housing; nursing home; hotel; motel; lodging house; child care facility; auto service station or auto body shop; vehicular dealership; repair garage; and funeral home.

7.5 Site Plan Approval

7.5.1 Standards for Requirement of Site Plan Approval

In all instances specified in Table I: Use Regulations, indicating that site plan approval is required, no building permit shall be issued in any case where a building is to be erected or externally enlarged and no area for parking, loading or vehicular service (including driveways giving access thereto) shall be established or substantially changed, except in conformity with a site plan bearing an endorsement of approval by the Inspector of Buildings after review thereof by the Planning Board. Site plan approval shall not be required in any case where a building is to be externally changed for the purpose of closing an entrance or creating a new entrance thereto and for other extension(s) to a building which in total shall not exceed more than 200 square feet of gross floor area.

7.5.2 Procedure for Review by the Planning Board

7.5.2.1 Application For Site Plan Approval

Each application for site plan approval shall be submitted to the Inspector of Buildings with eight (8) copies of the site plan. A computer disk shall be submitted with the site plan in digital CADD Format, DXF (drawing exchange format). The site plan shall be tied into real world coordinates in feet on the North American Datum of 1983 (NAD83) and the North American Vertical Datum of 1988 (NAVD). All features shall be stored in Massachusetts State Plane Coordinate System and the coordinate values of at least two points shall be included in the submitted CADD file. The layering convention shall be submitted. Any revisions to the site plan shall be submitted in this digital CADD format and on 8 paper copies of the plan. The Planning Board may waive the requirement that the site plan be submitted in digital CADD format.

The Inspector of Buildings shall transmit seven (7) copies of the site plan to the Planning Board together with his opinion on

the number of parking stalls to be required. The site plan shall show, among other things, zoning boundaries, zoning district designation of the proposed topography in two (2) foot contours, existing and proposed buildings, their uses, elevations, parking areas, loading areas, driveway openings, service areas and all other open spaces, all facilities for sewerage, refuse and other waste disposal, all surface and subsurface water drainage, wetlands, surface water, areas subject to the 100 year flood, maximum groundwater elevation as determined between December first and April thirtieth, and the classification as delineated on the Bedford Planning Board's Groundwater Supply Favorable Map of November 1980, location of aquifers, private or public wells and drinking water supplies in relation to the site, and all landscape features (such as walks, planting areas with size and type of stock, trees and fences), lighting fixtures and patterns and signs on the lot, both existing and proposed. The site plan shall show also the relation of the above features to adjacent ways and properties.

The site plan shall also show all contiguous land owned by the applicant or the owner of the property which is subject of the application and shall indicate the names and addresses of other owners of record of contiguous property to be determined from the Middlesex County Registry of Deeds.

(a) The applicant shall submit such material as may be required regarding measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level and flooding.

(b) The applicant shall submit such material as may be required regarding design features intended to integrate the proposed new development into the existing landscape, to enhance aesthetic assets and to screen objectionable features from neighbors.

(c) The applicant shall submit such material as may be required to show the resulting traffic impact in the immediate vicinity of the site, on major intersections in the area and on streets in the surrounding neighborhood. The applicant shall also submit material as may be required to describe measures that the applicant will use to mitigate the effects of such traffic impact and to what extent such measures will alleviate the impact. Common driveways or driveways between lots as described in Section 7.4.2.4 should be used where they will improve the traffic circulation and appropriate agreements between landowners can be obtained.

(d) Where deemed appropriate to relieve traffic congestion, the Planning Board may require that a portion of the site to be developed be used for the development of auxiliary roads which may or may not be tied to the development of similar roads or adjacent properties.

(e) In addition, where the site is located in Classes 1-4 of the Groundwater Supply Favorability Map or where the site plan shows more than 5,000 square feet of gross floor area or more than twenty (20) parking spaces, the site plan submission shall include a site analysis and evaluation of development impacts. The analysis and evaluation shall be prepared by the project engineer and other qualified professionals as may be required to prepare plans showing, in addition to the above requirements, the following information: the maximum groundwater elevation, the groundwater significance of the site, direction of the groundwater flow, the relationship of groundwater to any surface water or wetlands on or adjacent to the site and the vegetative cover and soil types (based on the U.S. Soil Conservation Service Soils Classifications Map).

In narrative form the report shall evaluate the impacts and means of mitigating impacts to groundwater and surface water, effects on existing vegetation, the capacity of the site to support the development and the applicability of the project to the Wetlands Protection Act (MGL Chapter 131, —40). Based on the findings of the report, the site plan shall include measures to control erosion, maxi-

mize groundwater recharge and protect groundwater quality.

(a) Where deemed appropriate due to drainage conditions, the Planning Board may require that the site plan submission include stormwater drainage calculations for both the onsite and offsite drainage system to its point of discharge into a watercourse or waterbody that has adequate capacity to receive the discharge.

7.5.2.2 Design Standards in the Limited Business District and General Business District

In addition to other requirements in these Zoning Bylaws the building and site plan design standards shown below are required in the Limited Business District and General Business District**.** It is strongly recommended that a preliminary or concept plan be submitted for informal review by the Planning Board prior to preparation of a formal site plan. This will allow the Planning Board and the applicant to discuss design ideas, understand Planning Board expectations and how the site plan can maximize the standards herein, while promoting economic development or redevelopment of Bedford's Limited and General Business Districts. The extent of the Planning Board expectations will be directly related to the level of site modification and/or building construction or redevelopment.

(a) Architectural elevation and floor plan drawings shall be submitted. The design of buildings shall enhance the visual character of Bedford's Business Districts and respect and reflect traditional New England heritage of the area. The scale and massing of buildings shall be compatible with buildings in the vicinity.

(b) Building design shall incorporate features to add visual interest while reducing appearance of bulk or mass. Such features may include varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters. Blank walls are prohibited on the front of buildings that have retail or service shops or similar uses.

(c) Any alteration of or addition to an existing historic structure shall employ materials, colors, and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, construction techniques and/or examples of craftsmanship that characterize a historic property shall be preserved where feasible. Historic structures are those listed in the Bedford Historical Society report "Historic Properties and Neighborhoods of Bedford, Massachusetts" as amended. Where such alteration falls under the jurisdiction of the Bedford Historic District Commission and/or Historic Preservation Commission, the recommendations of those Commissions shall control.

(d) Except for windows, building design should generally avoid the appearance of reflective materials such as porcelain, enamel or sheet metal. Predominant wall materials should generally have the appearance of wood, brick or stone painted or coated in a non-metallic finish. Structures should include adequate first floor windows to provide visibility of shop spaces.

(e) New buildings shall incorporate best practices in energy efficiency, environmental protection, and stormwater

management; shall comply with current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council where feasible. Site development shall incorporate DEP stormwater management guidelines and Low Impact Development site design components.

(f) The organization and orientation of buildings shall be pedestrian-friendly**.** Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways that promote non-vehicular circulation. Curb cuts shall be limited to the number necessary to provide safe and convenient vehicular and emergency vehicle access. The Planning Board may require provision of an easement that would allow future connection to abutting properties in order to facilitate pedestrian and/or vehicular access.
(g) To the greatest extent possible, site plans shall be pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and/or appropriate landscaping. Structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access.–

(h) The site plan shall maximize the efficient use of existing and proposed parking facilities, and minimize the area of land to be paved for parking. To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible unless the applicant can demonstrate a more desirable pedestrian-friendly atmosphere with an alternate parking pattern.

(i) Landscape areas shall be planted with a variety of vegetation utilizing existing vegetation where appropriate. Plantings may include lawn, annuals, perennials, ground covers, and deciduous and evergreen shrubs and trees (both ornamental and shade). Street or shade trees shall be planted along the street wherever possible. Shade trees shall have a minimum caliper of 2 l/2 – 3 l/2 inches and a minimum height of ten feet. Conifer trees shall have a minimum height of eight feet. At all street or driveway intersections, trees or shrubs shall be set back a sufficient distance from such intersections so that they do not present a traffic visibility hazard.

7.5.2.3 Report of Planning Board

The Planning Board shall submit to the Inspector of Buildings its written recommendation on the technical quality of the site plans and the advisability of approval after considering the following matters:
(a) Protection and enhancement of existing site features;
(b) Protection of adjoining premises against detrimental uses by provision for surface water drainage, sound and sight buffers and preservation of views, light and air;
(c) The traffic impact of the proposed development in the immediate vicinity of the site and the surrounding neighborhoods and the convenience and safety of vehicular, bicycle and pedestrian movement within the site.
(d) Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
(e) Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;

(f) Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw; and

(g) Protection of environmental features, particularly groundwater resources, on the site and in adjacent areas, adequate protection to prevent pollution of surface and groundwater, soil erosion, increased run-off, changes in groundwater recharge or elevation and flooding.

7.5.3 Approval by the Inspector of Buildings

In considering a site plan, the Inspector of Buildings shall insure a reasonable use of the site consistent with the uses permitted in the district in which a site is located. The Inspector of Buildings shall give due consideration to the report of the Planning Board and, where his decision differs from the recommendations of the Planning Board, the reasons therefore shall be stated in writing within seven (7) days of the decision. If the site plan approval is granted, the Inspector of Buildings shall impose on the site plan approval permit (which permit may be the building permit or the report of the Planning Board or a combination of both) such other appropriate conditions, limitations and safeguards to insure compliance with the terms of the site plan approval. The site plan and permit shall be clearly stamped Site Plan. The Inspector of Buildings may, upon the recommendation of the Planning Board, require sufficient security to insure compliance with the terms of the approval. The applicant shall provide proof, in the form of a statement duly certified, that all conditions of the Site Plan Approval have been met before an Occupancy Permit shall be issued.

8. CLUSTER DEVELOPMENT

8.1 Purpose

Cluster Development allows, by Special Permit from the Planning Board, a pattern of land development alternate to the standard Subdivision permitted in the Residential Districts. It is intended to encourage the conservation of open space and the efficient use of land in harmony with its natural features.

8.2 Standards

8.2.1 Minimum Tract Size

Cluster Development shall be permitted upon a single tract, in one ownership, with definite boundaries ascertainable from a recorded deed or recorded plan which has an area of not less than five times the minimum lot area of the zoning district within which it is situated (Residence C - 125,000 square feet; Residence B - 150,000 square feet; Residence A - 200,000 square feet; Residence R - 300,000 square feet). Existing public or private ways need not constitute boundaries of the tract, but the area within any such ways shall not be counted in determining minimum tract size."

8.2.2 Number of Lots

The number of lots permitted within any Cluster shall be determined by the Planning Board to assure compliance with the purposes of the Cluster Development and shall not exceed the larger of the numbers obtained by applying either of the following Subsections:

8.2.2.1 The number of lots obtained by dividing the total area of the tract, exclusive of land situated within the Flood Plain or Wetlands Conservancy Districts, by the minimum standard lot size permitted in the zoning district(s) within which the tract is located provided that no land shall be included which at the time of the submission of an application under this Section is subject to a perpetual restriction of the type described in M.G.L. C. 184 S. 31 or any restriction similar thereto.

8.2.2.2 The number of lots obtained under standard Subdivision upon which a single family dwelling could be constructed in the residential district(s) within which the tract is located without regard to the Cluster Development.

8.2.3 Permitted Uses

Single family detached dwelling.

8.2.4 Utilities

Each lot shall be serviced by a municipal water service and a municipal sewer. On-site disposal systems may only be permitted if municipal sewer is not available and if, prior to granting the cluster permit, the Board of Health reports that each lot has passed a satisfactory percolation test and soils examination or that the Board of Health reports that the tract has been sufficiently tested to assure that the lots can comply with its regulations for disposal systems. If an onsite disposal system is permitted, a sewer line shall be installed for use when municipal sewer becomes available.

8.2.5 Dimensional Regulations

Except as provided in this Section, dimensional shall comply with the provisions of Section 6 Dimensional Regulations.

8.2.6 Common Land

8.2.6.1 Size and Nature of Common Land

The area of Common Land shall equal at least 25% of the total area of the Cluster Development tract. Such land shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by at least all the residents of the Cluster and no more than 50% of the minimum required Common Land shall be situated within the Flood Plain/Wetland District. Each parcel of Common Land shall have at least 40 feet of frontage and no structure shall be constructed thereon in excess of 15 feet in height nor shall the maximum lot coverage, including paved areas, exceed 10% without Planning Board approval.

8.2.6.2 Access, Restrictions and Ownership

Provision shall be made so that the Common Land shall be readily accessible to the owners and occupants of the lots in the Cluster and owned by a corporation, nonprofit organization, or trust whose owners or beneficiaries are all the owners and occupants of the lots, or by the Town or otherwise as the Planning Board may direct. In all cases a perpetual restriction of the type described in M.G.L. C. 184 S. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the Common Land shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation or park. Such restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the Common Land as the Planning Board may deem appropriate.

