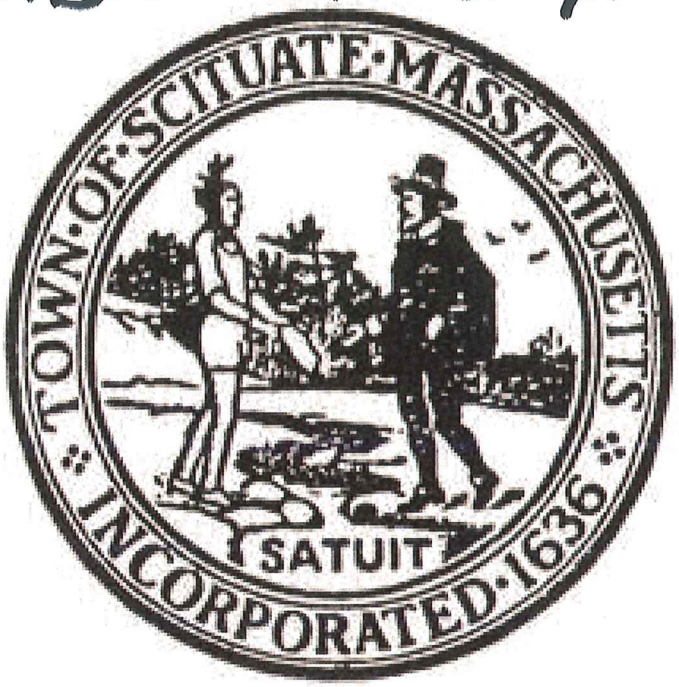
ZONING BYLAWS

REDLINE ZONING PUBLIC HEARING
1/11/2024 ANDTOWN MEETING 4/2024

MBTA-3A Compliance



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Town of Scituate
Massachusetts

Including changes approved by 4/10/23 Annual Town Meeting
Approved by the Attorney General on June 13, 2023

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SECTION 100 - PURPOSE

110 OBJECTIVES

The purpose of this bylaw is to achieve the objectives of the Zoning Act, Massachusetts General Laws, Chapter 40A as amended, as presented in Section 2A of Chapter 808 of the Acts of 1975, which include the following:

(1) to conserve health;
(2) to secure safety from fire, flood, panic and other dangers;
(3) to provide adequate light and air;
(4) to prevent overcrowding of land;
(5) to avoid undue concentration of population;
(6) to conserve natural resources;
(7) to prevent blight and pollution of the environment; and
(8) to encourage the most appropriate use of land.

120 AUTHORITY

This bylaw is adopted for the above purpose under the authority provided by, and in accordance with the provisions of Massachusetts General Laws Chapter 40A.

SECTION 200 - DEFINITIONS

ACCESSORY DWELLING
An accessory dwelling is a separate housekeeping unit, complete with its own sleeping, cooking, and sanitary facilities, that is substantially contained within the structure of a single-family dwelling, a structure accessory thereto, or a business structure, but functions as a separate unit.

ACCESSORY USE
Either a subordinate use of a structure or tract of land, or a subordinate structure:

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

AFFORDABLE ACCESSORY DWELLING
An accessory dwelling that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE HOUSING
A dwelling unit that is affordable to and occupied by a low- or moderate-income household, meets the definition of low- or moderate-income housing under applicable state regulations and is eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

AFFORDABLE UNIT
A multi-family housing unit that is subject to a use restriction recorded in its chain of title limiting the sale price or rent or limiting occupancy to an individual or household of a specified income, or both.

AGRICULTURAL USE
Agricultural use shall not include cultivation of marijuana for any purpose, with the exception of personal cultivation by qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013, or except as otherwise allowed under Massachusetts General Laws Chapter 40A, Section 3.

APPLICANT
A person, business, or organization that applies for a building permit, Site Plan Review, or Special Permit.

AREA MEDIAN INCOME (AMI)
The median family income for the metropolitan statistical region that includes the Town of Scituate as defined by the U.S. Department of Housing and Urban Development (HUD).

AS-OF-RIGHT SITING
As-of-Right Siting shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval. As-of-right development may be subject to site plan review to determine conformance with local zoning ordinances or bylaws. Projects cannot be prohibited, but can be reasonably regulated by the building commissioner. **(Definition voted Special Town Meeting November 8,2010)**

ASSISTED LIVING FACILITY
Independent residential dwelling units containing a combination of central cooking and dining facilities capable of providing three meals per day for residents, central recreational programs and facilities, and providing to all residents specified medical services which must include, but are not limited to, nursing and dietary assistance.

BED AND BREAKFAST ESTABLISHMENT
A dwelling which includes the renting of rooms at a daily rate (whether or not billed or paid daily), wherein the rental rate includes a breakfast meal in the daily rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and lodging houses (or boarding houses) are not classified as bed and breakfast establishments.

CIVIC AND COMMUNITY BUILDING
A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces. Community Buildings may be privately owned and operated as an accessory building and amenity for residential and mixed use developments.

CLUB OR LODGE
Country club, yacht club, lodge building, or other nonprofit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business).

CMR
Code of Massachusetts Regulations.

COMMERCIAL SERVICE ESTABLISHMENTS
Establishments that provide services primarily to residents as opposed to businesses, such as but not limited to barber or beauty shop, laundromat, bicycle repair and cleaning, dancing or music school, funeral home, medical or dental office, photographic studio, shoe repair shop, custom work by a dress maker, milliner or tailor, television or household appliance repair shop, typewriter or computer repair shop; dry cleaner.

COMMUTER RAIL STATION.
Any MBTA commuter rail station with year-round, rather than intermittent, seasonal, or event-based, service.

COMMERCIAL KENNEL
A single premises on which are kept four or more dogs over the age of three months which is maintained as a business for the boarding of dogs, the grooming of dogs, or one which sells dogs born and raised on the premises from four or more litters per year.

COTTAGE AND COTTAGE COURT
A cottage is a small single-family detached dwelling with narrow massing. Cottages are limited to a maximum unit size of 1,400 GFA; a maximum height of 1.5 stories and 20 feet; and one (1) dwelling unit per building. They are only permitted on separate lots or part of a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space. Each unit in a Cottage Court shall be included in a homeowners association and shall be responsible for common parking areas, gardens, open space, buildings, and other shared amenities. Cottages are not allowed accessory dwelling units.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
The agency of the Commonwealth of Massachusetts charged with regulating water quality, allocation, and drinking water supply management. Also referred to herein as "DEP" and "the Department".

DISCHARGE
In connection with toxic or hazardous materials or hazardous waste, the accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or groundwaters.

DWELLING
Any building or part thereof erected or used for occupancy as a place of continuous residence for an individual or family or designed for such occupancy, on a site intended as the permanent location of such building. This definition does not include a trailer, however mounted.

EOHLC
The Executive Office of Housing and Livable Communities, or any successor agency.

EXISTING STRUCTURE (OR USE)
A structure (or use) which exists in fact on the date of application for review under this bylaw.

FAST FOOD ESTABLISHMENT
An establishment in which 40% or more of its annual sales (projected or actual) are derived from the sale of food and beverages in a ready-to-consume state directly to a customer from a servicing counter for consumption off the premises or for consumption on premises if said food or beverage is served in single service or disposable containers.

FLEX SPACE/FABRICATION BUILDING
A building located and designed to accommodate a small to medium footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

GAS BACKWARDS BUILDING
This building type reverses the conventional site layout for gas stations with convenience stores by placing the storefront along the street line and the gas pumps and canopy behind. This reverse layout orients the building to the street and sidewalk, screens glare from the gas pumps and canopy, and pulls the curb-cuts away from the intersection, creating safer access for drivers and pedestrians.

GENERAL COMMERCIAL BUILDING
A variable floor plate building type that typically accommodates a variety of ground floor commercial uses and upper office uses at the scale that is compatible and complementary to its given district. Residential uses are not permitted in General Commercial Buildings.

GROSS FLOOR AREA
The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches or attics not used for human occupancy. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

HABITABLE ATTIC
An attic in which the ceiling area at a height of 7 1/3 feet above the attic floor is not less than 1/3 the area of the floor next below. A habitable attic constitutes a story for the purposes of this bylaw.

HAZARDOUS MATERIAL
Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil. 3, 4

HAZARDOUS WASTE
A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an

increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.

HEIGHT
The distance measured vertically from the average finished grade of the ground adjoining a building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the average height between eaves and ridge for gable, hip and gambrel roofs except that in residential zoning districts, there shall also be a maximum height measured from the average finished grade to the ridge for a building with a gable, hip or gambrel roof.

In connection with elevation of an existing structure above the Base Flood Elevation as determined by the current National Flood Insurance Rate Maps, the vertical distance between the sill and the ridge of the roof shall not be increased, but the height of the structure as measured from the average surrounding grade may exceed the maximum building height as defined in this bylaw as long as there is no increase in the number of bedrooms or net floor area, and as long as the height of the structure does not exceed fifty feet.

HOTEL OR MOTEL
A building or group of buildings containing more than ten guest rooms without individual cooking facilities for transient occupancy and let for compensation. A restaurant, dining room, or related consumer and retail services may be provided within the building or buildings.