8.2.6.3 Ownership and Maintainence

In order to ensure that the corporation, non-profit organization or trust will properly maintain the Common Land, an instrument(s) shall be recorded at the Middlesex South District Registry of Deeds which shall, as a minimum, provide:

(a) A legal description of the Common Land;

(b) A statement of the purposes for which the Common Land is intended to be used and the restrictions on its use and alienation;

(c) The type and name of the corporation, non-profit organization or trust which will own, manage and maintain the Common Land;

(d) The ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the Cluster Development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;

(e) Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation, or non-profit organization or trustees of the trust;

(f) Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust, including provision for the calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust, and provision for quorum and voting requirements for action to be taken. Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust;

(g) Provision for the management, maintenance, operation, improvement and repair of the Common Land and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the Common Land, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the Cluster Development which shall have priority over all other liens with the exception of municipal liens and first mortgages of record; and

(h) The method by which such instrument or instruments may be amended.

8.2.7 Limitation of Subdivision

No lot shown on a plan for which a permit is granted under this Section may be further subdivided and a notation to this effect shall be shown on the plan.

8.2.8 Greenbelt

No building shall be erected within 50 feet of the boundary line with adjoining land zoned for residential use. A greenbelt shall be

provided to screen the proposed development from adjoining land zoned for residential use, as specified in Section 6.2.12.

8.3 Procedure for Approval

8.3.1 Application

In connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law or, if no such approval is required after consultation with the Planning Board, any person who desires a Special Permit for a Cluster shall submit an application in writing in such form as the Planning Board may require which shall include plans meeting the requirements set forth in the Subdivision Rules and Regulations of the Planning Board and such additional information as the Planning Board may require including:

8.3.1.1 A development statement consisting of a petition, a list of parties in interest, the names of the development team and a description of the tract and the development, including the size of the tract, number of lots together with sufficient information to make a determination on the number of permissible lots, the size of the Common Land parcels, including the area and percent of any Common Land zoned Flood Plain/Wetland District and a development schedule for all site construction, including the projected completion date of Common Land improvements.

8.3.1.2 Copies of all proposed instruments are to be recorded with the plans, including the Common Land perpetual restriction, the deed and the membership corporation, non-profit organization or trust.

8.3.2 Conditions

If a Special Permit is granted, the Planning Board may impose as a condition that the Common Land shall be conveyed, free of any mortgage interest or security interest and subject to a perpetual restriction of type described above, prior to the Planning Board's release of any lots from the subdivision restriction covenant or, if there is no such covenant, prior to the Inspector of Building's issuance of a building permit for any lot. The petitioner shall provide the Planning Board with satisfactory assurance of said conveyance and recording in the form of copies of the recorded instruments bearing the recording stamp.

8.4 Amendments

8.4.1 Minor Revisions

Following the granting by the Planning Board of a permit under this Section, it may for good cause shown amend the plan solely to make minor changes in lot lines consistent with the Special Permit, provided, however, that no such amendment shall:

8.4.1.1 Grant any reduction in the size or change in location of the Common Open Land as provided in the permit;

8.4.1.2 Grant any change in the layout of the ways as provided in the permit;

8.4.1.3 Increase the number of lots as provided in the permit; or

8.4.1.4 Decrease the dimensional requirements of any lot below the minimum permitted by this Bylaw.

8.4.2 **Changes**

Any change in the number of lots, the layout of ways, the Common Open Land and its ownership or use, or any other conditions stated in the original Special Permit shall require a new Special Permit issued in accordance with the provisions of this Bylaw.

9. PLANNED RESIDENTIAL DEVELOPMENT (PRD)

9.1 Purpose

Planned Residential Development allows by Special Permit from the Planning Board an alternative pattern of land development to the pattern permitted in the Residential Districts. It is intended to encourage the conservation of more significant open space, while at the same time providing for a greater mixture of housing types in the Town at somewhat greater dwelling unit densities than is permitted in Residential Districts and Cluster Developments, without a significant increase in Town-wide population density. The Planning Board shall consider whether the proposed site design, development layout, number, type and design of housing constitute a suitable alternative to the pattern of land development permitted in the residential district within which it is to be located.

9.2 Standards

9.2.1 Minimum Tract Size

Planned Residential development shall be permitted upon a single tract, in one ownership, with definite boundaries ascertainable from a recorded deed or recorded plan which has an area of not less than five times the minimum lot area of the zoning district within which it is situated (Residence C – 125,000 square feet; Residence B – 150,000 square feet; Residence A – 200,000 square feet; Residence R – 300,000 square feet). Existing public or private ways need not constitute boundaries of the tract, but the area within any such ways shall not be counted in determining minimum tract size."

9.2.2 Permissible Density

Subject to the limitations upon density contained in Subsection 9.2.3 below, the number of dwelling units permitted within any PRD shall be determined by the Planning Board to assure compliance with the Standards of Planned Residential Development Subsection 9.2.2.1 through 9.2.2.3 of this Subsection 9.2.2.

9.2.2.1 PRD Tract

The number of dwelling units obtained by dividing the area of the tract, exclusive of land situated within the Flood Plain/Wetland District, by the minimum standard lot size permitted in the zoning district(s) within which the tract is located, provided that no land shall be included which at the time of the submission of an application under this Section is subject to a perpetual restriction of the type described in M.G.L. c. 184 Sec. 31 or any restriction similar thereto.

9.2.2.2 Transferable Development Rights

The density of the PRD tract may be increased by 15% by conveying to the Town, or by restricting for the benefit of the Town, land which is not within the PRD tract and which at the time of submission of an application under this Section was in private ownership and unencumbered by a perpetual restriction of the type described in M.G.L. C. 184 Section 31 or any restriction similar thereto, provided such transfer or restriction is consonant with the purposes of this Bylaw generally and this Section 9 in particular. The number of transferable units is obtained by determining the area of land situated outside the Flood Plain/Wetland District and (1) by dividing such area of land situated in any one or more Residential District(s) which the applicant proposed to convey or restrict by the minimum lot size permitted in the zoning district(s) within which such land is located and (2) by multiplying the number obtained therefrom by 60%.

9.2.2.3 Low and Moderate Income Housing

The number of dwelling units may, with Planning Board approval, be increased by up to twice the number obtained through application of subsection 9.2.2.1, if 50% of these additional units, but no less than 10% of the total number of units in the Planned Residential Development, meet the requirements of the Executive Office of Communities and Development, Office of Private Housing for low and moderate income housing under the Lo-

cal Initiative Program. The developer shall submit an application to the Office of Private Housing, and shall be responsible for submitting all of the material required for this application. The developer shall submit this application to the Office of Private Housing, either at the same time that the Special Permit application is submitted to the Planning Board, or prior to the submittal of such Special Permit application. These low and moderate income units are subject to the following general requirements:

(a) The units must be serving households at or below 80 percent of median household income.

(b) The units must be subject to Use Restrictions to ensure that the units remain in perpetuity available exclusively to persons with qualifying incomes.

(c) The units must be sold or rented on a fair and open basis. The owners of the units must adopt an affirmative fair marketing plan.

9.2.3 Maximum Allowable Density

A number of units in excess of these provisions may be authorized by the Planning Board after approval by Town Meeting of such PRD in accordance with Section 14.8, up to the following maximum densities for the zoning district(s) within which the tract is located; Residence C–five units per acre; Residence B–four units per acre; Residence A–three units per acre; Residence R–two units per acre. Not less than 20% of all units authorized in excess of 25% obtained by the application of Subsection 9.2.2.1 above shall be low and moderate income housing or affordable housing.

9.2.4 Permitted Uses

There shall be permitted in PRD:

9.2.4.1 Single Family Units

Single family detached and attached and multiunit structures of all type without regard to dwelling unit configuration or form of ownership, provided, however, that no more than 80% of the dwelling units within the PRD shall be in buildings of the same type.

9.2.4.2 Accessory Uses

Accessory uses incidental to the principal uses indicated above.

9.2.4.3 Miscellaneous Uses

Construction and maintenance of a structure such as a fiag pole, gazebo, patio, or similar structure, which structure does not exceed 100 square feet in size, may be permitted by the Building Inspector. However, any change to approved buildings including but not limited to attached greenhouses, dormers, decks, porches or carports, or the construction of significant detached structures, shall only be pursuant to amendment of the Special Permit if same is allowed.

9.2.5 Lot Area, Frontage and Yard Requirements

There shall be no minimum lot area, frontage or yard requirements within a PRD. However, no building shall be erected within 50 feet of a public way or boundary line of the PRD. A Greenbelt shall be provided to screen the proposed development from adjoining land zoned for residential use, as specified in Section 6.2.12.

9.2.6 Height

The maximum permitted height of any structure within a PRD shall be 37 feet.

9.2.7 Area of Residential Development

The area developed for a residential use, including buildings, parking and other areas paved for vehicular use, shall not exceed 30% of the total area of the PRD tract. Foot and bicycle paths and recreational facilities, including buildings wholly devoted to recreation, shall not be counted in calculating the 30% limitation.

9.2.8 Common Open Space

9.2.8.1 Minimum Use and Limitations

All land within the PRD tract which is not covered by buildings, roads, driveways, parking areas or service areas or which is not set aside as private yards, patios or gardens for the residents shall be Common Open

Space. The area of the Common Open Space shall equal at least 40% of the total area of the PRD tract. Such land shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes by at least all the residents of the PRD and no more than 50% of the minimum required Common Land shall be situated within the Flood Plain/Wetland District.

9.2.8.2 Ownership

Provision shall be made so that the Common Open Space shall be owned in common by and readily accessible to the owners of all units in the PRD, or by a corporation, non-profit organization or trust whose members are all the owners and occupants of the units, or by the Town or otherwise as the Planning Board may direct. In all cases a perpetual restriction of the type described in M.G.L. C. 184 S. 31 (including future amendments thereto and corresponding provisions of future laws) running to or enforceable by the Town shall be recorded in respect to such land. Such restriction shall provide that the Common Open Space shall be retained in perpetuity for one or more of the following uses: conservation, agriculture, recreation or park. Such restriction shall be in such form and substance as the Planning Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Planning Board may deem appropriate.

9.2.8.3 Ownership Requirements

In order to ensure that the corporation, nonprofit organization or trust will properly maintain the Common Open Space, an instrument(s) shall be recorded at the Middlesex South District Registry of Deeds which shall, as a minimum, provide:

(a) A legal description of the Common Open Space;

(b) A statement of the purposes for which the Common Open Space is intended to be used and the restrictions on its use and alienation;

(c) The type and name of the corporation, non-profit organization or trust which will own, manage and maintain the Common Open Space.

(d) The ownership or beneficial interest in the corporation, non-profit organization or trust of each owner of a dwelling in the cluster development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;

(e) Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation or non-profit organization or trustees of the trust;

(f) Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust, including provision for the calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken. Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust;

(g) Provision for the management, maintenance, operation, improvement and repair of the Common Open Space and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the Common Open Space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, and that each dwelling owner's share of the common charge shall be a lien against his real estate in the PRD which shall have priority over all other liens with the exception of municipal liens and first mortgages of record; and

(h) The method by which such instrument or instruments may be amended.

9.2.9 Limitation of Subdivision

No lot shown on a plan for which a permit is granted under this Section may be further subdivided, and a notation to this effect shall be shown on the plan.

9.2.10 Special provisions for the Bedford Housing Authority

Except as provided in Subsection 9.2.6 above, the limitations contained in Subsection 9.2 shall not apply to a PRD which will be owned by the Bedford Housing Authority and for which it is the applicant, provided that the Planning Board shall find that the proposed design is generally consonant with the purposes of this Bylaw.

9.3 Procedure for Approval

9.3.1 Application

Any person who desires a Special Permit for a PRD shall submit an application in writing in such form as the Planning Board may require which shall include the following:

9.3.1.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the PRD tract and any parcel proposed to be used pursuant to Subsection 9.2.2.2, a list of the development team and a written statement meeting the requirements of a site evaluation statement under the Subdivision Rules and Regulations of the Planning Board and setting forth the development concept, including in tabular form, the number of units, type, size (number of bedrooms, floor area), ground coverage and summary showing the Area of Residential Development and Common Open Space as percentages of the total area of the PRD tract and a development schedule for all site improvements.

9.3.1.2 Legal Instruments

Copies of and proposed instruments to be recorded with the plans, including the Common Open Space perpetual restriction, the deed and the membership corporation, nonprofit organization or trust.

9.3.1.3 Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site plans and specifications showing all site improvements and meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;

(b) Site perspective, sections, elevations 1/8 inch = 1 foot and typical floor plan(s) 1/4 inch = 1 foot;

(c) Detailed plans for disposal of sanitary sewage and surface drainage; and

(d) Detailed plans for landscaping.

9.3.1.4 Additional Information

Such additional information as the Board may determine.

9.3.2 Referral and Schedule

The Planning Board shall, within ten days of receipt of an application under Section 9, refer the application to the Conservation Commission, Board of Public Works, Board of Health and Inspector of Buildings for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

9.3.3 Planning Board

A Special Permit shall be issued under this Section if the Planning Board finds that the PRD is in harmony with the purpose and intent of this Section and that the PRD contains a mix of residential, open space or other uses in a variety of buildings to be sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw; otherwise applicable to the Residential District(s) in which the PRD is located. If a Special Permit is granted, the Planning Board may impose, as a condition thereof, that the installation of municipal services and construction of interior drives within the PRD shall comply with the

requirements of the Subdivision Rules and Regulations of the Planning Board, may require sufficient security to ensure such compliance and the completion of planned recreational facilities and site amenities and may impose such additional safeguards as public safety, welfare and convenience may require.

10. NURSING CARE FACILITY

10.1 Purpose

Nursing Care Facility (NCF) allows by Special Permit from the Board a greater flexibility in development from the pattern otherwise permitted in Residence Districts, provided that an application for such use is approved by the Town Meeting. It is intended to encourage the preservation of open spaces while at the same time allowing a greater mixture of buildings, structures and uses with regard to density than is permitted in Residence Districts with special attention given to the concerns of the ill and elderly. Attention also shall be given by the Board as to whether site layout, number, type and size of buildings and structures constitute a suitable project for the neighborhood within which it is to be located and enhance the quality of living for the NCF residents, the immediate neighborhood and the Town generally.

10.2 Definitions

10.2.1 Nursing/Special Care Facility

A facility for the care of persons requiring daily attention by medical or nursing personnel or for reasons of ill health or physical incapacity.

10.2.2 Hospital Facility

A facility or institution where sick or injured persons are given medical and surgical care.

10.2.3 Congregate Living Facility

A facility providing private or communal lodging for persons requiring limited medical attention or supervision and who ordinarily are ambulatory. In addition to bed space such facilities may include semi-private or private food preparation facilities, common dining facilities and common semi-private or private bath and toilet facilities.

10.2.4 Independent Living Facility

A facility providing independent dwelling for a retired or elderly couple or individual. In addition to bed space such facilities ordinarily would include private toilet, bath, food preparation facilities and a private dining area.

10.2.5 Elderly

Two or more persons sharing a household, the older of which is 55 years of age or over or a single person who is 55 years of age or over.

10.3 Standards

10.3.1 Minimum Tract Size

Nursing Care Facility shall be permitted upon a single tract in one ownership with definite boundaries ascertainable from a recorded deed or record plan which has an area of not less than 50 acres. Existing public or private ways need not constitute boundaries of the tract, but the area within such ways shall not be counted in determining minimum tract size.

10.3.2 Permissible Density

The density in a Nursing Care Facility shall not exceed an average of eight and one-half persons per acre exclusive of land situated within Flood Plain/Wetland District.

10.3.3 Permitted Uses

10.3.3.1 Principal Uses:

(a) Nursing/Special Care Facilities;
(b) Hospital Facilities;
(c) Congregate Living Facilities;
(d) Independent Living Facilities, provided that no more than 33% of the gross residential population shall be housed in such facilities;
(e) Day Care Center for elderly persons;
(f) Facilities for medical, rehabilitative, recreational, social and nutritional programs, dining rooms, kitchen facilities and laundry facilities; and
(g) Any other uses permitted in a Residence District.

10.3.3.2 Accessory Uses

Accessory uses incidental to the principal uses indicated above, including the following, provided that in all cases such

accessory uses shall be for the benefit of the NCF residents and retired or elderly persons and shall be limited in size and character necessary to serve such persons;

(a) Limited administrative and professional offices which are required for the operation of any of the principal or accessory uses;

(b) Lounge, snack bar and related kitchen facilities, barber shop, beauty parlor and pharmacy;

(c) Facilities for the sale of services and merchandise;

(d) Places of public assembly, including auditorium and chapel facilities; and

(e) Lodging facility in a free-standing building, with not less than four, nor more than six bedrooms, for persons visiting a Nursing Care Facility, or its residents, provided that such lodging facility contains not more than one kitchen and provided, further, that space in a lodging facility not used for bedrooms or kitchen may be used as otherwise permitted by Section 10.3.3.2.

10.3.4 Frontage and Yard Requirements

No parking, building or other above ground structure shall be located within 100 feet of the NCF tract perimeter. Such areas, except for road or utility crossing, shall provide a continuous landscaped perimeter, provided that nothing shall prevent the projection of walls and fences.

10.3.5 Height

The maximum height of any structure shall not exceed 35 feet.

10.3.6 Maximum Coverage

The maximum permitted coverage of all structure shall not exceed 30% of the land situated outside the Common Open Space and no more than 5% of the maximum coverage may be used for accessory structures.

10.3.7 Common Open Space

All land within the Nursing Care Facility tract which is not specifically reserved for the support of the NCF facilities and which is not covered by buildings, roads, driveways, parking areas or service areas, or which is not set aside as private yards, patios, or gardens for residents shall be Common Open Space. The area of Common Open Space shall equal at least 35% of the total area of the NCF tract and no more than 50% off the minimum required Common Open Space shall be situated within the Flood Plain/Wetland District. The Common Open Space shall have a shape, dimension, character and location suitable to enable its enjoyment and use for conservation or agricultural purposes by the residents of the NCF and the inhabitants of the Town. Provisions shall be made so that the Common Open Space is owned by the owners of the NCF, the Town or otherwise as the Board may direct and readily accessible to all residents in the NCF and the inhabitants of the Town.

In all cases, a perpetual restriction of the type described in MGL Ch 184, —31 (including future amendments thereto and corresponding provisions of future laws) shall be recorded in respect to such Common Open Space. Such restrictions shall provide that the Common Open Space shall be retained in perpetuity for use by residents in the NCF and the inhabitants of the Town for the purposes of conservation or agriculture. The restriction shall specifically prohibit the use of the Common Open Space for all terrain vehicles, snowmobiles, motorbikes, motorcycles and similar vehicles. It shall prohibit the construction of any above ground structures, buildings, roads and paved areas, except for the construction and maintenance of duckwalks, bicycle, equestrian and foot paths or similar facilities for the benefit of the residents. Such restrictions shall be in such form and substance as the Board shall prescribe and may contain such additional restrictions on development and use of the Common Open Space as the Board may deem appropriate.

10.3.8 **Parking**

Except as provided in this section, all parking shall comply to the extent applicable with the provisions of Subsection 7.4 Parking Regulations.

10.3.8.1 Nursing/Special Care or Hospital Facility

One parking space for every sleeping room for single or double occupancy or where not divided into such rooms, one parking space for each two beds.

10.3.8.2 Congregate Living Facility

One parking space for each 20 beds.

10.3.8.3 Independent Living Facility

One parking space for each dwelling unit.

10.3.8.4 Employee

One parking space for each three employees which can be reasonably expected at any one time on the premises.

10.3.8.5 Public Assembly

One parking space for each four seats of rated capacity in the largest place designated for regular use as a place of public assembly.

10.3.8.6 Visitor

One parking space for each 20 residents in the congregate living or independent living facilities.

10.4 Procedure for Approval

10.4.1 Application

After approval by the Town Meeting in accordance with SubSection 14.8, any person who desires a Special Permit for a NCF shall submit an application in writing in such form as the Board may require which shall include the following:

10.4.1.1 Development Statement

A Development Statement shall consist of a petition, a list of parties in interest with respect to the NCF tract, the names and specific functions of the development team and a site evaluation statement. In the event the Statement shall set forth the development concept in detail, including in tabular form the number of facilities, type, estimated resident population, size, (number of bedrooms, floor area) ground coverage, the area of the NCF and Common Open Space, specifying the portions of each which is situated within the Flood Plain/Wetland District as a percentage of the total area of the NCF tract and a development schedule for all site improvements together with copies of all proposed instruments, including the Common Open Space perpetual restriction.

10.4.1.2 Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site Plans and Specifications showing all site improvements and meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Subdivision Rules and Regulations of the Planning Board;

(b) Site perspective, sections, elevations 1/8 inch = 1 foot and typical floor plan(s) 1/4 inch = 1 foot;

(c) Detailed plans for disposal of sanitary sewer and surface drainage; and

(d) Detailed plans for landscaping.

10.4.2 Referral for Reports

The Board shall, within ten days of receipt of an application under Section 10, refer the application to the Planning Board, Conservation Commission, Board of Public Works, Board of Health and Inspector of Buildings for written reports and recommendations and no decisions shall be made until such reports are returned or 35 days have elapsed following such referral without receipt of such reports.

10.4.3 Planning Board Report and Recommendation

The Planning Board shall review the petition and preliminary plans and shall submit in writing to the Board its report and recommendations relating to the proposed development, including at least the following:

10.4.3.1 Site Evaluation

An evaluation of the natural terrain of the NCF tract and surrounding areas and of the neighborhood in which the tract is situated.

10.4.3.2 Development Evaluation

An evaluation of the proposed development, including the design and use of buildings, roads, utilities, drainage, and of the open spaces, of pedestrian and vehicular circulation, of the location and adequacy of

parking and of the provisions for grading, landscaping and screening.

10.4.3.3 Restricted Land

An evaluation and opinion upon the degree to which any land restricted for the benefit of the NCF residents and the inhabitants of the Town:

(a) Provides, or will in the future provide, additions to areas of open space between developed sections of the Town;

(b) Makes available land desirable for future public use; or

(c) Conforms to the Town's long-range land use plan.

10.4.3.4 Opinion of Suitability

Its opinion as to whether the proposed site layout, number, type, size and configuration of housing and other structures constitute a suitable development for the neighborhood within which it is located.

10.4.3.5 Effect on Town's Infrastructure

The effect of the proposed layout on the Town's existing roadways, water supply and sewage disposal facilities.

10.4.3.6 Adequacy of Plan

A statement that the applicant's plans comply with the Design Standards of the Subdivision Rules and Regulations of the Planning Board or, wherever such plans do not comply, a statement of the respects in which they do not so comply.

10.4.3.7 Recommendations

Recommendations for the granting or denial of the Special Permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the Special Permit.

10.4.4 Conservation Commission's Report and Recommendations

The Conservation Commission shall review the petition and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed project enhances the conservation of significant environmental qualities, including at least:

10.4.4.1 Environmental Impact

An evaluation and opinion upon the degree to which the project itself affects critical environmental areas.

10.4.4.2 Open Space Evaluation

An evaluation and opinion upon the degree to which the Common Open Space conserves:

(a) Critical environmental areas and provides a valuable outdoor resource;

(b) Enhances the long-term conservation of critical environmental areas, unique natural features, scenic vistas or potential or existing farmland; or

(c) Provides a valuable addition to the open space resources of the Town.

10.4.5 Board

A Special Permit may be issued under this Section only if the Board finds that the NCF conforms to the requirements and is in harmony with the general purpose and intent of this Section, and that the site layout, number, type and size of buildings and structures constitute a suitable development for the neighborhood in the vicinity of the NCF. If a Special Permit is granted, the Board may impose as a condition thereof that the installation of municipal services and construction of interior drives within the NCF shall comply, to the extent applicable, with the requirements of the Subdivision Rules and Regulations of the Planning Board, may require sufficient security to ensure such compliance and the completion of planned recreational facilities and site amenities and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or Conservation Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Conservation Commission and where the decision of the Board differs from the recommendations of the Planning Board or Conservation Commission, the reasons therefor shall be stated in writing.

11. CONVERSION OF PUBLIC SCHOOL BUILDINGS TO MULTIPLE RESIDENTIAL USE

11.1 Special Permit

The Planning Board may grant a Special Permit (SP) for the conversion of public school buildings, declared to be no longer required for public purposes, to multiple residential use subject to the requirements set forth below and such additional conditions and limitations as may be imposed by the Planning Board.

Nothing in this section shall prohibit a public school building, declared to be no longer required for public purposes, from being razed.

11.2 Purpose

The purpose of this section is to encourage the most appropriate conversion and reuse of each public school building and to maintain consistency of treatment of each application.

11.3 Permitted Uses

Multiple family residences only shall be permitted as shown, Table I: Dimensional Regulations, line 4.2.8.

11.4 Application Requirements

11.4.1 Procedure

An application for Special Permit (SP) for such conversion shall be made and processed in accordance with the provisions of Section 7.5.2.1 in so far as applicable to conversion of existing buildings.

11.4.1.1 Site Plan

In addition to those items required for plan submission for site plan approval, the following shall also be required to be shown on the plan: proposed renovation/rehabilitation plan for interior and exterior of buildings, including facade treatments and elevations, proposed site improvements, existing and proposed buildings and their proposed uses and proposed densities.

11.4.2 Planning Board Signature Block

A block shall also be placed on each page of the plan for the Planning Board signature of approval. This block shall be titled – Special Permit/School Building Reuse.î

11.4.3 Schedules

The applicant shall also provide a financial and development schedule which includes estimated costs of rehabilitation and site development and a time schedule for completion of various phases of the project.

11.5 Special Permit Procedure

11.5.1 Schedule and Procedure

Within sixty-five days of the receipt of an application for a Special Permit for School Building Reuse by the Inspector of Buildings, the Planning Board shall hold a public hearing on the proposal. Within ninety days of said hearing, the Planning Board shall take final action on the proposal. A written report of the Planning Board's action shall be forwarded to the Inspector of Buildings, Selectmen, Town Clerk and applicant within fourteen days of their action.

11.5.2 Special Permit Expiration

A Special Permit for School Building Reuse shall lapse if substantial use thereof or reconstruction has not begun within one year of the Special Permit approval (exclusive of time required to pursue or await the determination of an appeal referred to in MGL C 40A S 17, from the grant thereof).