IMPERVIOUS SURFACE
Any material or structure on or above the ground that prevents water from infiltrating through the underlying soil. Impervious surface is defined to include, without limitation: paved surfaces (parking lots, sidewalks, driveways), roof tops, swimming pools, patios, and paved, gravel and compacted dirt surfaced roads.

INN
A dwelling whose use includes the renting of rooms at a transient daily rate (whether or not billed or paid daily), and wherein a dining room serving meals in addition to breakfast, only to registered guests, is operated on the premises, and wherein the owner or operator may or may not maintain a place of principal residence.

LARGE SCALE GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION
A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC. **(Definition voted Special Town Meeting November 8, 2010)**

LIGHT MANUFACTURING
Manufacturing, processing or assembly provided that such use is not dangerous to the neighborhood through fire, explosion, emission of wastes or other cause, and provided further that such use is not likely to create excessive noise, vibration, dust, heat, smoke, fumes, odor or glare.

LIVE/WORK BUILDING
A small floor plate attached residential building type with one (1) dwelling unit and one (1) ground floor commercial unit. Live/Work units shall be occupied by the owner of the building and the commercial operation.

LOCAL INITIATIVE PROGRAM
A program administered by the Massachusetts ~~Department of Housing and Community Development (DHCD)~~ Executive Office of Housing and Livable Communities (EOHLC) to develop and implement local housing initiatives that produce low- and moderate-income housing.

LODGING HOUSE (OR BOARDING HOUSE)
A dwelling whose use includes the renting of rooms at a prearranged or contractual weekly, monthly or annual rate, whether or not meals are included in the rate, and wherein the owner or operator maintains a place of principal residence. Hotels, motels, inns and bed and breakfast establishments are not classified as lodging or boarding houses.

LOT
A single or continuous parcel of land with definite boundaries, held in the same ownership throughout and not divided by a street.

LOT FRONTAGE
That portion of a lot fronting upon and having rights of access to a way providing legally sufficient frontage for a division of land under the requirements of Massachusetts General Laws Chapter 41, Section 81L, to be measured continuously along a single street line.

LOT LINE, FRONT
The dividing line between a street and an adjacent lot.

LOT LINE, REAR
The lot line opposite and most distant from the front lot line. In the case of a corner lot, the determination as to the rear yard depth shall be calculated as provided in Section 620.4. For other irregularly shaped lots, the rear lot line is composed of all lot lines that are parallel to, or closely parallel to, the front lot line.

LOT LINE SIDE
Any lot line that is not a front or a rear lot line.

MARIJUANA
Shall include all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. The term also includes Marijuana-Infused Products except where the context clearly indicates otherwise.

MARINA
A facility which provides dockage, berthing, or mooring for more than five vessels and may also provide the services of a vessel service area.

MAXIMUM AFFORDABLE RENT
Monthly rent, exclusive of utilities, that does not exceed 30% of the monthly income of a household earning 70% of area median income based on household size, except that if the dwelling unit receives a state, federal or local subsidy, the maximum rent may be as allowed by the subsidy program so long as the tenant share of rent does not exceed 30% of the monthly income.

MANDATORY MIXED-USE DISTRICT
A district where development is required to contain a mix of residential uses and non-residential uses, including commercial, institutional, or other uses.

MBTA
Massachusetts Bay Transportation Authority.

MICROBREWERY
An entity where up to 15,000 barrels (1 barrel=31 gallons) of beer is made annually and prepared for sale, both on premise and wholesale to other establishments. Microbreweries are licensed by the United States Alcohol and Tobacco Tax and Trade Bureau (TTB) as well as the Commonwealth of Massachusetts Alcoholic Beverages Control Commission (ABCC) to produce and sell beer and/or ale. A Microbrewery sells to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carry-outs and/or on-site tap-room sales. (Definition voted Special Town Meeting November 2, 2015)

MIXED USE DEVELOPMENT
An existing or proposed structure or group of structures containing retail, office and/or residential uses, and including one or more mixed use buildings. A mixed use development may include buildings containing only multiple dwellings as long as there is an existing or proposed mixed use building on the same lot.

MIXED USE BUILDING
A building that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at a scale that is compatible and complimentary to its given district.

MULTI-FAMILY DWELLING/MULTI-FAMILY BUILDING
A building containing more than two dwelling units, exclusive of accessory dwellings, and not classified as a one or two-family dwelling, and containing only residential uses and uses accessory to them.

NON-SANITARY WASTEWATER
Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).

ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION
A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur. **(Definition voted Special Town Meeting November 8,2010)**

PARKING SPACE

An area for the parking of one motor vehicle, with free and unimpeded access to a street over unobstructed passageways or driveways.

PAVING
A uniform, hard, smooth covering which will bear travel by vehicles or by pedestrians in all seasons, or which is used in conjunction with certain sports or recreational activities. It includes concrete, bituminous concrete, oil-penetrated gravel, brick and paving stone, but shall not include such materials as gravel, crushed clamshells or any other similar material

PERSONAL WIRELESS SERVICE FACILITY
Any facility for the provision of personal wireless services, such as an antenna, dish, tower, monopole or similar equipment.

PERSONAL WIRELESS SERVICES
All forms of wireless communication included in this definition in the federal Telecommunications Act of 1996, including commercial mobile radio services, unlicensed wireless services, common carrier wireless exchange services and other forms of wireless communication of a similar nature. Common carrier wireless exchange services include cellular telephone services, personal communications systems and paging services, wireless computer networking, wireless Internet access and wireless communication services of a similar nature.

PRE-EXISTING NONCONFORMING STRUCTURE (OR USE)
An existing structure (or use) which also existed on the effective date of the original amendment to the bylaw which made the existing structure (or use) nonconforming.

PRIVATE GARAGE
A building or building appendage that is accessory to a main building, providing for the storage of automobiles and in which no occupation or business for profit is carried on and which is enclosed on all four sides.

QUALIFIED RENTER
A household with income at or below 80% of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U. S. Department of Housing and Urban Development (HUD) that rents and occupies an affordable accessory dwelling unit.

RADIOFREQUENCY ENGINEER
An engineer specializing in electrical or microwave engineering, especially the study of radiofrequencies.

RADIOFREQUENCY RADIATION
A form of energy emitted in the course of wireless communications.

RATED NAMEPLATE CAPACITY
The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC). **(Definition voted Special Town Meeting November 8,2010)**

REGISTERED MARIJUANA DISPENSARY
Any registered marijuana dispensary, defined under state law as a not-for-profit entity (as defined by Massachusetts law only), that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers,

transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

REST, NURSING OR CONVALESCENT HOME
An institution licensed and regulated by the State and Federal government which provides for its residents three meals per day, assistance with daily living activities, social, psychological and educational programs, twenty-four hour supervision, and nursing and other medical care as appropriate. Other support and rehabilitation services may include, but are not limited to, an adult day care or respite facility to provide short-term custodial care to individuals with special needs.

RESTAURANT
A building or portion thereof containing a kitchen and tables and/or booths which is used for the preparation, sale and consumption of food on the premises, and which may include outdoor seating for patrons.

RETIREMENT LIVING FACILITY
A residential housing facility which contains independent, private living accommodations which are restricted to persons fifty-five years of age or older.

SCIENTIFIC ACCESSORY USE
Uses, accessory to activities permitted as a matter of right, which are accessory in connection with scientific research or scientific development or related production, whether or not on the same parcel as the activities to which said uses are accessory.

SIGN
Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, or trade names or trademarks by which anything is made known, either attached to the exterior of a building or freestanding, used to identify the building, use of land or services sold or conducted within the confines of the lot on which it is located, and which is visible from a public street or right-of-way. For the purposes of this bylaw, this definition shall not include the display of street numbers.

SINGLE-FAMILY DETACHED DWELLING
A building containing one dwelling unit and allowed accessory uses.

SINGLE-FAMILY ATTACHED DWELLING
A small footprint attached single family residential building having narrow massing, which may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space. Townhouses and Rowhouses are common types of Single-Family Attached Dwellings.

STORY
That part of a building between any floor and the next higher floor or lower roof line. Where a building is not divided into stories, a story shall be considered fifteen feet in height. The first story for the purposes of determining building height shall be the lowermost story with more than 60% of the wall surfaces enclosing that story above the natural grade. A habitable attic constitutes a story for the purposes of this bylaw.

STREET OR WAY
Any street or way providing legally sufficient frontage for a division of land under the requirements of General Laws Chapter 41, Section 81L.

SUBSIDIZED HOUSING INVENTORY
The ~~Department of Housing and Community Development~~ Executive Office of Housing and Livable Communities Subsidized Housing Inventory provided in state regulations.

SUB-DISTRICT
An area within a broader zoning district that is geographically smaller than the overall zoning district and differentiated from the rest of the district by use, dimensional standards, or development standards.

SUBSTANTIAL IMPROVEMENT
External alteration or enlargement of a building or structure which does not change its use to a nonconforming use and which will impact an area of the structure greater than twenty-five percent of the existing gross square feet or twenty-five percent of the existing footprint. This definition shall exclude repairs or improvements to a structure to comply with existing state or local health, safety or sanitary code specifications which are necessary to assure safe living conditions. The determination of substantial improvement shall be made by the Building Commissioner.