11.5.3 Extension of Review Period

Upon mutual agreement between the Planning Board and the applicant, the deadline outlined in Section 11.5.2 may be extended up to two years from the date of the original permit.

11.5.4 Revocation of Permit

Failure to comply with the standards of this section and/or the conditions established by the Planning Board shall result in the revocation of the Special Permit.

11.6 Performance Standards

11.6.1 Land Use

The proposed land use shall be compatible with land use in the surrounding area.

11.6.2 Parking and Other Facilities

Parking, loading and service areas shall be limited to rear yards where possible; where such areas are not possible, they may be located in side or front yards if sufficient landscape barriers are provided.

11.6.3 Additional Structures

No additional principal structures shall be permitted unless determined by the Planning Board to be essential to the overall plan and economic viability of the proposal, provided, however, that any additional principal structure so permitted shall not be used for dwelling purposes. Accessory buildings shall be suitably screened from adjacent properties, shall be of an architecture consistent with that of the principal building and shall be sited to be unobtrusive to the siting and layout of the principal structure and development plan.

11.6.4 Access to Public Way

Access shall be provided which minimizes traffic hazards.

11.6.5 Open Space

The general requirements of Section 10.3.7 shall apply to Common Open Space.

11.6.6 Exterior Lighting

Exterior lighting fixtures shall be arranged so that they neither unreasonably distract occupants of nearby properties nor interfere with traffic on any public way. They shall be placed or hooded so as to prevent direct light from shining onto any adjacent street or property.

11.6.7 Mixed Use

Mixed unit sizes shall be encouraged. There shall be provided an average floor space of 1500 square feet or greater per unit.

11.6.8 Parking Requirements

At least two parking spaces shall be provided per dwelling unit. No space shall be considered available which reduces the effective width of the driveway. Impervious surface material shall be kept to a minimum.

12. RESIDENTIAL DEVELOPMENT RATE LIMITATION

12.1 Applicability

This section applies to the issuance of building permits for new dwelling units that are located in one of the following:

(a) Subdivisions consisting of ten (10) or more dwelling units for which the Certificate of Action was filed with Town Clerk on or after May 1, 1989;

(b) Cluster Developments for which the detailed Record of Proceedings was filed with Town Clerk on or after May 1, 1989;

(c) Planned Residential Developments for which the Detailed Record of Proceedings was filed with Town Clerk on or after May 1, 1989.

For purposes of this section, new dwelling units located in contiguous Subdivisions or contiguous Cluster Developments or contiguous Planned Residential Developments, or any combination of them, owned in common ownership at any time on or after May 1, 1989, shall be considered new dwelling units located within a common development.

12.2 Building Permit Limitations

If the issuance of a building permit for a new dwelling unit pursuant to Section 12.1 will result in one hundred (100) or more building permits for new dwelling units, having been issued town-wide within the previous twenty-four (24) month period, such building permits pursuant to Section 12.1 shall only be issued in accordance with the following:

In a Subdivision, Cluster Development or Planned Residential Development, ten (10) lots or dwelling units or forty percent (40%) of the total number of lots or dwelling units approved for the development, whichever is greater, may be built in the first twenty-four (24) month period;

Each year thereafter, twenty percent (20%) of the total number of lots or dwelling units approved for the development may be built;

The developer is allowed to accumulate lots or dwelling units and is not required to build within the year that the lot or dwelling unit becomes eligible to be built.

13. AQUIFER PROTECTION DISTRICTS

13.1 Purpose

The purpose of the Aquifer Protection Districts is to protect the public health by preventing contamination of the ground and surface water resources providing public water supply. For the purpose of 310 CMR 40.000, areas designated as Zone I, Zone II, and Zone III are classified as –Current or Potential Drinking Water Source Areas.î

13.2 Definitions pertaining to Aquifer Protection Districts

A. Aquifer: Geologic formation composed of sand and gravel, or of rock, that contains significant amounts of potentially recoverable water.

B. Groundwater: All water found beneath the surface of the ground.

C. Special Permit Granting Authority: The special permitting granting authority shall be the Selectmen.

D. Zone I: The protective radius required around a public water supply well or wellfield, as defined in 310 CMR 22.02.

E. Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.02. For the purpose of this bylaw, the Zone I area is incorporated into Zone II.

F. Zone III: The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.02.

Zone IIIA is the land area beyond Zone II from which groundwater drains directly into Zone II, such as areas of glacial till and bedrock adjacent to Zone II.

Zone IIIB is the area beyond Zone II which drains into Zone II by surface water fiow, such as the drainage basin of rivers that run near a well.

13.3 Establishment of Districts

13.3.1 Overlay Districts

The Aquifer Protection Districts are herein described as overlay districts. The Aquifer Protection Districts are delineated on a map entitled "Hydrogeologic Zones for Bedford Water Supply Wells." The Aquifer Protection Districts Map is hereby made a part of this Zoning Bylaw and is on file in the office of the Town Clerk.

13.3.2 District Boundary Disputes

Where the bounds of the Aquifer Protection Districts are in dispute, as delineated on the Aquifer Protection Districts Map, the burden of proof shall be upon the owners of the land in question to show where the district boundary line should be located. Resolution of boundary disputes shall be through a Special Permit application to the Selectmen. Any application for a special permit for the purpose of resolving boundary disputes shall be accompanied by documentation prepared by a person who meets the following requirements:

1. Is experienced in delineating hydrogeologic zones in Massachusetts, and
2. Has one of the hydrogeologic credentials listed in Table IV.

Table IV Hydrogeologic Credentials

Title	Conferring Entity
Registered Professional Hydrogeologist, or Registered Professional Hydrologist – Ground Water	American Institute of Hydrology
Certified Professional Geologic Scientist	American Institute of Professional Geological Scientists

Registered Professional Engineer-Sanitary, Civil or Environmental	Commonwealth of Massachusetts
Certified Ground Water Professional	Association of Ground Water Scientists and Engineers

An exception to the above requirement is that a Registered Land Surveyor may make a determination of the outermost boundary of Zone III, by defining the boundary of the watershed in which the Town wells are located.

The determination of the location and extent of Zone II shall be in conformance with the criteria set forth in 310 CMR 22.00 and in the Department of Environmental Protection's "Guidelines and Policies for Public Water Systems" (most recent edition). The applicant shall provide all information and procedures used in preparing the Zone II delineation as part of the application.

The Selectmen shall not grant a Special Permit under this Subsection unless the applicant demonstrates that the provisions governing the Aquifer Protection District(s), under this Section, may be waived without detrimental effect to groundwater quality.

13.4 Use Regulations

13.4.1 Permitted and Prohibited Uses

Within an Aquifer Protection District the requirements of the underlying districts continue to apply except as modified in the table below. In Table V, uses which are prohibited are indicated with an "N", uses which require a Special Permit are indicated with an "SP", and uses which are permitted in an Aquifer Protection District are indicated with a "Y".

Table V: Aquifier Protection Districts Use Regulations

		Type of Use	Zone	
			II & IIIA	**IIIB**
1		Landfills and open dumps, as defined in 310 CMR 19.006;	N	N
2		Landfilling of sludge and septage, as defined in 310 CMR 32.05;	N	N
3		Automobile graveyards and junkyards, as defined in M.G.L. c. 140B s. 1;	N	N
4		Stockpiling and disposal of snow or ice removed from highways and streets located outside of Zones II and III that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal;	N	Y
5		Individual sewage disposal systems;	N	Y
6		Privately owned treatment or disposal works for nonsanitary wastewaters that are subject to 314 CMR 5.00, except the following:	N	N
	a	the replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);	Y	Y
	b	treatment works approved by the Massachusetts Department of Environmental Protection, and the Bedford Department of Public Works, for the treatment of contaminated ground or surface waters;	Y	Y
7		Facilities that treat, dispose of, generate or store hazardous waste that are subject to M.G.L. Ch 21C and 310 CMR 30.00, except for the following:	SP	SP
	a	very small quantity hazardous waste generators, as defined by 310 CMR 30.00;	Y	Y

	b	small quantity hazardous waste generators, as defined by 310 CMR 30.00;	SP	Y
	c	household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;	N	Y
	d	waste oil retention facilities required by M.G.L. Ch 21, —52A; and	Y	Y
	e	treatment works approved by the Massachusetts Department of Environmental Protection, and the Bedford Department of Public Works, designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.	Y	Y
8		Outdoor storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads except where covered to prevent the generation and escape of contaminated runoff or leachate.	N	N
9		Storage, use, or production of liquid or solid hazardous materials as defined in M.G.L. Ch 21E, as amended, unless within a building, or other structure, which by design* will contain any release, or storage which is within an aboveground double walled container capable of containing 110% of the primary container's contents and with additional precautionary measures to protect from vandalism, corrosion, or other environmental factors and whose piping and/or other related equipment includes similar safeguards.	N	N
10		Storage of liquid petroleum products of any kind, execpt the following:	SP	SP
	a	approved portable containers related to normal building and property use;		
	b	emergency electrical generators required by statute, rule or regulation;		
	c	treatment works approved by the Massachusetts Department of Environmental Protection and the Bedford Department of Public Works designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters;		
	d	packaged consumer goods;		
	e	building heating; and		
	f	waste oil retention facilities required by M.G.L. Ch 21, —52A.		
		provided that such storage listed in items b, c, e and f are within a building, or other structure, which by design* will contain any release, or storage which is within an aboveground double walled container capable of containing 110% of the primary container's and with additional precautionary measures to protect from vandalism, corrosion, or other environmental factors and whose piping and/or other related equipment includes similar safeguards.		
11		Storage of sludge and septage as defined in 310 CMR 32.05, except for storage and treatment of Bedford municipal water treatment sludge;	N	N

* The Town of Bedford may require documentation to be submitted by the owner/operator with regards to the integrity of such design.

12		Outdoor storage of commercial fertilizers and soil conditioners, as defined in M.G.L. Ch 128, —64, except where covered to prevent the generation and escape of contaminated runoff or leachate;	N	N
13		Storage of animal manure, except for quantities incidental to household garden use. Storage must be covered and contained in accordance with the specifications of the United States Soil Conservation Service:		
	a	generated on-site;	SP	Y
	b	generated off-site.	N	N
14		The removal of soil, loam, sand, gravel, or any other mineral substances within four (4) feet of the historical high groundwater table elevation. Excavations for the construction of building foundations, the installation of utility works, and the dredging or maintenance of water bodies and drainage systems are permitted without Special Permit.	SP	SP

13.5 <u>Special Permit Procedures</u>

Special Permits required under this section 13 shall be in addition to, and separate from, any other Special Permit required under any section of this Zoning Bylaw or any other law or regulation. Special Permits required under this Section 13 shall be issued in accordance with Section 14.6 of the Zoning Bylaw, and in accordance with the additional requirements specified below:

13.5.1 Special Permit Requirements

A Special Permit shall only be granted if the Selectmen determines that the intent of this bylaw as well as its specific criteria are fully met.

13.5.2 Application Requirements

Requests for a Special Permit shall be made in writing and clearly state the provision or requirement from which the Special Permit is sought. The following application requirements are the minimum criteria for submitting a complete application:

1. Seven (7) copies of the application for Special Permit shall be filed by the applicant with the Town Clerk.
2. A site plan, prepared by a professional engineer or land surveyor, showing existing and proposed structures and facilities. Minimum requirements for information included on the site plan are outlined in Section 7.5.
3. A description of the proposed work plan including a construction schedule.
4. A description of measures that will be taken to ensure that the quantity and quality of on-site groundwater recharge will not be significantly diminished by the proposed usage;
5. A description of all chemicals, pesticides, fuels, or other potentially toxic or hazardous materials to be used, generated, or stored on the site; together with a description of precautionary measures that will be taken to protect from vandalism, corrosion, leakage, or other adverse environmental effects;
6. Identify any public or private wells and surface water, and the distance between proposed activities or uses.

13.5.3 Inter-Agency Review

Upon receipt of the application, the Town Clerk shall certify copies as to the date of receipt, and shall immediately transmit copies to the Selectmen, Conservation Commission, Board of Health, Department of Public Works, Fire Department, and Planning Board. Any such reviewing party to which special permit applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the Selectmen. Failure of these reviewing parties to make recommendations within thirty-five (35) days after having received copies of all such required materials shall be deemed a lack of opposition thereto.

13.5.4 Public Hearings

The Selectmen shall hold a public hearing in accordance with the provisions of M.G.L. Ch 40A, —9, as amended, within sixty-five (65) days after the application is declared complete. Notice of the public hearing shall be given in accordance with the provisions of M.G.L. Ch 40A, —11, as amended.

13.5.5 Decision Process

The Selectmen's decision shall consider the accuracy of the information provided in the application, the reliability of the proposed control measures, and the recommendations of the other review boards, and shall issue its decision thirty (30) days following the close of the public hearing unless said period is extended in accordance with MGL c.40A. During the deliberations of the Selectmen, additional information may be sought from a reviewing party to clarify its response. The Selectmen may grant a Special Permit only if it finds that the proposed use:

a. Is in harmony with the purpose and intent of this Bylaw; and

b. It will not be detrimental or injurious to the District.

In making such determination, the Selectmen shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.

13.5.6 Posting

The Special Permit or a clear and concise summary of the Special Permit shall be posted in a conspicuous location at or near the operation, facility, or system requiring said Special Permit.

13.6 <u>Design and Operation Guidelines</u>

At a minimum, the following design and operations guidelines shall be observed within all Aquifer Protection Districts.

13.6.1 Safeguards

Provision shall be made to protect against toxic or hazardous materials discharge or loss through measures such as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas, and indoor storage for hazardous, corrosive, or soluble materials.

13.6.2 Locations

Where the premises are partially outside of the Aquifer Protection District, potential pollution sources shall, to the extent feasible, be located outside the District.

13.6.3 Erosion Control

Any operation that might result in increased erosion or sedimentation shall be safeguarded by appropriate erosion control measures such as filter-fabric. Such measures shall be put into place before the beginning of the operation, and shall remain in place until all danger of erosion or sedimentation is passed.

13.6.4 Recharge

Precipitation falling within the Conceptual Zone II/IIIA shall be directed to the groundwater whenever possible. Infiltration basins, drywells, or other systems such as pervious vegetated swales shall be used on lots wherever practicable to increase the quantity of runoff recharged to the groundwater. However, no recharge shall be allowed in the immediate vicinity of the wellfield.

13.7 <u>Severability</u>

A determination that any portion or provision to this Section 13 is invalid shall not render any other portion or provision hereof invalid.

14. ADMINISTRATION AND ENFORCEMENT

14.1 Enforcement

14.1.1 Enforcement Officer

The Inspector of Buildings of the Town of Bedford is hereby designated as the Officer charged with the enforcement of this Bylaw.

14.1.2 Enforcement Action

The Inspector of Buildings, upon a written complaint of any citizen of or owner of property within the Town, or upon such Officer's own initiative, shall institute any appropriate action or proceedings in the name of the Town of Bedford to prevent, correct, restrain or abate violation of this Bylaw. If the Inspector of Buildings is requested in writing to enforce the Bylaw and such Inspector declines to act, he shall notify in writing the party requesting such enforcement of any action or refusal to act and the reasons therefor within 14 days of receipt of such request.

14.1.3 Criminal Complaint

A person who violates any provision of this Bylaw shall be punished by a fine of not more than $300.00. Each day such violation continues shall constitute a separate offense.

14.1.4 Non-Criminal Disposition

In addition to the procedure for enforcement as described above, the provisions of this Bylaw may also be enforced by non-criminal disposition, as provided in MGL Ch 40, —21D. The penalty for such violation shall be $25.00 for the first offense, $50.00 for the second offense, $100.00 for the third offense, and $200.00 for the fourth and each subsequent offense.

14.2 Building Permit

No structure or part thereof shall be constructed, altered or moved without a permit from the Inspector of Buildings. The Inspector of Buildings shall not grant such permit if such construction, alteration or movement would be in violation of any of the provisions of this Bylaw, nor shall any officer of the Town of Bedford grant any permit or license for the use of any land or structure if such new use would be in violation of this By-Law.

14.3 Certificate of Occupancy

No use or occupation of land for any purpose for which a certificate of occupancy is required shall be made, in whole or in part, until such a certificate has been issued by the Inspector of Buildings stating that the use of the land and structure, if any, complies with this By- Law in effect at the time of issuance.

14.4 Board of Appeals

14.4.1 Designation

The Town of Bedford Board of Appeals heretofore established by the Town of Bedford pursuant to the provisions of MGL Ch 40, —30, MGL Ch 40A, —14 as then in effect and MGL Ch 41, —81Z, is hereby designated as the Zoning Board of Appeals required by MGL Ch 40A, —12 as in effect on the date of adoption of this Bylaw.

14.4.2 Jursidiction

The Board shall act on all matters over which it has jurisdiction and in the manner prescribed by the following provisions as the same may from time to time be amended:

1) The provisions of this Bylaw;
2) MGL Ch 40A;
3) MGL 41, — —81Y through 81BB;
4) Any other applicable provisions of the General Laws or this Bylaw.

14.4.3 Appeal

Without limiting the generality of Subsection 14.4.1, an appeal may be taken to the Board by any person, including an officer or board of the Town of Bedford aggrieved by reason of inability to obtain a permit or enforcement action from any administrative officer of the Town of Bedford, under MGL Ch 40A or this Bylaw, or by reason of an order or decision of the Inspector of Buildings or other administrative officer of the Town of Bedford in violation of any provision of MGL Ch 40A or any Bylaw of the Town of Bedford adopted thereunder.

14.5 Rules and Regulations

The Board and the Planning Board shall adopt rules, not inconsistent with the provisions of this Bylaw and MGL Ch 40A, or other applicable provision of the General Laws and shall file a copy of said rules with the Town Clerk.

14.6 Special Permit

14.6.1 Process

Certain uses are designated in this Bylaw as requiring a Special Permit. The Board and the Planning Board may, in accordance with MGL Ch 40A, grant such Special Permits for such designated uses without any finding of hardship. A Special Permit is a permit to use property for the purpose specified and shall not reverse, alter or vary any provision of this Bylaw applicable thereto. Application for a Special Permit must be made by the owner of the property noted in the permit or with the owner's written permission. Special Permits may be issued only following public hearings held within 65 days after filing an application. The applicant for a Special Permit by the Planning Board shall provide, as part of his application, a certified list of abutters, owners of land directly opposite on any public or private street or way and abutters to the abutters within three hundred feet of the property line of the petitioner as they appear on the most recently applicable tax list, notwithstanding that the land of such owner is located in another city or town. The applicant shall also assume all costs of advertising for the public hearing, including both the newspaper advertisement and mailing costs. An initial fee shall accompany the application. If engineering costs are incurred, the applicant shall pay those costs. Neither the Board nor the Planning Board shall issue a Special Permit unless, without exception, it shall find that the proposed use is in harmony with the purpose and intent of this Bylaw and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

14.6.2 Additional Conditions

Either such Board shall also make such further findings as may be required by this Bylaw and may impose such additional conditions, safeguards and limitations as it deems appropriate to protect the surrounding neighborhood, including, but not limited to, imposition of requirements greater than the minima set forth in this Bylaw. A Special Permit shall lapse if a substantial use thereof has not commenced (except for good cause), or, in the case of a permit for construction, if construction has not commenced (except for good cause) within two years from the date of grant thereof.

14.7 Variance

A variance from the specific requirements of this Bylaw, except a variance authorizing a use or activity not otherwise permitted in a particular zoning district, may be authorized by the Board only where, after notice and a public hearing, the Board specifically finds that, owing to circumstances relating to the soil conditions, shape or topography of land or structures, and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this Bylaw would involve substantial hardship, financial or otherwise, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Bylaw. The Board may impose such conditions, safeguards and limitations, both of time and of use, as it deems appropriate upon the grant of any variance. Any rights authorized by a variance which are not exercised within one year from the date of grant of such variance shall lapse and may be re-established only after notice and a new hearing pursuant to this Subsection.

14.8 Town Meeting Approval

14.8.1 Circumstances Not Requiring Town Meeting Approval

Certain uses are designated in this Bylaw as requiring Town Meeting approval and subsequent application to the Board for a

Special Permit. Town Meeting approval shall be deemed to have been granted for the use of land for a hotel/motel/restaurant facility, provided such land was zoned Industrial C District prior to January 1, 1979, or for the use of land as a Nursing Care Facility, provided such land was zoned Nursing Care District prior to January 1, 1979 and provided further that such use of such land complies with the use regulations in effect prior to January 1, 1979. In all other cases, an application in such form and containing such information as the Planning Board may require in order to evaluate the overall suitability of the proposed use in light of the purposes of this Bylaw shall be submitted to the Planning Board. The Planning Board shall consider such application and shall submit to the Town Meeting its evaluation and recommendations regarding the application. At such Town Meeting, approval of the application shall be by a two-thirds vote of those present and voting. A copy of the complete application, as approved by the Town Meeting, including any modifications or additional restrictions or requirements, shall be filed with the Town Clerk.

14.8.2 Special Permit Requirements

After approval by the Town Meeting, including such cases where Town Meeting approval has been deemed to have been granted, an application shall be submitted to the Board for a Special Permit in accordance with all the procedures for approval set forth in this Bylaw. A Special Permit shall be issued only if the Board shall find that the plans submitted to it conform substantially to the terms of the approval granted by the Town Meeting and provided further that such permit shall be issued in conformance with the provisions of this Bylaw. The Board may, in its discretion, permit minor deviations from the application as approved by the Town Meeting so long as it finds that such deviations are not substantially inconsistent with the Town Meeting approval.

14.9 Bylaw Construction

This Bylaw shall not interfere with or annul any other Town Bylaw, rule or regulation which is more restrictive, except that where this Bylaw is more restrictive, it shall control.

14.10 Validity and Separability

The invalidity of one or more sections, subsections, sentences, clauses or provisions of this Bylaw shall not invalidate or impair the Bylaw as a whole or any other part thereof.

15. INDUSTRIAL MIXED USE

15.1 Purpose

Industrial Mixed Use allows by Special Permit from the Planning Board an alternative pattern of land development to the pattern normally permitted in the underlying District. It is intended to create mixed commercial, residential, and open space areas where the visual and physical dominance of the automobile is made secondary to pedestrian needs; to encourage pedestrian activity by creating a pleasant, rich and diverse experience for pedestrians; to reduce traffic congestion and air pollution by providing opportunities for retail services, housing and employment in close proximity; and to encourage the sharing of parking lots and driveway curb cuts, minimizing the amount of paved parking surface area, and reducing traffic congestion.

15.2 Authority

The Planning Board shall be the Special Permit Granting Authority for Industrial Mixed Use developments. The Planning Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved design of the development. This authority continues subsequent to occupancy.

15.3 Permitted Uses

The following types of uses (and non other) shall be permitted in Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

15.3.1 Business and Professional Office

15.3.2 Research Facility

15.3.3 Multifamily Dwellings

No less than 25 percent of the total number of units shall be affordable to households at or below 80 percent of the median household income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The affordable units must be subject to Use Restrictions to ensure that the units remain available in perpetuity, exclusively to persons with qualifying incomes. The units must be sold or rented on a fair and open basis and the owners of the units must adopt an affirmative fair marketing plan. The minimum area for any of the residential units within the Mixed Use Overlay District shall be no less that 550 square feet and the maximum area shall not exceed 1000 square feet. The average size shall be 750 square feet (plus or minus 25 square feet). Residential Units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count towards the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

15.3.4 Retail Store not exceeding 2000 square feet of sales floor area

15.3.5 Personal Service Shop

15.3.6 Restaurant

15.3.7 Child Care Facility

15.3.8 Bank

15.3.9 Private Recreation

15.3.10 Municipal Use

15.3.11 Underground and Above Ground Utilities

15.3.12 Parking Facility

Paragraph 7.3.2.2 of this bylaw applies with respect to the Planning Board's consideration of the grant of a Special Permit for the Mixed Use Overlay development.

15.4 Density

15.4.1 Floor Area Ratio

The following uses shall be permitted a maximum combined floor area ratio (FAR) of 25 percent. A minimum of 5% FAR shall be provided for these uses. Any of the allowable floor area not provided for these uses may be

added to the Multifamily Dwellings FAR.

15.4.1.1 Business and Professional Office

15.4.1.2 Research Facility

15.4.2 Multifamily Dwellings

Multifamily Dwellings shall have a maximum FAR of 15 percent exclusive of the allocation of additional area allowed under 15.4.1.

15.4.3 Maximum Combined FAR Ratio

The following uses shall have a maximum combined FAR of 10 percent.

.1 Retail Store not exceeding 2000 square feet of sales floor area

.2 Personal Service Shop

.3 Restaurant

.4 Child Care Facility

.5 Bank

.6 Private Recreation

.7 Municipal Use

15.5 <u>Dimensional Requirements</u>

The dimensional requirements below shall apply.

15.5.1 Minimum contiguous area of the Industrial Mixed Use development

Minimum contiguous area of the Industrial Mixed Use development shall be 4 acres (Paragraph 6.2.2 applies.). The site of any new principal structure shall be completely within an ellipse which ellipse shall:

1. Be completely within the lot;
2. Have an area of at least 3 acres.
3. Have a minor diameter of at least 200 feet.
4. The ratio of the minor diameter to the major diameter shall be no greater than 5.

15.5.2 Minimum Lot Frontage

Minimum lot frontage shall be 200 feet.

15.5.3 Minimum Lot Width

Minimum lot width shall be 200 feet.

15.5.4 Maximum Front Yard

The maximum front yard shall be 20 feet and there is no minimum front yard.

15.5.5 Minimum Rear Yard

Minimum rear yard shall be 15 feet and there is no minimum side yard. There shall also be at least 15 feet separation between any two structures in the development and the areas behind and between all structures shall be clear and accessible to the Town's fire suppression vehicles.

15.5.6 Maximum Height

Maximum height shall be 42 feet.

15.5.7 Maximum Lot Coverage

Maximum lot coverage shall be 35 percent.

15.5.8 Minimum Landscaping

Minimum landscaping shall be 25 percent, and shall meet the requirements of Section 6.2.12 of these bylaws.