TEMPORARY OUTDOOR SALES
Any outdoor sales activity which by its nature will begin and end within a period of 180 days or less, including but not limited to festivals, seasonal and holiday sales and sidewalk sales.

TRAILER
A structure built on a chassis to be moved from site to site, whether used with or without a permanent foundation.

TREATMENT WORKS
Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.

TRIBUTARY
Tributary means any body of running, or intermittently running, water which moves in a definite channel, naturally or artificially created, in the ground due to a hydraulic gradient, and which ultimately flows into a Class A water source, as defined in 314 CMR 4.05(3)(a).

TWO-FAMILY DWELLING
A building containing two dwelling units and allowed accessory uses per unit.

UTILITY WORKS
Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling storm water.

WIND ENERGY CONVERSION SYSTEM (WECS)
A mechanical or electro-mechanical system for the conversion of wind power into useful energy. It includes both horizontal and vertical rotating mechanisms, the supporting tower and energy transmitting conductor or shaft.

WIRELESS COMMUNICATION
A form of communication by a signal sent through the air which does not use wires for transmission. Wireless communications include radio, television and personal wireless services.

WIRELESS COMMUNICATION ANTENNA
An antenna installed for the primary purpose of transmitting and receiving wireless communication signals, including all surfaces from which wireless communications are sent or received.

WIRELESS COMMUNICATION TOWER
A structure such as a lattice tower, guyed tower or monopole, designed and constructed for the primary purpose of supporting wireless communication antennas.

ZONE A
a) The land between a surface water source and the upper boundary of the bank; b) The land area within a 400 foot lateral distance from the upper boundary of a Class A surface water source, as defined in 314 CMR 4.05(3)(a) or c) The land area within a 200 foot lateral distance from the upper boundary of the bank of a tributary or associated water body.

ZONE II
The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.7

210 INTERPRETATION

Terms not defined in this Section or elsewhere in this bylaw but defined in the State Building Code shall have the meanings given in the State Building Code.

SECTION 300 - ESTABLISHMENT OF DISTRICTS

310 TYPES OF DISTRICTS

For the purpose of this bylaw, the Town of Scituate is hereby divided into the following designated districts:

"R-1"	Residence 40,000 sq. ft.
"R-2"	Residence 20,000 sq. ft.
"R-3"	Residence 10,000 sq. ft.
"B"	Business
"D"	Saltmarsh and Tideland Conservation
"F"	Flood Plain and Watershed Protection (overlay)
"WRPD"	Water Resources Protection District (overlay)
"RC"	Residential Cluster District (overlay)
"WCD"	Wireless Communication District (overlay)
"VBOD"	Village Business Overlay District (overlay)
"HVROD"	Humarock Village Residential Overlay District (overlay)
"VCN"	Village Center & Neighborhood District

Mandatory Mixed-use Districts include GDG-NDTV and NSV-VC

Greenbush-Driftway Gateway District (GDG)
- Gateway Business Subdistrict (GDG-GWB)
- Greenbush Village Center Subdistrict (GDG-GVC)
- New Driftway Transit Village Subdistrict (GDG-NDTV)
- Driftway Business Park Subdistrict (GDG-DBP)
- North River Residential Neighborhood (GDG-NRN)
- Driftway Conservation & Recreation District (GDG-DCR)
- North River Conservation & Recreation Subdistrict (GDG-NRCR)

North Scituate Village (NSV)
- Village Center (NSV-VC)
- Outer Village (NSV-OV)

320 LOCATION OF DISTRICTS

All districts now existing except the Flood Plain and Watershed Protection District, Water Resources Protection District including its Zone A and Zone II Subdistricts, Residential Cluster District, Wireless Communication District, Village Business Overlay District, Humarock Village Residential Overlay District, and Village Center and Neighborhood District, which are further described below, now existing or hereafter adopted shall be located and bounded as shown on a map entitled Zoning District Map, Town of Scituate, Massachusetts, by Amory Engineers P.C. with revisions by Dodson & Flinker, Inc. and dated April 8, 2019 approved by Town Meeting on April 9, 2019 and filed in the office of the Town Clerk, which map, together with all explanatory matter thereon and all subsequent amendments adopted by Town Meeting is hereby

RESIDENTIAL CLUSTER DISTRICT

The district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 510.

WIRELESS COMMUNICATION DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 540.

VILLAGE BUSINESS OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 560.

HUMAROCK VILLAGE RESIDENTIAL OVERLAY DISTRICT

This district is an overlay of other zoning districts. Its applicability and definition are outlined in Section 570.

VILLAGE CENTER & NEIGHBORHOOD DISTRICT

This is a base district with the primary purpose of allowing traditional patterns of development with mixed use and pedestrian oriented buildings and streetscapes. Its applicability and definition are outlined in Section 580.

350 DISTRICT BOUNDARIES

Whenever a road, way, right-of-way, any pond, stream, river, swamp, bog, marsh or other body of water or comparable natural or quasi-natural geographic features are shown on the Zoning Map as the boundary between districts of different zoning, the geographic district boundary shall be on the center line of such feature. Any such feature lying totally within a designated zone shall be zoned as the other land around it. No part of the land or water area within the town shall be unzoned.

SECTION 400 - USE REGULATIONS

410 APPLICATION OF REGULATIONS

Except as provided in Sections 800, 810, 820, and 830 herein, no structure, and no alteration, enlargement or extension of an existing structure shall be designed, arranged or constructed, and no land, structure or part thereof shall be used for any purpose or in any manner other than for one or more of the uses specifically permitted herein.

420 TABLE OF USE REGULATIONS

In the following Table of Use Regulations, uses which are permitted as of right are designated "Y", uses allowed by special permit from the Board of Appeals are designated "SP" for all districts except the VCN where the Planning Board shall be the Special Permit Granting Authority, and uses that are prohibited are designated "N".

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS[1]								
						GREENBUSH-DRIFTWAY							NORTH SCITUATE	
		R-1	R-2	R-3	B	GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
1. Residential and Institutional Uses														
A.	Single-family detached dwelling	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
A.1	Single-family attached dwelling					Y	Y	Y	Y	Y	N	N	N	Y
A.2	Single-family/Cottage and Cottage Court					Y	N	N	Y	N	N	N	N	Y
B.	Two-family dwelling, subject to §430.1	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N
C.	Residential Accessory use	Y	Y	Y	Y	Y	N	Y	Y	N	N	N	Y	Y
D.	Accessory dwelling, subject to Section 530	SP	SP	SP	SP	Y	N	N	N	N	N	N	SP	SP
E.	Affordable accessory dwelling, subject to Section 530	See Section 530				Y	N	N	N	N	N	N	SP	SP
F.	Multi-family Dwelling/~~Muilt-family Building~~	N	N	N	Y	Y	~~SP~~ Y	Y	Y	N	N	N	N	Y
~~G.~~	~~Multifamily dwelling complex, subject to Section 430.3~~	~~N~~	~~N~~	~~N~~	~~N~~	~~SP~~	~~SP~~	~~Y~~	~~Y~~	~~N~~	~~N~~	~~N~~	~~N~~	~~N~~
~~H~~ G.	Private garage for more than 3 automobiles	SP	SP	SP	Y	Y	N	N	N	N	N	N	SP	N
~~I~~ H.	Garage for commercial vehicles subject to Section 440.~~32~~	SP	SP	SP	Y	Y	N	N	N	Y	N	N	N	N
~~J~~ I.	Religious use pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
~~K~~ J.	Educational use pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
~~L~~ K.	Town administration or utility building or public safety facility	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
~~M~~ L.	Town recreation or water supply use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
~~N~~ M.	Child care facility pursuant to G.L. c.40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	N	Y	Y
~~O~~ N.	Live/Work Building					Y	Y	Y	Y	SP	N	N	Y	Y
~~P~~ O.	Mixed-Use Building					Y	Y	Y	Y	SP	N	N	Y	Y
2. Agricultural, Horticultural, Floricultural Uses														
A.	Agriculture, horticulture, viticulture, aquaculture or floriculture pursuant to G.L. c. 40A §3	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
B.	Commercial dairy, poultry or livestock farm on a lot containing three acres or more (but not including a piggery, commercial kennel, or fur farm) provided that any building in which poultry or livestock are housed is not less than fifty feet from side and rear lot lines and the	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N

[1] Refer to 580.3 and 580.9 for allowed buildings and associated standards within the Village Center Neighborhoods.