15.5.9 Maximum Floor Area

Maximum floor area ratio shall be 50 percent.

15.6 Parking and Curb Cut

Parking and Curb Cut Requirements Parking and circulation requirements shall be in accordance with Section 7.4 of this Bylaw except as described below.

15.6.1 Mixed Use Developments

In all Mixed Use developments adequate off-street parking shall be provided. The Planning Board and the applicant shall have as a goal for the purposes of defining adequate off-street parking, making the most efficient use of the parking facilities to be provided and minimizing the area of land to be paved for this purpose. In implementing this goal the Board shall consider complementary or shared use of parking areas by

activities having different peak demand times, and the applicant shall locate adjacent uses in such a manner as will facilitate the complementary use of such parking areas. Implementation of such complementary use of parking areas may result in permitted reductions in the parking requirements.

15.6.2 Parking Locations

Parking may be provided at ground level, underground or in a parking garage. Parking garages can be free standing or as part of buildings dedicated to other permitted uses. Parking spaces must be assigned to specific uses (including shared uses) at the time of the submission of the Final Plan.

15.6.3 Parking at Buildings

Parking shall be primarily located at the rear or at the side of buildings.

15.6.4 Curb Cuts

There shall be only one curb cut providing access to the development from any public way. A development having frontage on two of more streets may be permitted additional curb cuts if deemed necessary by the Planning Board. Whenever possible there shall be shared curb cuts with adjacent developments.

15.6.5 Parking Spaces for Each Dwelling Unit

There shall be 1.5 parking spaces for each dwelling unit.

15.6.6 Granting of Relief from Parking Regulations

Section 7.4.3 concerning the granting of relief from parking regulations by the Zoning Board of Appeals shall not apply. See paragraph 15, 2.

15.7 <u>Application</u>

Any person who desires a Special Permit for a Mixed Use development shall submit 14 copies of the application in such form as the Planning Board may require which shall include the following:

15.7.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the tract, a list of the development team and a written statement describing the major aspects of the proposed development.

15.7.2 Development Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 7.5.
(b) Site perspective, sections, elevations 1/8 inch = 1 foot.
(c) Detailed plans for disposal of sanitary sewage and surface drainage; and
(a) Detailed plans for landscaping.

15.7.3 Additional information as the Board may determine.

15.8 <u>Planning Board Findings</u>

A special permit shall be issued under this Section if the Planning Board finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the

Industrial District in which the development is located.

15.9 <u>Amendments</u>

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended special permit application.

16. Section 16.0 Multiple Dwelling on a Lot

16.1 Purpose

The Residence D district expands on the uses allowed in the Residence C district and is intended to allow an alternate form of development to conventional subdivision by allowing multiple units on a single lot, attached or detached units and a density somewhat greater than other residential districts in town in exchange for a commitment to increased vegetative buffers, maintenance (or improvement) of streetscapes on existing roadways and documented public benefits. The Residence D district is also intended to serve as a transition zone between other residential areas and non-residential areas, such as industrial/office parks or village centers, and shall be established only in locations adjacent to non-residential zones.

16.2 Applicability

The Residence D district shall only be applied to any parcel(s) of land following a two-thirds vote of Town Meeting, to land situated adjacent to zoning district boundary between residential and non-residential zones. For example, land zoned Residential adjacent to an Industrial zone, or non-residentially zoned land adjacent to an existing Residential zone could be rezoned to Residence D; however, residentially zoned land solely adjacent to another residentially zoned parcel could not be rezoned to Residence D, nor could land zoned Commercial adjacent to other non-residentially zoned land.

A property owner desiring to rezone land to Residential D shall first present a concept plan to the Planning Board for review. Following initial Planning Board review, the revised concept plan and a draft Development Agreement outlining the details of the proposed plan, including public benefits, shall be submitted to the Selectmen prior to a vote on the rezoning request by Town Meeting.

16.3 Authority

The Planning Board shall be the Special Permit Granting Authority for all uses requiring a Special Permit in the Residence D district as noted on Table I: Use Regulations. The Planning Board shall have the authority to approve a project within the Residence D district upon grant of a Special Permit in accordance with Section 14.6 and further upon a finding that the intent of this section 16 has been met. The Planning Board may vary the dimensional and parking requirements of this section, or as noted in Table 2: Dimensional Requirements, if, in its opinion, such change will result in a desirable design of the development. This authority continues subsequent to occupancy.

16.4 Permitted Uses

Uses shall be permitted as indicated in Table I: Use Regulations as indicated in column Residence D.

16.5 Application

For any use requiring a Special Permit, the applicant shall submit 14 copies of the application in such form as the Planning Board may require.

16.5.1 Development Statement

A development statement shall consist of a petition, a list of the parties in interest with respect to the land, a list of the development team and a written statement describing the major aspects of the proposed development.

16.5.2 Development Plans.

A minimum of six (6) large format plan sets and seven (7) reduced size plan sets shall be submitted; reduced size plans may be 11 x 17 inch. Plans shall bear the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site plans and specifications showing all

site improvements and meeting the requirements set forth for a Site Plan under section 7.5.

(b) Site perspective, sections, elevations at a scale of 1/8 inch = 1 foot.

(c) Detailed plans for disposal of sanitary sewage and surface drainage; and

(d) Detailed plans for landscaping.

16.5.3 Additional information

as the Board may determine necessary to evaluation the proposal.

16.6 <u>Design</u> <u>Standards</u> <u>and</u> <u>Planning</u> <u>Board</u> <u>Findings</u>

A special permit shall be issued under this Section if the Planning Board finds that the development is in harmony with the purpose and intent of this Section and that the proposal satisfies a significant majority of the following criteria.

16.6.1 A public benefit

such as dedication of valued open space, active or passive recreational facilities, convenience amenities, or affordable housing in excess of the minimum requirement.

16.6.2 Open Spaces or Recreational facilities

Are owned in accordance with Section 9.2.8.2

16.6.3 Sidewalks and pedestrian trail connections

Are made within the site, as well as on existing ways where none exist, in an effort to enhance pedestrian access to buildings and between sites.

16.6.4 Curb cuts

shall be limited to the extent feasible while maintaining appropriate emergency vehicle access. The Board may require provisions for off-site pedestrian and vehicular access to adjacent land in order to facilitate pedestrian access and to minimize curb cuts.

16.6.5 Curb cuts Project design

Maximizes the opportunities for walking and bicycling.

16.6.6 In the event that the project

Is located on a scenic roadway or road otherwise preserving a more rural character, project structures should be located at a distance set back from the frontage so as not to disrupt the existing streetscape. This provision shall not apply where limited retail restaurant or personal service shops are proposed and would be more appropriately sited close to the street.

16.6.7 Project density and design

is appropriate for the neighborhood in which it is proposed, serving as a street-side transition between more and less intense uses, and integrating the physical design and interaction of activity in the area.

16.6.8 Project incorporates

best practices in energy efficient design, environmental protection, stormwater management, LEED (Leadership in Energy and Environmental Design) criteria and low impact development (LID) techniques wherever practicable.

16.6.9 Existing mature vegetation is

retained wherever possible, including winding of sidewalks and creative siting of structures.

16.6.10 Landscape materials used as buffers

are native, non-invasive, hardy for New England weather conditions and disease resistant.

16.6.11 A mix of trees, shrubs, and

Perennial or annual flower beds are integrated as appropriate to the proposed use of the site.

16.7 Retail, Restaurant, Personal Service Shops, Offices

In the event that non-residential uses are proposed, it is the intent of this section that the uses be appropriate in character and scale for the neighborhood in which the property is located. Such non-residential uses are intended to serve a local rather than regional population. Non-residential uses are appropriately located near the street frontage and in some instances internal to the residential development. Generally, street side non-residential uses shall not contain residential uses on the first floor. Retail, personal service or restaurant structures may include second floor offices. Design of non-residential structures shall reflect a traditional New England scale with a maximum of 2 ½ stories and reflecting a pedestrian oriented Village character.

16.8 Parking

Parking shall be provided in accordance with Section 7.4 except that two (2) spaces shall be provided for each residential unit, and bicycle parking shall be provided in close proximity to multi-unit structures unless individual garages are provided. Bicycle racks shall be provided at all structured common areas such as parks, playgrounds and/or club houses. The planning board shall have the authority to waive parking requirements to allow a lower or higher number of spaces as it deems appropriate to support the type of residential use(s) and/or the incorporation of publicly accessible cultural or recreational amenities. Parking structures shall not be visible from the street and surface parking lots shall be appropriately landscaped to accommodate to promote pedestrian flow within and between developed sites.

16.9 Affordable Housing

It is the intent of this bylaw to increase the range of housing options for people of different income levels and at different life stages. Therefore projects that provide a mix of housing types or that provide housing styles distinct from conventional single-family detached homes are desirable in this district. All residential proposals made in the Residence D zone shall allocate a minimum of 15% of the total number of dwelling units as housing that is affordable to households earning 80% or less of median income for the Boston Metropolitan Area as determined by the most recent calculation of the U.S. Department of Housing and Urban Development. The affordable units must be subject to restrictions sufficient to maintain perpetual affordability exclusively to persons with qualifying incomes and to qualify the units as affordable under the Local Initiative Project Unit Application criteria of the Massachusetts Department of Housing and Community Development (DHCD), or successor agency. The applicant shall be responsible for preparing the marketing plan and obtaining DHCD approval of the affordable units such that they are included in the Town's inventory of affordable housing.

16.10 Amendments

After approval, the applicant or property owner may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of a request for amendment to the Special permit.

17. North Road Mixed Use Overlay District

17.1 Purpose

North Road Mixed Use allows by Special Permit an alternative pattern of land development to the pattern normally permitted in the underlying District. It is intended to encourage revitalization; to improve design by providing greater flexibility while remaining sensitive to environmental impacts and surrounding Historic District, and consistent with the design principles herein and with any design guidelines the Planning Board may adopt; to promote village style redevelopment with a mix of retail, restaurants, offices, and multi-family housing; to improve the balance among land uses; to enhance the North Road's unique identity and development potential as a focal point for bicycle- and pedestrian-related uses; to reduce auto dependency, roadway congestion, and air pollution by locating multiple destinations and trip purposes in close proximity; and to promote a greater sense of community.

17.2 Authority

The Planning Board ("the Board") shall be the Special Permit Granting Authority for North Road Mixed Use Overlay developments. The Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved design. This authority continues subsequent to occupancy.

17.3 Special Permit Goals

In approving or negotiating the Special Permit, the Board shall consider, among other factors, the degree to which a proposal achieves the following goals:

- Increases the range of housing options for people of different income levels and different life stages;
- Enhances pedestrian access to buildings and between sites and promotes site features and layouts conducive to walking and bicycling;
- Promotes integrated physical design and interaction among activities;
- Encourages compatibility with the historic nature of the surrounding Bedford Historic District and the character of the Town;
- Includes best practice provisions for energy and environmental design for structures and orientation and low impact development (LID) practices for stormwater management; and
- Includes a balance of land uses.

17.4 Uses Allowed By Special Permit

The following types of uses (and none other) shall be permitted in North Road Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

Business and Professional Office
Research Facility
Residential
    Single family
    Two family
    Multi-family
Retail store not exceeding 2,000 square feet of sales floor area
Hotel or Motel
Housing for the Elderly
Personal Service Shop
Lodge & Club
Restaurant
Child Care Facility
Bank
Private Recreation
Municipal Use

Underground and Above Ground Utilities
Parking Facility

Notwithstanding the range of uses allowed above, the following sub-categories are not permitted in developments approved under the Special Permit process for the Depot Area Mixed Use Overlay District:

- Drive-through establishments;
- Storage trailers and outdoor storage of goods associated with a commercial use; and
- Adult Entertainment Establishment including Adult Bookstore, Adult Cabaret, Adult Motion Picture Theater, Adult Paraphernalia Store, or Adult Video Store, being any such establishment having a substantial or significant portion of its stock in trade, books, magazines, videos, motion picture films, objects, devices or other audio/visual media, which are distinguished or characterized by their emphasis depicting, describing or relating to nudity, sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, Section 31.

17.5 <u>Performance</u> <u>Standards</u>

17.5.1 General Criteria

In addition to the specific criteria contained within this section, the Board shall consider the following:

- Adequacy of the site in terms of the size of the proposed use(s);
- Adequacy of the provision of open space, its accessibility to the general public, and / or its association with adjacent or proximate open space areas;
- Suitability of the site for the proposed use(s);
- Impact on traffic and pedestrian flow and safety;
- Impact on the visual character of the North Road, the Bedford Historic District, and the surrounding neighborhood;
- Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
- Impact of the proposal on the existing mix of structures and businesses in the North Road District.

17.5.2 Mix of Uses

The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including first floor street-front uses comprised of retail, restaurant, bank, personal service shop and office uses.

17.5.3 Ground floor uses

First-floor units fronting on the North Road shall be reserved for retail, restaurant, bank, personal service shop and office uses except as specified below.

Residential uses shall be allowed on first floors of buildings only where:

- the building is set behind another building which has frontage on the street,
- the residential portion of the first floor of a building is set behind street-front retail/office/restaurant/bank/personal service shop uses within the same building, or
- where the Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.

17.5.4 Density

Design flexibility is key to good development. The purpose, goals, and general criteria above plus design parameters such as building heights, setbacks, open space requirements, and parking shall govern each proposed development rather than specific density, FAR or Percent Lot Coverage limits.

17.5.5 Minimum Lot Frontage 50 feet

17.5.6 Minimum Percent Open Space

Open space, landscaping, and pedestrian amenities shall contribute to the village character of the development, link parcels and uses, and encourage walking. The underlying Limited Business District requires 25% landscaping. The Board may lower the requirement to a minimum of 10% in order to promote village-style development. The open space must be usable, open, and available to the general public and may consist of landscaped gardens, plazas, sitting areas, sidewalks or similar features. Landscaped areas within and around parking areas shall not count toward the required minimum open space.

17.5.7 Maximum Height of Structures

The maximum height of structures shall be 37 feet or 2 ½ stories. The intent is to allow for three occupied floors, with the uppermost occupied floor within a sloped roof to lessen the visual mass of the structures.

17.5.8 Minimum Lot Size

The minimum lot size for developments is 39,000 square feet. For purposes of calculating minimum lot size, adjacent parcels may be combined in a single application.

17.5.9 Setbacks and Yard Regulations for Buildings

In order to facilitate flexible design and a village atmosphere, buildings shall be constructed in accordance with the front, side and rear yard distances specified below:

- Minimum Front Yard Depth - 10 feet. Note that this depth is to allow minimal-setback structures where appropriate in the District; it is not meant for all portions of the District, where additional front yard landscaping would be an appropriate amenity;
- Maximum Front Yard Depth – 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is less;
- Minimum Side Yard Width – 0 feet except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet;
- Minimum Rear Yard Depth – 0 feet, except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet, except where the Board determines that, because of wetlands or other site features on abutting properties, a lesser amount is appropriate.

The required front yard shall be measured from the nearest exterior line of the street right of way in question.

No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the frontage, building coverage, yard distances, or other dimensional provisions of this bylaw.

17.5.10 Vehicle and Pedestrian Features

Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways and promote walking within the District. Curb cuts shall be minimized and

subject to design review by the Board. The Board may require allowance for pedestrian and vehicular access to existing or future developments on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.

17.5.11 Vehicle Parking

Adequate off-street parking shall be provided. In determining adequacy, the Board shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.

Parking for non-residential uses shall be as in 7.4.1. Parking for residential uses shall be 1.5 spaces per unit or 1 space per unit for Housing for the Elderly except as provided below.

Shared Motor Vehicle Parking

Shared use of motor vehicle parking is strongly encouraged; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement may be submitted to the Board as part of any Special Permit request. Said shared parking agreement shall address issues such as the maintenance, striping, and snow plowing of the shared parking area. At its discretion, the Board may reduce parking requirements based upon the shared parking agreement.

Reduction in spaces for managing transportation demand

The Board may allow a reduced number of parking spaces, to a minimum of 1 space per unit for units with 2 bedrooms or less, if the plan includes measures to limit transportation or parking demand. Such efforts may include, but are not limited to a deeded commitment to participate in a Transportation Management Association (TMA), use of vehicles owned by the property management and parked within the site, or a discount for use of a rental car (such as 'Zip Car') located within 500' walking distance of the site.

17.5.12 Off Site Motor Vehicle Parking

Off site motor vehicle parking for any use may be considered by the Board if located within 500' walking distance of the subject site boundary, provided that this walking distance does not require pedestrians to cross Routes 4 or 225. The owner of the property containing the proposed off-site parking shall submit a legally binding agreement to the Board.

17.5.13 Parking Facilities

Structured parking is only allowed beneath proposed structures and shall not be visible from the street.

Surface parking lots shall be appropriately landscaped and designed to promote pedestrian flow within and between sites.

17.5.14 Bicycle Parking

Long-term bicycle parking shall be provided for all new developments in the North Road Overlay District. Long-term parking shall be at least 50% sheltered from the elements.

Bicycle parking or storage spaces are to be located as close as possible to the building entrance(s).

At least one bicycle parking or storage space shall be created for each residential unit created. However, no bicycle parking is required for residential units where there are fewer than four residential units created.

At least two bicycle parking or storage spaces shall be created for each commercial use within the site.

Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner in close proximity.

17.5.15 Pedestrian Access

Developments shall be made pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and/or appropriate landscaping. Structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access.

17.5.16 Affordable Housing Units

In developments of 8 or more dwelling units, no less than 10 percent of the total number of units shall be affordable to households at or below 80 percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The Board may require that an additional 5 percent of the total units be affordable to households with annual family incomes of 81-100% of area median. The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan. The minimum area for any residential unit in the North Road Mixed Use Overlay District shall be 550 square feet, and the maximum area shall not exceed 1200 square feet. Affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count toward the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

Affordable residential units shall be subject to a Monitoring Agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.

In computing the number of required affordable units, fractions shall be rounded up.

17.6 <u>Design</u> <u>Standards</u>

Buildings shall be of a design similar to or compatible with the traditional architecture in the Town of Bedford in terms of scale, massing, roof shape, spacing and exterior materials. Proposed structures within the North Road Overlay District shall reflect the fact that the Overlay District is within the boundaries of the Bedford Historic District.

The design standards below are intended to promote quality development consistent with the Town's sense of history, human scale, and pedestrian-oriented village character. To provide additional guidance, the Board may promulgate more detailed design guidelines.

17.6.1 Scale

The size and detailing of buildings shall be pedestrian-oriented and shall reflect community preference for moderate-scale structures that resemble houses or barns rather than city blocks. Building design shall incorporate features to add visual interest while reducing appearance of bulk or mass. Such features include, as appropriate, varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters. Blank walls are prohibited except in alleys between buildings.

17.6.2 Architectural Details - Existing Historic Buildings

Any alteration of or addition to an existing historic structure shall employ materials, colors, and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

17.6.3 External Materials and Appearance

Except for windows and minor trim, buildings shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal.

Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a non-metallic finish. Structures should include adequate first floor windows to provide visibility of shop spaces.

17.6.4 Sustainable Building and Site Design

New buildings shall incorporate best-practices in energy efficiency, environmental protection, and stormwater management; shall comply with current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council; and shall incorporate Low Impact Development site design components.

17.6.4 17.6.5 Signs

All signs and awnings shall conform to the maximum area, height, number, setback and illumination requirements as set forth in Bedford bylaws.

17.7 Application

Any person who desires a Special Permit for a Mixed Use development shall submit 14 copies of the application in such form as the Planning Board may require which shall include the following:

17.7.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the tract, a list of the development team and a written statement describing the major aspects of the proposed development.

17.7.2 Development Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 7.5;
(b) Site perspective, floor plans, elevations 1/8 inch = 1 foot;

(c) Detailed plans for disposal of sanitary sewage and surface drainage; and
(d) Detailed plans for landscaping.

17.7.3 Additional information as the Board may determine

The Planning Board may request additional information necessary in their deliberations relative to the application for the Special Permit.

17.8 Planning Board Findings

A Special Permit shall be issued under this Section if the Planning Board finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Limited Business District and Residence R District in which the development is located.

17.9 Amendments

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended Special Permit application.".

18. Depot Area Mixed-Use Overlay District

18.1 Purpose

Depot Area Mixed Use allows by Special Permit an alternative pattern of land development to the pattern normally permitted in the underlying District. It is intended to encourage revitalization; to improve design by providing greater flexibility while remaining sensitive to environmental impacts and consistent with the design principles herein and with any design guidelines the Planning Board may adopt; to promote village style redevelopment with a mix of retail, restaurants, offices, and multi-family housing; to improve the balance among land uses; to enhance the Depot area's unique identity and development potential as a focal point for bicycle- and pedestrian-related uses; to reduce auto dependency, roadway congestion, and air pollution by locating multiple destinations and trip purposes in close proximity; and to promote a greater sense of community.

18.2 Authority

The Planning Board ("the Board") shall be the Special Permit Granting Authority for Depot Area Mixed Use Overlay developments. The Board may vary the dimensional and parking requirements of this section if, in its opinion, such change will result in an improved design. This authority continues subsequent to occupancy.

18.3 Special Permit Goals

In approving or negotiating the Special Permit, the Board shall consider, among other factors, the degree to which a proposal achieves the following goals:

- Increases the range of housing options for people of different income levels and different life stages.
- Enhances pedestrian access to buildings and between sites and promotes site features and layouts conducive to walking and bicycling.
- Promotes integrated physical design and interaction among activities.
- Encourages compatibility with the historic nature of the area and the character of the Town.
- Includes best practice provisions for energy and environmental design for structures and orientation and low impact development (LID) practices for stormwater management.
- Includes a balance of land uses.

18.4 Uses Allowed By Special Permit

The following types of uses (and none other) shall be permitted in Depot Area Mixed Use developments. These uses may be commingled into a single structure or structures or may be located in separate structures on the site.

Business and Professional Office
Research Facility
Residential
    Single family
    Two family
    Multi-family
Retail store not exceeding 2,000 square feet of sales floor area
Housing for the Elderly
Personal Service Shop
Lodge & Club
Restaurant
Child Care Facility
Bank
Private Recreation
Municipal Use
Underground and Above Ground Utilities
Parking Facility
Repair Shop and Building Trade not exceeding 2000 square feet of gross floor area

Notwithstanding the range of uses allowed above, the following sub-categories are not permitted in developments approved under the Special Permit process for the Depot Area Mixed Use Overlay District:

- Drive-through establishments;
- Storage trailers and outdoor storage of goods associated with a commercial use; and
- Adult Entertainment Establishment including Adult Bookstore, Adult Cabaret, Adult Motion Picture Theater, Adult Paraphernalia Store, or Adult Video Store, being any such establishment having a substantial or significant portion of its stock in trade, books, magazines, videos, motion picture films, objects, devices or other audio/visual media, which are distinguished or characterized by their emphasis depicting, describing or relating to nudity, sexual conduct or sexual excitement as defined in M.G.L. Ch. 272, Section 31.

18.5 Performance Standards

18.5.1 General Criteria

In addition to the specific criteria contained within this section, the Board shall consider the following:

- Adequacy of the site in terms of the size of the proposed use(s);
- Adequacy of the provision of open space, its accessibility to the general public, and/or its association with adjacent or proximate open space areas;
- Suitability of the site for the proposed use(s);
- Impact on traffic and pedestrian flow and safety;
- Impact on the visual character of the Depot Area and surrounding neighborhood;
- Adequacy of utilities, including sewage disposal, water supply and storm water drainage; and
- Impact of the proposal on the existing mix of structures and businesses in the Depot Area.

18.5.2 Mix of Uses

The mix of uses shall be balanced and compatible and shall contribute to a vibrant village atmosphere, including first floor street-front uses comprised of retail, restaurant, bank, personal service shop and office uses.

18.5.3 Ground floor uses

First-floor units fronting on main streets shall be reserved for retail, restaurant, bank, personal service shop and office uses except as specified below.

Residential uses shall be allowed on first floors of buildings only where:

- the building is set behind another building which has frontage on the street,
- the residential portion of the first floor of a building is set behind street-front retail/office/restaurant/bank/personal service shop uses within the same building, or
- the Board determines that street-front residential uses will not have an adverse impact on the continuity of the commercial street-front uses.

18.5.4 Density

Design flexibility is key to good development. The purpose, goals, and general criteria above plus design parameters such as building heights, setbacks, open space requirements, and parking shall govern each

proposed development rather than specific density, FAR or Percent Lot Coverage limits

18.5.5 Minimum Lot Frontage 50 feet

18.5.6 Minimum Percent Open Space

Open space, landscaping, and pedestrian amenities shall contribute to the village character of the development, link parcels and uses, and encourage walking. The underlying Commercial District requires 30% landscaping. The Board may lower the requirement to a minimum of 10% in order to promote village-style development. The open space must be usable, open, and available to the general public and may consist of landscaped gardens, plazas, sitting areas, sidewalks or similar features. Landscaped areas within and around parking areas shall not count toward the required minimum open space.

18.5.7 Maximum Height of Structures

The maximum height of structures shall be 37 feet or 2 ½ stories. The intent is to allow for three occupied floors, with the uppermost occupied floor within a sloped roof to lessen the visual mass of the structures.

18.5.8 Minimum Lot Size

The minimum lot size for developments is 20,000 square feet. For purposes of calculating minimum lot size, adjacent parcels or parcels on opposite sides of a road right-of-way or on opposite sides of railroad right-of-way or path may be combined in a single application.

18.5.9 Setbacks and Yard Regulations for Buildings

In order to facilitate flexible design and a village atmosphere, buildings shall be constructed in accordance with the front, side and rear yard distances specified below:

- Minimum Front Yard Depth - 0 feet. Note that this depth is to allow zero-setback structures where appropriate in the District; it is not meant for all portions of the District, where front yard landscaping would be an appropriate amenity;
- Maximum Front Yard Depth – 20 feet or the average of the setbacks to buildings on the same side of the street or way within 200 feet of the lot in question, whichever is less;
- Minimum Side Yard Width – 0 feet except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet;
- Minimum Rear Yard Depth – 0 feet, except where the property shares a lot line with a Residential District, in which case, minimum is 25 feet.