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS[1]								
						GREENBUSH-DRIFTWAY							NORTH SCITUATE	
		R-1	R-2	R-3	B	GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
	exterior line of any street.													
C.	Commercial greenhouse on lot of less than 5 acres; provided that such building and any heating plant accessory thereto is not less than fifty feet from side and rear lot lines and from the exterior of any street.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
D.	Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises on lots less than 5 acres; provided that no such products are displayed within thirty feet of any street or lot line.	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
E.	Commercial riding academy on a lot containing three acres or more, provided any building in which horses are housed and any riding ring s not less than fifty feet from side and rear lot lines and from the exterior line of any street	SP	SP	SP	Y	Y	Y	N	N	Y	N	N	N	N
3. Commercial Uses														
A.	Private organized camp	SP	SP	SP	Y	N	N	N	N	N	N	N	N	N
B.	Rest, convalescent, nursing home or assisted living facility	SP	SP	SP	Y	Y	Y	SP	Y	N	N	N	SP	SP
C.	Cemetery	SP	SP	SP	Y	SP	N	N	N	N	N	N	N	N
D.	Hospital	SP	SP	SP	Y	N	N	SP	N	SP	N	N	N	N
E.	Philanthropic or charitable institution	SP	SP	SP	Y	Y	Y	Y	SP	SP	SP	SP	Y	Y
F.	Public or nonprofit library, museum, art gallery, civic center	Y	Y	Y	Y	Y	Y	Y	SP	Y	SP	SP	Y	Y
G.	Commercial livery or mooring for marine pleasure craft with no fueling or repair services	SP	SP	SP	Y	SP	SP	N	SP	SP	N	N	N	N
H.	Commercial golf course	SP	SP	SP	Y	N	N	N	N	N	N	Y	N	N
I.	Golf range/miniature golf	N	N	N	Y	N	N	N	N	N	N	N	N	N
J.	Boarding House or Lodging House for more than three persons	SP	SP	SP	Y	SP	SP	N	N	N	N	N	SP	SP
K.	Bed and Breakfast Establishment of more than two guest bedrooms	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
L.	Inn	SP	SP	SP	Y	Y	Y	Y	SP	SP	N	SP	Y	Y
M.	Hotel or motel	N	N	N	SP	SP	Y	SP	SP	SP	N	SP	SP	SP
N.	Club or lodge	SP	SP	SP	Y	Y	Y	Y	N	Y	N	SP	Y	Y
O.	Scientific accessory uses	SP	SP	SP	Y	Y	Y	SP	N	Y	N	N	Y	Y
P.	Retail business (not including any use specifically listed in this table)	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
Q.	Showroom for building supplies, including plumbing, heating and ventilating equipment	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
S.	Shop of a carpenter, cabinetmaker,	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS[1]								
						GREENBUSH-DRIFTWAY							NORTH SCITUATE	
		R-1	R-2	R-3	B	GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
	electrician, job printer, painter paperhanger, plumber, sign painter or upholsterer.													
T.	Restaurant	N	N	N	Y	Y	Y	Y	N	Y	N	SP	Y	Y
U.	Office building, bank or other monetary institution	N	N	N	Y	Y	Y	Y	N	Y	N	N	Y	Y
V.	Salesroom for automobiles, boats, trailers, trucks, machinery or farm implements and their accessories.	N	N	N	SP	SP	SP	N	N	SP	N	N	N	N
W.	Indoor Tennis Facility	N	N	N	SP	SP	SP	N	N	SP	N	SP	SP	SP
X.	Animal or veterinary hospital	N	N	N	N	SP	Y	SP	N	Y	N	N	SP	SP
Y.	Meeting hall for hire, indoor theatre	N	N	N	N	Y	Y	Y	N	Y	N	SP	Y	Y
Z.	Health club, swimming pool tennis court, skating rink, bowling alley	N	N	N	N	SP	Y	SP	N	Y	N	SP	Y	Y
AA.	Business Accessory Use subject to Section 440.3	N	N	N	Y	Y	Y	N	N	Y	N	N	Y	Y
BB.	Commercial kennel	N	N	N	N	N	SP	N	N	SP	N	N	N	N
CC.	Fast food establishment	N	N	N	SP	N	SP	SP	N	SP	N	N	Y	Y
DD.	Temporary outdoor sales approved by Select Board	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
EE.	Registered marijuana dispensary	N	N	N	N	N	N	N	N	SP	N	N	N	N
FF.	Microbrewery	N	N	N	SP	SP	SP	SP	N	Y	N	N	SP	SP
GG.	Marijuana Establishment	N	N	N	N	N	N	N	N	N	N	N	N	N
4. Industrial Uses														
A.	Establishment for the sale of lumber or other building supplies, heating fuel, livestock feed, ice, fertilizer, or similar materials stored in bulk on the premises (but not including the storage of used or salvaged materials).	N	N	N	N	N	N	N	N	Y	N	N	N	N
B.	Establishment for repair of trailers, trucks, machinery or farm implements.	N	N	N	N	N	N	N	N	Y	N	N	N	N
C.	Auto body shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	SP	SP
D.	Yard for custom building or repair of boats under one hundred feet in length, boat storage yard.	N	N	N	N	N	N	Y	N	Y	N	N	N	N
E.	Storage yard or plant for contractor's equipment, storage garage or trucks, trucking yard or terminal.	N	N	N	N	N	N	N	N	Y	N	N	N	N
F.	Wholesale distribution plant, cold storage plant, material storage yard, or warehouse (but not including the storage of used or salvaged materials or explosives, or the wholesale products, or other inflammables.)	N	N	N	N	N	N	N	N	Y	N	N	N	N

USE CATEGORY		RESIDENTIAL DISTRICTS			COMMERCIAL DISTRICT	VILLAGE CENTER & NEIGHBORHOOD DISTRICTS[1]								
						GREENBUSH-DRIFTWAY							NORTH SCITUATE	
		R-1	R-2	R-3	B	GVC	GWB	NDTV	NRN	DBP	NRCR	DCR	VC	OV
G.	Soldering or welding shop, shop for light metal fabrication or blacksmith shop, provided that all work is conducted within a completely enclosed building.	N	N	N	N	N	N	N	N	Y	N	N	N	N
H.	Woodworking mill	N	N	N	N	N	N	N	N	Y	N	N	N	N
I.	Commercial bakery or dairy products plant	N	N	N	N	N	N	N	N	Y	N	N	N	N
J.	Light manufacturing	N	N	N	N	N	N	N	N	Y	N	N	N	N
K.	Use accessory to allowed industrial use	N	N	N	N	N	N	N	N	Y	N	N	N	N
L.	Large scale ground mounted solar photovoltaic installation and appurtenant structures	N	N	N	N	N	N	N	N	Y	N	N	N	N
M.	Flex Space/ Fabrication Building	N	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	SP

430 SPECIAL PROVISIONS FOR RESIDENTIAL USES

430.1 RESIDENTIAL USES

Not more than one single family dwelling shall be located on any lot except where provided for single-family attached dwellings and cottage courts in Section 580 and accessory dwellings in Section 530. Two family dwellings must be located on a lot containing an area not less than two times that required for the erection of a single-family dwelling in the same district except where provided for under Section 580.

430.2 RESIDENTIAL ACCESSORY USE

A. Residential Accessory Use is defined and limited as follows:

1. Private garage for not more than three automobiles, not more than one of which shall be a commercial vehicle.

2. Private greenhouse, stable, tool shed, playhouse, tennis court, boat house, or other similar structure for domestic storage or use.

3. The keeping of animals, livestock or poultry for personal enjoyment or household use.

4. a. The operation of a lodging house or boarding house (but not a hotel, motel, inn or bed and breakfast establishment) for not more than three persons, regardless of the number of rooms.

   b. The operation of a bed and breakfast establishment (but not a hotel, motel or inn) of not more than two guest bedrooms.

5. The use of room or rooms in a dwelling or building accessory thereto by a person resident on the premises as an office, studio or workroom for a home occupation, provided that

   a. Such use is clearly incidental and secondary to the use of the premises for dwelling purposes.

   b. Not more than one person other than residents of the premises is regularly employed thereon in connection with such use.

   c. No stock in trade is regularly maintained.

   d. No offensive noise, vibration, smoke, dust, odor, heat or glare is produced.

   e. There is no exterior display and no exterior sign, except as hereinafter permitted.

   f. There is no exterior storage of material or equipment (including the exterior parking of commercial vehicles, except as, otherwise permitted herein) and no other exterior indication of such use or variation from the residential character of the premises.

6. The storage or parking of one ungaraged commercial vehicle of not more than one ton capacity.

~~430.3 MULTI-FAMILY DWELLING COMPLEX~~

~~A. Multi-family dwelling complex shall be subject to the following conditions and regulations:~~

~~1. Each project will be subject to the provisions of Section 770, Site Plan Review.~~

~~2. The minimum lot area for each multifamily dwelling complex shall be forty thousand square feet.~~

~~3. The minimum lot frontage shall be one hundred and fifty feet on a public street, or a private street, approved by the Planning Board under the subdivision control law. Minimum width of each lot throughout its depth shall be not less than one hundred and fifty feet measured at its narrowest.~~

~~4. The minimum lot area for each dwelling unit shall be five thousand square feet plus one thousand square feet for each bedroom in excess of two for each dwelling unit. In no case shall there be more than eighteen bedrooms or eight dwelling units per forty thousand square feet. Dwelling units with more than two bedrooms shall not exceed one in each eight dwelling units to be constructed on each lot. Surplus areas of water bodies, wetlands and marshes shall not be included in the calculation of lot area to determine the allowable number of dwelling units.~~

~~5. The shortest distance between any two multifamily dwellings shall be not less than thirty-five feet. Courts shall be completely open on one side and the depth of the court shall not exceed the width.~~

~~6. Each multifamily dwelling shall contain no more than twelve dwelling units. No exterior face of any building shall exceed fifty feet in any plane (measured horizontally) without an offset of at least eighteen inches.~~

~~7. All utility service lines shall be underground.~~

~~8. No more than twenty-five percent of the lot may be covered by the multifamily dwellings, including accessory buildings.~~

~~9. The front yard setback requirements shall be fifty feet. The side and rear yard setback requirement shall be permitted in the front yard setback areas; said setback areas (other than access drives) shall be appropriately landscaped.~~

~~10. There shall be set aside on each lot an area equal to fifteen hundred square feet per dwelling unit, not to be built upon, unpaved, landscaped, and/or left natural with an acceptable balance of trees, shrubs and grass, except that three hundred square feet of the above fifteen hundred square feet per dwelling unit shall be developed for recreational purposes.~~

11. ~~In addition to the open space required in (10) above, there shall be provided landscaped side and rear yard buffer areas of at least ten feet in width each adjacent to each property line of the lot and being part of the yard requirement in (9) above. For each additional forty thousand square feet, two feet shall be added up to a maximum of thirty feet. All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order so as to protect adjacent properties and present a reasonably opaque, natural barrier to a height of six feet~~

12. ~~Two off street parking spaces shall be provided for each dwelling unit. No more than ten spaces shall be provided in any one continuous row. The minimum size of a parking space, including aisles and maneuvering areas, shall be within three hundred and fifty square feet and spaces shall be within two hundred feet of the intended user. Parking spaces shall be lighted but shielded from direct glare on a public street and adjoining premises.~~

13. ~~No building shall exceed two stories in height. No building shall exceed thirty feet in height.~~

14. ~~No interior floor space below ground level shall be used for living purposes.~~

15. ~~No building shall exceed one dwelling unit in depth front to back.~~

16. ~~No building shall have an overall length of more than two hundred feet.~~

440 SPECIAL PROVISIONS FOR COMMERCIAL USES

440.1 SCREENING OF COMMERCIAL USES

Any business or commercial use conducted outside a completely enclosed building (including storage, accessory parking of commercial vehicles, and service of manufacturing operations) shall, if visible at normal eye level from any point within the R-1, R-2, or R-3 Districts and less than one hundred and fifty feet distant shall be completely screened from such view except where separated from said districts by a railroad, or by a public or private way having a width of forty feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other suitable visual barrier.

440.2 REGISTERED MARIJUANA DISPENSARIES

The zoning of Registered Marijuana Dispensaries in the Town of Scituate shall be governed in accordance with this section.

A. Purpose. The purpose of this section is to regulate the locations for Registered Marijuana Dispensaries which serve a legitimate need for human health, in order to minimize any potential adverse impacts on residents of the Town, including impacts on residential neighborhoods and incompatible land uses, children and vulnerable populations.

B. Applicability. The cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of marijuana for medical use is prohibited except as permitted under this Section, except for personal cultivation by registered qualifying patients or cultivation by personal caregivers

on behalf of qualifying patients or others as provided by 105 CMR 725.000: Implementation of an Act for the Humanitarian Medical Use of Marijuana, adopted May 8, 2013.

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Registered Marijuana Dispensary.

In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any other use, other than personal cultivation by registered qualifying patients or cultivation by personal caregivers on behalf of qualifying patients or others as provided by 105 CMR 725.000.

C. Procedures.

1. Applications. Applicants for special permits under this section shall include the following information with the application:
    a. All requirements for a Major Site Plan Review, as described in Section 770.5;
    b. A deed, purchase and sale agreement or lease as evidence of the Applicant's right to use the site;
    c. A copy of the license from the Mass. Dept. of Public Health (MDPH) for the Registered Marijuana Dispensary, including the detailed written operating procedures submitted to MDPH and any conditions of operation specific to the proposed operation;
    d. A labeled, dimensioned floor plan by a licensed architect showing the different functions within the building in which the Registered Marijuana Dispensary will be located, and the area to be occupied by the Registered Marijuana Dispensary, with square footage;
    e. The proposed hours of operation, number of employees and number of vehicles used for regular operations;
    f. A description of the proposed system of fire protection;
    g. A detailed description of proposed security measures to ensure the safety of customers, employees and property, and to protect the premises from theft including lighting, fencing, gates and alarms, etc. as required to meet the standards of 105 CMR 125.000.
    h. Identification of any of the following facilities within five hundred (500') linear feet of the proposed location, with stated distance to any of the following as applicable:
        i. Any school, library, park, ballfield or other recreation facility typically used by children;
        ii. Any other Registered Marijuana Dispensary or related activity including but not limited to an independent testing laboratory;
        iii. Any drug or alcohol rehabilitation facility;

3. Minimization of Impervious Surface. Impervious surface shall be minimized by providing only as much parking as required by the Zoning Bylaw; using short driveways, permeable paving, green rooftop systems, and low impact development techniques as described in references such as the Massachusetts Executive Office of Environmental Affairs LID homepage (http://www.mass.gov/envir/lid/default.htm) in current versions, wherever possible. The total area of impervious surface shall not exceed the area of impervious surface that existed on the lot at the time the application is submitted.

G. Trash storage and mechanical equipment. All dumpsters, trash storage areas and mechanical equipment such as air conditioning units shall be completely screened from view of adjacent properties and public rights of way with fencing, walls or vegetation. All mechanical equipment, including that attached to the side or roof of a building, shall be designed to be an integral part of the building. The location of all mechanical equipment shall be shown on plans submitted with the special permit.

H. Septic systems. In order to provide the maximum protection for the South River, all septic systems shall incorporate nitrogen removal.

I. Open space area. In order to preserve open space, conserve natural resources, maintain unobstructed overwash areas, enhance the general appearance of the area, avoid adverse impact of overcrowding and provide visual access to open space, 30 % of the total area of any project site shall be dedicated to landscaped open space. This open space area shall be free of buildings except 2nd or 3rd floor balcony overhangs, structures, driveways or parking. The open space shall be subject to a deed restriction prohibiting construction on this area and providing for maintenance to ensure its attractive appearance and cleanliness.

570.8 HOUSING AFFORDABILITY STANDARDS

All requirements of Section 560.7 for affordable dwelling units in the Village Business Overlay District shall apply to multi-family developments of ten or more units in the Humarock Village Residential Overlay District, except that the minimum number of affordable units shall be ten percent of the total dwelling units, rounded to the nearest whole number.

570.9 SPECIAL PERMIT REVIEW PROCEDURES

A. Pre-Application Meeting. A pre-application meeting with the Town Planner and an informal discussion with the Planning Board prior to the submittal of a Special Permit application are strongly encouraged. A preliminary concept plan should be provided at this meeting. The preliminary concept plans shall be at a scale of 1" = 40', unless the applicant and Town Planner agree on a more appropriate scale.

B. Review Process. The application requirements, standard of review, project completion requirements and applicability of approval requirements described in Section 770 Site Plan Review shall also apply to this Section. A landscape plan stamped and signed by a Registered Landscape Architect will be required as part of all applications for a special permit. All applications shall be subject to the Design Review process described in Section 750 of this bylaw.

580 VILLAGE CENTER & NEIGHBORHOOD DISTRICT

580.1 PURPOSE AND INTENT

The purpose of Section 580 is to facilitate building renovation and new development that is compatible with the historic character and settlement patterns of Scituate's traditional village centers and neighborhoods. The standards set forth herein are intended to:

A. Promote development that is consistent with the Town's vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected and resilient district.
B. Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns existing or envisioned for the district.
C. Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
D. Encourage high quality housing production for a variety of age groups, household types, and income ranges.
E. Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.

580.2 ZONING MAP AND REGULATING PLAN

A. Zoning Districts and Boundaries: The Village Center & Neighborhoods (VCN) are Form-Based Zoning Districts located and bounded as shown on a map entitled "Town of Scituate Zoning Map", copies of which are on file in the offices of the Town Clerk and Planning Departments. There are also zoning map inserts of the Village Center & Neighborhood Districts which are part of the Town of Scituate Zoning Map. Village Center & Neighborhoods (VCN) include the following:

1. Greenbush-Driftway Gateway District (GDG)
2. North Scituate Village (NSV)

B. Civic Overlay Zones: The Village Center & Neighborhood Zoning Map inserts identify Civic Overlay Zones which include properties within the district that are owned by the Town of Scituate and currently utilized or intended to be used as a Public Outdoor Amenity Space under Section 752.

C. Street Types: The Regulating Plan identifies Street Types which correspond the required design standards for existing and new public and private streets in the District under Section 753 - Public Realm Standards.

D. Pedestrian Frontage Overlay Zones

1. Purpose: The Pedestrian Frontage Overlay Zones identify properties along certain public streets in the VCN Districts North Scituate Village-Village Center and the Greenbush -Drifway Gateway District-New Driftway Transit Village Subdistrict as places prioritized for pedestrian-oriented and active ground floor uses. Pedestrian Frontage Overlay Zones are identified on the VCN Zoning District Insert Maps as a subset of the Town of Scituate Zoning Map.
2. Requirements: Buildings fronting on the designated street segments shall be subject to the following ground floor limitations:

    a) Ground floor areas shall be reserved for retail, restaurant, and publicly-oriented personal service, office, repair, and municipal uses.