The required front yard shall be measured from the nearest exterior line of the street right of way in question.

No lot on which a building is located shall be reduced or changed in size or shape so that the building or lot fails to comply with the frontage, building coverage, yard distances, or other dimensional provisions of this bylaw.

18.5.10 Vehicle and Pedestrian Features

Vehicle, pedestrian, and bicycle features shall be designed to provide a network of pathways and promote walking within the District. Curb cuts shall be minimized and subject to design review by the Board. The Board may require allowance for pedestrian and vehicular access to existing or future developments on abutting properties in order to facilitate pedestrian access and to minimize curb cuts.

18.5.11 Vehicle Parking

Adequate off-street parking shall be provided. In determining adequacy, the Board shall consider the extent to which the design maximizes pedestrian flow within the development, maximizes the efficient use of existing and proposed parking facilities, and minimizes the area of land to be paved for parking.

To maintain a pedestrian-friendly environment, motor vehicle parking spaces shall be located behind or beside buildings wherever possible. Motor vehicle parking shall not be located directly between the building and the street alignment.

Parking for non-residential uses shall be as in 7.4.1. Parking for residential uses shall be 1.5 spaces per unit or 1 space per unit for Housing for the Elderly except as provided below.

Shared Motor Vehicle Parking

Shared use of motor vehicle parking is strongly encouraged; however, parking spaces for one use shall not be considered as providing the required spaces for any other use, except when it can be clearly demonstrated that the need for parking occurs at different times. A shared parking agreement may be submitted to the Board as part of any Special Permit request. Said shared parking agreement shall address issues such as the maintenance, striping, and snow plowing of the shared parking area. At its discretion, the Board may reduce parking requirements based upon the shared parking agreement.

Reduction in spaces for managing transportation demand

The Board may allow a reduced number of parking spaces, to a minimum of 1 space per unit for units with 2 bedrooms or less, if the plan includes measures to limit transportation or parking demand. Such efforts may include, but are not limited to a deeded commitment to participate in a Transportation Management Association (TMA), use of vehicles owned by the property management and parked within the site, or a discount for use of a rental car (such as 'Zip Car') located within 500' walking distance of the site.

18.5.12 Off-Site Motor Vehicle Parking

Off-site motor vehicle parking for any use may be considered by the Board if located within 500' walking distance of the subject site boundary. The owner of the property containing the proposed off-site parking shall submit a legally binding agreement to the Board.

18.5.13 Parking Facilities

Structured parking is only allowed beneath proposed structures and shall not be visible from the street.

Surface parking lots shall be appropriately landscaped and designed to promote pedestrian flow within and between sites.

18.5.14 Bicycle Parking

Long-term bicycle parking shall be provided for all new developments in the Depot Area Overlay District. Long-term parking shall be at least 50% sheltered from the elements.

Bicycle parking or storage spaces are to be located as close as possible to the building entrance(s).

At least one bicycle parking or storage space shall be created for each residential unit created. However, no bicycle parking is required for residential units where there are fewer than four residential units created.

At least two bicycle parking or storage spaces shall be created for each commercial use within the site.

Any property owner required to have bicycle parking may elect to establish a shared bicycle parking facility with any other property owner in close proximity.

18.5.15 Pedestrian Access

Developments shall be made pedestrian-friendly by use of amenities such as wide sidewalks/pathways, outdoor seating, and/or appropriate landscaping. Structures, parking, pathways and other pedestrian amenities shall be designed to maximize ease of pedestrian access.

18.5.16 Affordable Housing Units

In developments of 8 or more dwelling units, no less than 10 percent of the total number of units shall be affordable to households at or below 80 percent of the median family income for the Boston Metropolitan Area as determined by the most recent calculation of the United States Department of Housing and Urban Development. The Board may require that an additional 5 percent of the total units be affordable to households with annual family incomes of 81-100% of area median. The affordable units must be subject to use restrictions, deed restrictions, or other legally binding instruments to ensure that the units remain affordable and available in perpetuity exclusively to people with qualifying incomes. The units must be sold or rented on a fair and open basis, and the owners of the units must adopt an affirmative fair marketing plan. The minimum area for any residential unit in the Depot Area Mixed Use Overlay District shall be 550 square feet, and the maximum area shall not exceed 1200 square feet. Affordable units shall be developed under the Local Initiative Program of the Massachusetts Department of Housing and Community Development or another subsidy program that allows the housing to count toward the affordable housing requirements of Chapter 40B of the Massachusetts General Law.

Affordable residential units shall be subject to a Monitoring Agreement to ensure continued compliance with these provisions. The Town may require, for itself or its designee, an option to purchase or lease affordable units for rents, sale prices, or resale prices that are affordable to eligible households. The option shall apply to the initial and any subsequent sale or lease of affordable units.

In computing the number of required affordable units, fractions shall be rounded up.

18.6 <u>Design</u> <u>Standards</u>

Buildings shall be of a design similar to or compatible with the traditional architecture in the Town of Bedford in terms of scale, massing, roof shape, spacing and exterior materials. The design standards below are intended to promote quality development consistent with the Town's sense of history, human scale, and pedestrian-oriented village character. To provide additional guidance, the Board may promulgate more detailed design guidelines.

18.6.1 Scale

The size and detailing of buildings shall be pedestrian-oriented and shall reflect community preference for moderate-scale structures that resemble houses or barns rather than city blocks. Building design shall incorporate features to add visual interest while reducing appearance of bulk or mass. Such features include, as appropriate, varied facades, rooflines (e.g., gable direction, pitch), roof heights, materials, and details such as brick chimneys or shutters. Blank walls are prohibited except in alleys between buildings.

18.6.2 Architectural Details - Existing Historic Buildings

Any alteration of or addition to an existing historic structure shall employ materials, colors, and textures as well as massing, size, scale and architectural features that are compatible with the original structure. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

18.6.3 External Materials and Appearance

Except for windows and minor trim, buildings shall avoid the appearance of reflective materials such as porcelain enamel or sheet metal.

Predominant wall materials shall have the appearance of wood, brick or stone painted or coated in a non-metallic finish. Structures should include adequate first floor windows to provide visibility of shop spaces.

18.6.4 Sustainable Building and Site Design

New buildings shall incorporate best-practices in energy efficiency, environmental protection, and stormwater management; shall comply with current Leadership in Energy and Environmental Design (LEED) criteria, as promulgated by the U.S. Green Building Council; and shall incorporate Low Impact Development site design components.

18.6.5 Signs

All signs and awnings shall conform to the maximum area, height, number, setback and illumination requirements as set forth in Bedford bylaws.

18.7 <u>Application</u>

Any person who desires a Special Permit for a Mixed Use Development shall submit 14 copies of the application in such form as the Planning Board may require which shall include the following:

18.7.1 Development Statement

A Development Statement shall consist of a petition, a list of the parties in interest with respect to the tract, a list of the development team and a written statement describing the major aspects of the proposed development.

18.7.2 Development Plans

Development plans bearing the seal of a Massachusetts Registered Architect, Registered Civil Engineer or similar professional as appropriate and consisting of:

(a) Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under Section 7.5;
(b) Site perspective, floor plans, elevations 1/8 inch = 1 foot;
(c) Detailed plans for disposal of sanitary sewage and surface drainage; and
(d) Detailed plans for landscaping.

18.7.3 Additional information as the Board may determine.

The Planning Board may request additional information necessary in their deliberations relative to the application for the Special Permit.

18.8 Planning Board Findings

A Special Permit shall be issued under this Section if the Planning Board finds that the development is in harmony with the purpose, and intent of this Section and that it contains a compatible mix of uses sufficiently advantageous to the Town to render it appropriate to depart from the requirements of the Bylaw otherwise applicable to the Commercial District in which the development is located.

18.9 Amendments

After approval, the developer may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of an amended Special Permit application.".

19. Article 19.0 Town Center Mixed Use Overlay District

19.1 Purpose

The Town Center Mixed Use Overlay District (TC) district is intended to promote development or redevelopment of a mix of non-residential and residential uses in the center of Bedford and to promote an active pedestrian environment, distinctive architecture that respects the historic context of the Town Center, reduced demand for parking, opportunities for housing, employment and/or shopping in close proximity to residents, municipal facilities and other services.

The Town Center Mixed Use Overlay district combines the small scale business uses of the Limited Business district with additional flexibility for the inclusion of residential development in close proximity to retail and services.

19.2 Authority

The Planning Board (the "Board") shall be the special permitting authority for the projects permitted in accordance with this Town Center Mixed Use Section. The Board may vary the dimensional and parking requirements of this Section and as noted in Table 2: Dimensional Requirements, if, in its opinion, such change will result in a desirable design of the development. This authority continues subsequent to occupancy. New development or redevelopment shall be in accordance with the Design Standards of Section 7.5.2.2, the Special Permit requirements of Section 14.6, and performance standards noted below.

19.3 Permitted Uses

Uses shall be permitted as indicated in Section 17.4 (except that references to North Road shall be interpreted to mean Town Center). In addition, Take-Out retail as defined in Section 4.5.18 may be allowed. The residential component of any development or redevelopment in the TC district shall not exceed 50% of the total floor area of the development.

19.4 Application

For proposals in the Town Center Mixed Use Overlay District, an application for Special Permit shall be submitted, with associated Site Plan except where such Special Permit is merely to occupy existing space, where no additional site plan changes are proposed. The applicant shall submit 14 copies of the application in such form as the Planning Board may require.

19.4.1 Development Statement.

A development statement shall consist of a petition, a list of the parties in interest with respect to the land, a list of the development team and a written statement describing the major aspects of the proposed development.

19.4.2 Development Plans (if applicable).

A minimum of six (6) large format plan sets and eight (8) reduced size plan sets shall be submitted; reduced size plans may be 11 x 17 inch. Plans shall bear the seal of a Massachusetts Registered Architect, Registered Professional Engineer, Professional Licensed Surveyor or similar

professional as appropriate and consisting of:

(a) Site plans and specifications showing all site improvements and meeting the requirements set forth for a Site Plan under section 7.5.

(b) Site perspective, floor plans, elevations at a scale of 1/8 inch = 1 foot.

(c) Detailed plans for disposal of sanitary sewage and surface drainage; and

(d) Detailed plans for landscaping.

19.4.3 Phasing Plan.

A phasing plan describing demolition and construction phasing shall include tenant relocation, if applicable, construction access and timing. If residential development is to be phased prior to construction of non-residential structures, a performance guaranty may be required to secure the development of an acceptable project mix.

19.4.4 Additional information

As the Board may determine necessary to evaluate the proposal.

19.5 <u>Design Standards and Planning Board Findings</u>

The Board may grant a Special Permit under this Section if the Planning Board finds that the proposed uses are in harmony with the purpose and intent of this Section and that the proposal satisfies the following criteria.

19.5.1 The site plan and mix of uses present an appropriate mix of uses for the Town Center in a manner that accommodates both vehicular and pedestrian access.

19.5.2 Shared Parking is encouraged where the mix of uses includes alternate peak hour demand. A shared parking plan and statement of business and residential parking demand shall be submitted.

19.5.3 Curb cuts shall be limited to the extent feasible while maintaining appropriate emergency vehicle access and safe and convenient traffic circulation.

19.5.4 Project design maximizes the Opportunities for walking and bicycling.

19.5.5 Landscape materials used as buffers are native, non-invasive, hardy for New England weather conditions and disease resistant. The greenbelt provisions of section 6.2.12 shall also apply.

19.5.6 A mix of trees, shrubs, and perennial or annual flower beds are integrated as appropriate to the site development design.

19.5.7 Residential units located above retail shall not exceed 750 square feet for a studio or one-bedroom unit or 900 square feet for a two bedroom unit. Townhouse or duplex residential units shall not exceed 1,800 square feet.

In addition to the criteria above, the Board shall consider the performance standards of

Section 17.5.1 through 17.5.15 (except that references to North Road shall be interpreted to mean Town Center) and Section 17.8, and further excepting that building height shall be limited to 25 feet and two (2) stories.

19.6 Retail, Restaurant, Personal Service Shops, Offices

It is the intent of this section that the uses be appropriate in character and scale for the neighborhood and representative of a traditional town center. Non-residential uses are intended to serve a local rather than regional population. Buildings facing Great Road shall not contain residential uses on the first floor. Retail, personal service, take-out retail or restaurant structures may include second floor offices or residential units. Design of non-residential structures shall reflect a traditional New England scale with a maximum of 2 stories and reflecting a pedestrian oriented town center character.

19.7 Parking

Parking shall be provided in accordance with Section 7.4, including bicycle parking as required by Section 7.4.4. The Planning Board shall have the authority to waive parking requirements to allow a lower or higher number of spaces as it deems appropriate to support the proposed mix of uses. Parking areas shall be appropriately landscaped to accommodate and promote pedestrian flow within and between developed sites.

19.8 Amendments

After approval, the applicant or property owner may seek amendments to the approved plan. Minor amendments may be made by a majority vote of the Planning Board. It shall be a finding of the Planning Board, not subject to dispute by the applicant, whether a requested amendment is deemed to be major or minor. A major amendment shall require the filing of a request for amendment to the Special permit.