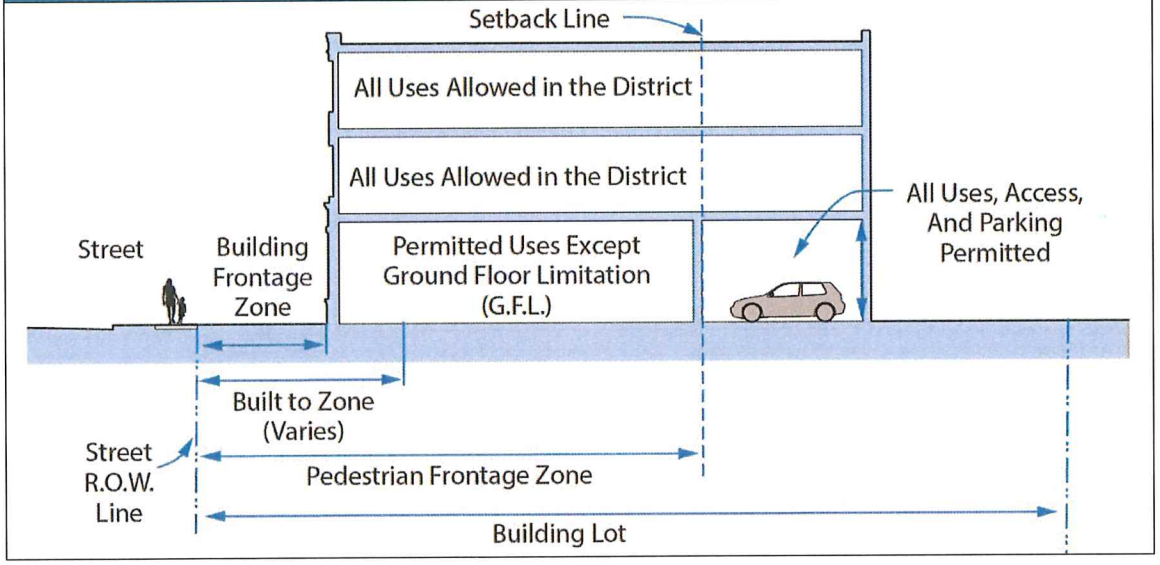
    b) Residential and other non-residential uses not oriented to public access shall be allowed to have access at the street line by an entrance that leads to the upper floors of the building or the rear of the building.

    c) Residential and other non-residential uses not oriented to public access shall be allowed on ground floors where:

        1) The use is within a building with frontage on the street and set back a minimum of 60 feet from the street line; or

        2) Where the Planning Board determines that street-front residential and other non-public uses will not have an adverse impact on the continuity and vitality of the pedestrian-oriented street-front uses.

FIGURE 1 - PEDESTRIAN FRONTAGE ZONES



E. Transitional Buffer Overlay Zones

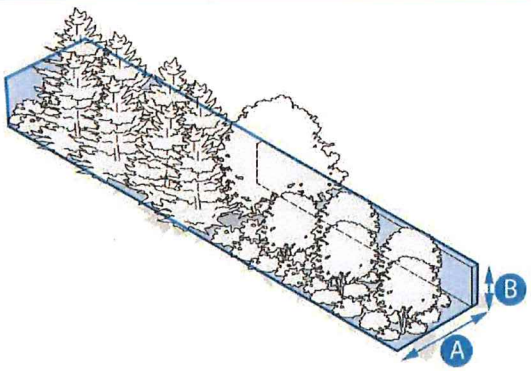
1. Purpose: The Transitional Buffer Overlay Zones identify certain street segments or subdistrict boundaries where certain buildings and uses may need to be buffered to create a compatible transition with the surrounding neighborhoods. Transitional Buffer Overlay Zones are identified on the VCN Zoning District Map.

2. Landscaped Buffers: Where required, buffers may include a combination of natural or landscaped screening and fencing that provides an opaque visual barrier to a minimum depth of 20 feet and height of eight (8) feet above the ground.

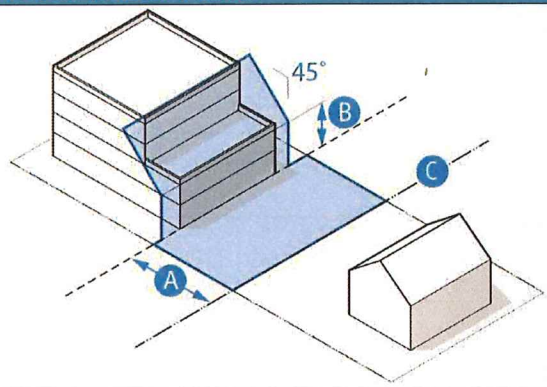
3. Building Buffers: Buildings and associated property use shall be setback a minimum of 50 feet from the designated zoning boundary on which the Transitional Buffer Zone is located. The maximum building height at the setback line shall be 25 feet with increasing height permitted on a 45 degree plane further setback from the VCN zoning boundary to the maximum height allowed in the district.

4. Waivers: The Planning Board may waive the buffering requirements in part or in whole if they determine that such application is not necessary to create a compatible transition with the surrounding neighborhood.

FIGURE 2 – TRANSITIONAL BUFFERS



Transitional Landscape Buffer
A = Minimum Depth; B = Minimum Height



Transitional Building Buffer
A= Minimum Setback; B=Maximum Building Height at Setback; C = Property Line

580.3 ALLOWED BUILDINGS AND LOT USES

A. **Allowable Uses:** Buildings, structures, and land within the VCN shall comply with the use regulations set forth in Section 400 – Use Regulations. The Planning Board shall be the Special Permit Granting Authority (SPGA) for all applications requiring a Special Use Permit in the VCN.

B. **Allowed Building Types:** The building types allowed in the Village Center & Neighborhood Districts are identified in Table 1 below. Uses identified on the Table of Use Regulations in Section 420 must be located in allowed building types and subject to the development and standards for each VCN district in Section 580.9 and those under Section 750 as applicable.

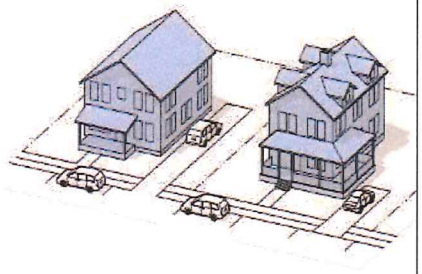
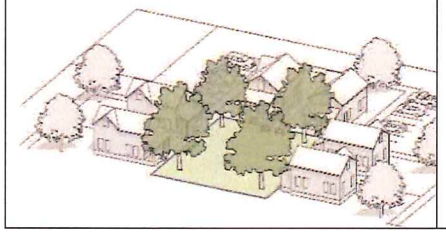
TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT										
Building Type	**Development and Design Standards**	**Permitted by District**								
		Greenbush-Driftway							**North Scituate**	
		GWB	**GVC**	**NDTV**	**DBP**	**NRN**	**DCR**	**NRCR**	**VC**	**OV**
1. Single-Family Detached Dwelling **See definition in Section 200** 	**Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback.** Design Standard: Single-Family detached dwellings should generally be placed in a traditional development pattern and built with traditional residential architectural themes. Building mass should be articulated to reduce the overall scale and the primary building façade should be oriented to the street with appropriate secondary building elements such as porches and bay windows. Landscaping should be used to define the street edge, buffer parking areas and add interest to open spaces.	N	Y	N	N	N	N	N	N	N
2. Cottage and Cottage Court **See definition in Section 200** 	**Dimensional and Design Standards: Individual cottages that are not part of a Cottage Court are only permitted on separate lots of 5,000 SF minimum and 10 feet minimum front, side, and rear setbacks. Two or more cottages can be assembled as a Cottage Court where the front elevation of each unit is positioned along and oriented to a common open space.**	N	Y	Y	N	Y	N	N	N	Y

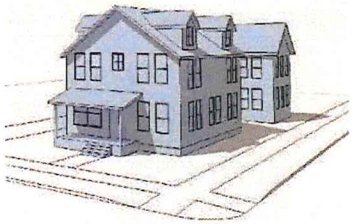
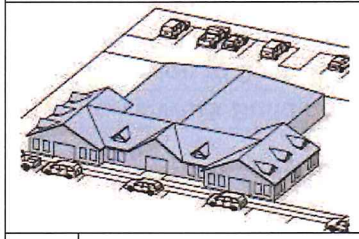
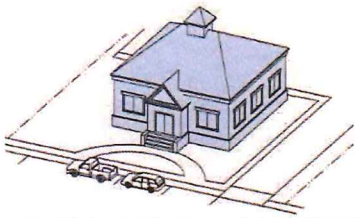
TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT												
Building Type		**Development and Design Standards**	**Permitted by District**									
			Greenbush-Driftway							**North Scituate**		
			GWB	**GVC**	**NDTV**	**DBP**	**NRN**	**DCR**	**NRCR**	**VC**	**OV**
3.	**Two-Family Dwelling** **See definition in Section 200** 	**Dimensional Standards: 10,000 SF minimum lot size; 50 feet minimum frontage on a public street; and 10 feet minimum front, side and rear setback. Accessory units are not permitted in addition to the Two-Family Dwelling units.** **Design Standards: These building types may be horizontally or vertically attached with at least one unit generally perpendicular and oriented to the front lot line. These buildings may be semi-detached and designed to resemble large farmhouses with carriage houses.**	**N**	**Y**	**N**	**N**	**Y**	**N**	**N**	**N**	**N**
4.	**Single-Family Attached Dwelling (Townhouse or Rowhouse)** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**Y**	**Y**	**Y**	**N**	**Y**	**N**	**N**	**N**	**Y**
5.	**Multi-Family Building** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**Y**	**Y**	**Y**	**N**	**Y**	**N**	**N**	**N**	**Y**
6.	**Live/Work Building** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**Y**	**Y**	**Y**	**SP**	**N**	**N**	**N**	**Y**	**Y**
7.	**Mixed Use Building** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**Y**	**Y**	**Y**	**SP**	**N**	**N**	**N**	**Y**	**Y**
8.	**General Commercial Building** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**Y**	**Y**	**Y**	**Y**	**N**	**SP**	**Y**	**Y**	**Y**
9.	**Gas Backwards Building** **See definition in Section 200**	**See Section 750 for specific development and design standards.**	**SP**	**N**	**SP**	**SP**	**N**	**N**	**N**	**N**	**SP**

TABLE 1 – ALLOWED BUILDING TYPES IN THE VCN DISTRICT											
Building Type		**Development and Design Standards**	**Permitted by District**								
			Greenbush-Driftway							**North Scituate**	
			GWB	**GVC**	**NDTV**	**DBP**	**NRN**	**DCR**	**NRCR**	**VC**	**OV**
10.	**Flex Space/Fabrication Building** **See definition in Section 200** 	**Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; 20 feet minimum front, side and rear setback; Maximum of 50% building coverage of lot.**	**Y**	**Y**	**Y**	**Y**	**N**	**N**	**N**	**Y**	**SP**
11.	**Civic and Community Building** **See definition in Section 200** 	**Dimensional Standards: No required minimum lot size; 50 feet minimum frontage on a public street; and 20 feet minimum front, side and rear setback.**	**Y**	**Y**	**Y**	**Y**	**Y**	**SP**	**SP**	**Y**	**Y**
12.	**Other Principal Building Types**	**See Section 580.3.D below**	**SP**	**SP**	**SP**	**SP**	**SP**	**SP**	**SP**	**SP**	**SP**

C. Commercial, Mixed Use, and Multi-Family Building Design Standards: The list of commercial, mixed use, and multi-family building types below are subject to the requirements of Section 750 – Design Review for Business, Commercial, Multi-Family, and Mixed Use Development.

1. Single-Family Attached Dwelling (Townhouse or Rowhouse)
2. Multi-Family Building
3. Live/Work Building
4. Mixed Use Building
5. General Commercial Building
6. Gas Backwards

D. Determination of Building Type

1. Classification: The Zoning Enforcement Officer shall classify new principal structures as a specific building type based on the definition of each type and upon finding that the structure is substantially similar in placement, height, massing, use, and features to one of the permitted building types for the zoning district where the structure is located. The Zoning Enforcement Officer shall also classify existing structures that are being substantially expanded or converted to new uses under this section.
2. Alternative Building Types: If a new building is proposed that cannot be classify as one of the allowed building types of this section by the Zoning Enforcement Officer, the building is subject to Special Permit review and approval by the Planning Board. ~~or Board of Appeals.~~

580.4 DENSITY AND BULK STANDARDS

A. Base Residential Density: Buildings and Developments within a VCN District shall be subject to the following density standards:

TABLE 2 - VCN RESIDENTIAL DENSITY BY BUILDING TYPE & DISTRICT

RESIDENTIAL/MIXED USE BUILINGS		D.U.s PER ACRE (BY RIGHT/BY SPECIAL PERMIT)						
		Greenbush-Driftway Gateway					North Scituate Village	
		GWB	NRN	GVC	DBP/NRCR/DCR	NDTV	VC	OV
		Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP	Y/SP
1.	Single-Family Detached Dwelling Units	NA	NA	4/8[4]	NA	NA	NA	NA
2.	Single-Family Attached Dwelling Units[1]	8/16	8/16	8/16	NA	12/20	NA	12/20
3.	Two-Family Dwelling and Cottage Courts[2]	NA	8/16	8/16[4]	NA	NA	NA	12/20
4.	Mixed Use Buildings	12/24	12/24[3]	12/24	NA	16/36	12/24	12/24
5.	Multi-Family Buildings	15~~2~~/24	15~~2~~/24[3]	15~~2~~/24	NA	16/36	NA	15/24

NA	Not Allowed
P	Permitted By Right
Y	Permitted By Special Permit from the Planning Board
1	Single-Family Attached Dwelling Units includes Rowhouses, Townhouses, and Live/Work Units
2	Two-Family Dwelling Units are permitted on a 10,000 S.F. lot with no accessory dwelling units. Where more than one Two-Family dwelling unit is being built they must meet the density per acre requirements above for the additional units.
3	Mixed Use Buildings are not permitted in the NRN District
4	Where Single-Family Detached Dwellings and Two-Family Dwellings are permitted, the minimum lot size for an individual lot is 10,000 S.F. Where more than one single-family detached dwelling unit is being built they must meet the density per acre requirements above for the additional units.

B. Bulk Standards

1. Dwelling Unit Size:

   a) Dwelling units must have a minimum useable floor area as specified on the table below for all buildings providing more than one (1) dwelling unit.

   b) The useable floor area of a half story is calculated as seventy-five percent (75%) of the total floor area of the half-story.

TABLE 3 - MINIMUM DWELLING UNIT SIZE

Unit Type	Useable Floor Area (Min.)
Studio	400 sq. ft.
1 Bedroom	600 sq. ft.
2+ Bedrooms	900 sq. ft.

C. Density Bonus Requirements

1. General Requirement: The Planning Board may, by Special Permit, allow higher density up to the maximum established on Table 2 above if certain Public Realm Improvements are made by the applicant that provide benefits to residents and businesses in the Development Project as well as to the VCN District, and surrounding area. If sufficient Public Realm Improvements are made, the Planning Board shall make a written finding that the applicant will provide significant improvements providing a public benefit, in addition to those improvements necessary to meet the base density requirements of this bylaw. In addition to the Public Realm Improvements the applicant must also adhere to the density bonus requirement under Section 754.1.B.3.

2. Eligible Public Benefit Improvements: These improvements shall include on-site or off-site infrastructure improvements, streetscape improvements, open space or other amenities not otherwise required in Section 752 or by any town board or agency, serving a public purpose, to be constructed in an attractive, context-

sensitive, or pedestrian-oriented manner. Some eligible improvements include the following:

a) Improvements to designated Civic Overlay Zones for the purpose of enhancing publicly controlled active or passive recreation in desirable locations within the VCN District, in addition to the Outdoor Amenity Space required in Section 752.

b) Land acquisition or donation to the Town or a designated non-profit agency for the purpose of publicly accessible active or passive recreation in desirable locations within the VCN District or surrounding area, in addition to the Outdoor Amenity Space required in Section 752.

c) Sidewalks and pathways.

d) Streetscape improvements such as street trees and furnishings on public streets or contribution of land suitable for a public way or public streetscape improvements.

e) Public parking spaces and publicly-accessible parking facilities.

f) Additional affordable housing units above the number required by this Section.

3. Approval of Density Bonus Improvements: All public benefit improvements used for the density bonus shall have been recommended in planning documents approved or used by the Town of Scituate Select Board, Department of Public Works, Board of Health, Conservation Commission, Community Preservation Committee, or Planning Board. In order to make this determination, the following are required:

a) The applicant shall provide the Planning Board with a written description of the intended improvements, the public benefit provided, significance to the Town, provision for maintenance if required, applicant's cost estimates, and a sketch plan showing the location and type, size and extent of improvements.

b) The Planning Board may require a bond to cover the cost of any improvements that will be constructed, or a binding agreement approved by Town Counsel, to remain in place until the improvements are completed to the satisfaction of the Town.

c) A specific time frame for the completion of all required off-site improvements shall be incorporated as a condition of approval of the Planning Board.

d) The applicant shall provide a list of all permits and approvals required relating to any proposed public benefit(s) with the application. These approvals shall be obtained prior to approval of the development, unless an exception for good cause is explicitly authorized by the Planning Board.

e) The Planning Board shall be under no obligation to grant such density bonus and may determine, in its sole discretion, whether the offered improvements are sufficient in nature, scope, cost or otherwise, to justify such bonus. The offer and commitment by an applicant to provide all or any number of the

above enumerated examples does not, in and of itself, justify or require the Planning Board to grant such density bonus.

580.5 DEVELOPMENT SITE STANDARDS

A. **Parking Requirements:** See Section 750.8 Development Site Standards and 760 Parking Requirements.

B. **Sustainable Site Design Standards:** See Section 751 – Low Impact Design Standards

580.6 OUTDOOR AMENITY SPACE

See Section 752 – Open Space Standards

580.7 PUBLIC REALM STANDARDS

See Section 753 – Public Realm Standards

580.8 AFFORDABLE HOUSING REQUIREMENTS

See Section 754 – Fair Housing and Affordability Standards

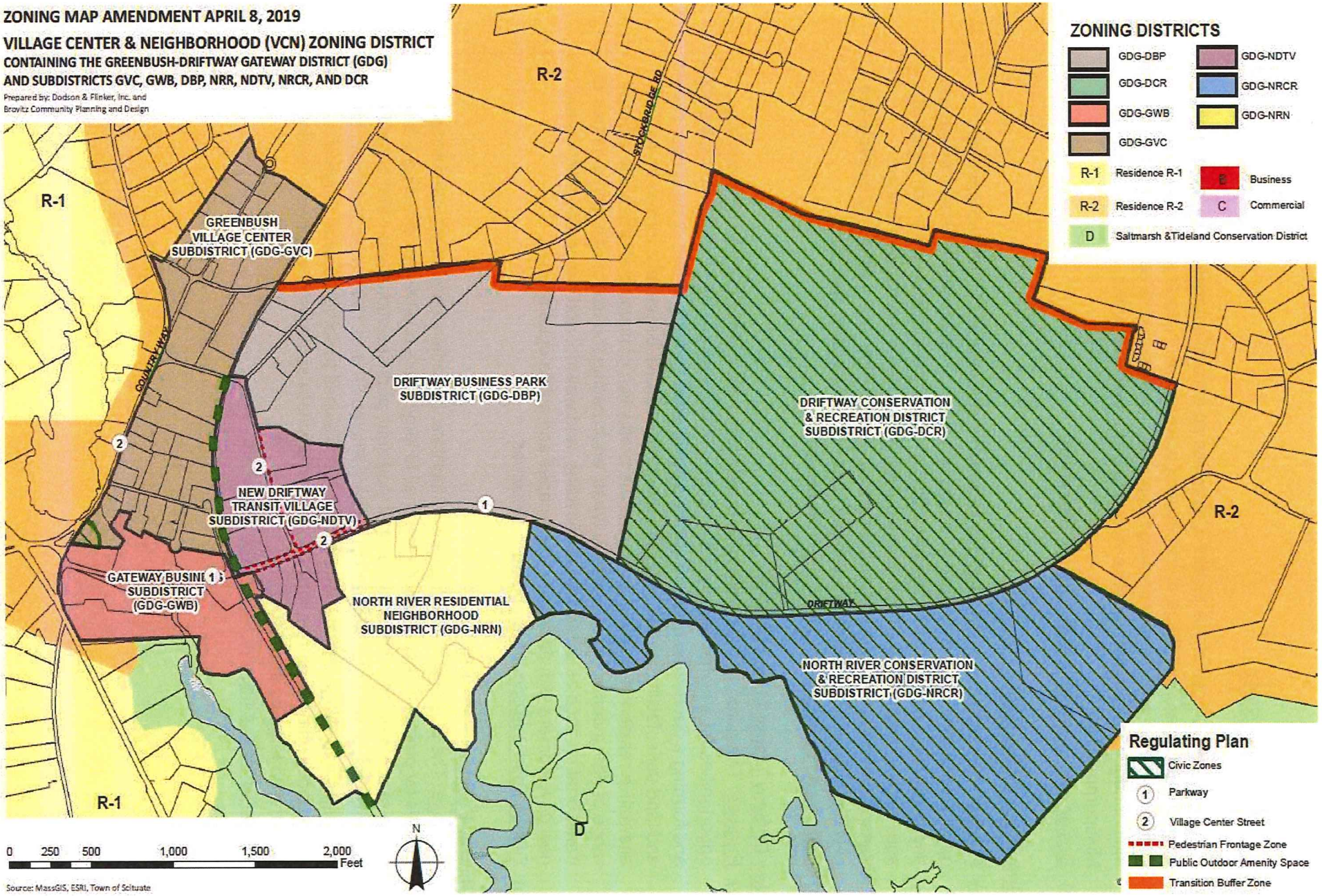
580.9 VCN DISTRICTS AND DEVELOPMENT STANDARDS

The following districts are included in the Village Center & Neighborhood (VCN) zoning district. Where there is a conflict between the design and development standards in Section 580 or 750, the standards below shall apply.

A. Greenbush-Driftway Gateway District (GDG)

The Greenbush-Driftway Gateway District is a base zoning district comprised of seven (7) subdistricts located and bounded as shown on a map entitled "Town of Scituate Zoning Map," copies of which are on file in the offices of the Town Clerk and Planning Departments. Greenbush Village & Neighborhood District is intended to fulfill the opportunities for residential, commercial, light industrial, civic, and mixed uses along the Driftway and New Driftway. This district forms one of the major gateways in Scituate with access between Route 3A, Route 123, and Scituate Harbor; access between Scituate and Boston as well as other South Shore communities via MBTA commuter rail; and access to significant public recreational areas including the North River and Widows Walk golf course.

The Greenbush-Driftway Gateway District contains seven (7) subdistricts. The Zoning Map/Regulating Plan for the GDG District and development and design standards for the seven (7) subdistricts are identified below.


ZONING MAP AMENDMENT APRIL 8, 2019
VILLAGE CENTER & NEIGHBORHOOD (VCN) ZONING DISTRICT
CONTAINING THE GREENBUSH-DRIFTWAY GATEWAY DISTRICT (GDG)
AND SUBDISTRICTS GVC, GWB, DBP, NRR, NDTV, NRCR, AND DCR
Prepared by: Dodson & Flinker, Inc. and
Brovitz Community Planning and Design
ZONING DISTRICTS
GDG-DBP
GDG-DCR
GDG-GWB
GDG-GVC
GDG-NDTV
GDG-NRCR
GDG-NRN
R-1 Residence R-1
R-2 Residence R-2
B Business
C Commercial
D Saltmarsh &Tideland Conservation District
R-1
R-2
GREENBUSH VILLAGE CENTER SUBDISTRICT (GDG-GVC)
DRIFTWAY BUSINESS PARK SUBDISTRICT (GDG-DBP)
DRIFTWAY CONSERVATION & RECREATION DISTRICT SUBDISTRICT (GDG-DCR)
NEW DRIFTWAY TRANSIT VILLAGE SUBDISTRICT (GDG-NDTV)
GATEWAY BUSINESS SUBDISTRICT (GDG-GWB)
NORTH RIVER RESIDENTIAL NEIGHBORHOOD SUBDISTRICT (GDG-NRN)
NORTH RIVER CONSERVATION & RECREATION DISTRICT SUBDISTRICT (GDG-NRCR)
COUNTRY WAY
STOCKBRIDGE RD
DRIFTWAY
R-1
R-2
D
0 250 500 1,000 1,500 2,000 Feet
N
Source: MassGIS, ESRI, Town of Scituate
Regulating Plan
Civic Zones
1 Parkway
2 Village Center Street
Pedestrian Frontage Zone
Public Outdoor Amenity Space
Transition Buffer Zone

1. Gateway Business (GWB):

   a) Purpose: The purpose of this district is to create an attractive gateway along the Driftway by encouraging a broad range of commercial uses and a ~~limited amount of~~ residential and institutional uses at moderate densities supported by attractive streetscape treatments and multi-modal transportation facilities including bus transit, sidewalks, and the Driftway Multipurpose Trail.
   b) Design and Development Standards: Reserved.

2. Greenbush Village Center (VC-G):

   a) Purpose: The purpose of this district is to enhance the Village Center by promoting opportunities for local, small-scale businesses; providing for moderate density mixed use and residential uses including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
   b) Design and Development Standards: Reserved.

3. New Driftway Transit Village (NDTV):
   a) Purpose: The purpose of this district is to establish a new Village Center by providing opportunities for a higher density mix of uses anchored by the MBTA commuter rail station and forming a pedestrian-oriented and traditional development pattern of buildings, streets and land uses; facilitating the redevelopment of underutilized parcels; providing for alternative residential building forms and the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.
   b) Design and Development Standards: Reserved.

4. Driftway Business Park (DBP):
   a) Purpose: The purpose of this district is to facilitate the redevelopment of underutilized parcels by promoting opportunities for small to large-scale businesses including a broad range of commercial office, service, light industrial, and institutional uses that benefit from proximity to the MBTA commuter rail station, Routes 3A and 123, and surrounding natural amenities and village centers. The district is envisioned to service a wide range of economic development from an incubator for business start-ups and entrepreneurial activities to large corporations.
   b) Design and Development Standards: Reserved.

5. North River Residential Neighborhood (NRN):
   a) Purpose: The purpose of this district is to facilitate the redevelopment of a limited number of underutilized parcels by promoting opportunities for alternative residential housing forms and patterns that take advantage of the unique aesthetic attributes of the North River plain and proximity to the MBTA commuter rail station and nearby village centers; to include in any residential development the production of housing affordable to a broad range of age, income, and household types; and to protect natural resources through sustainable development best practices.
   b) Design and Development Standards: Reserved.

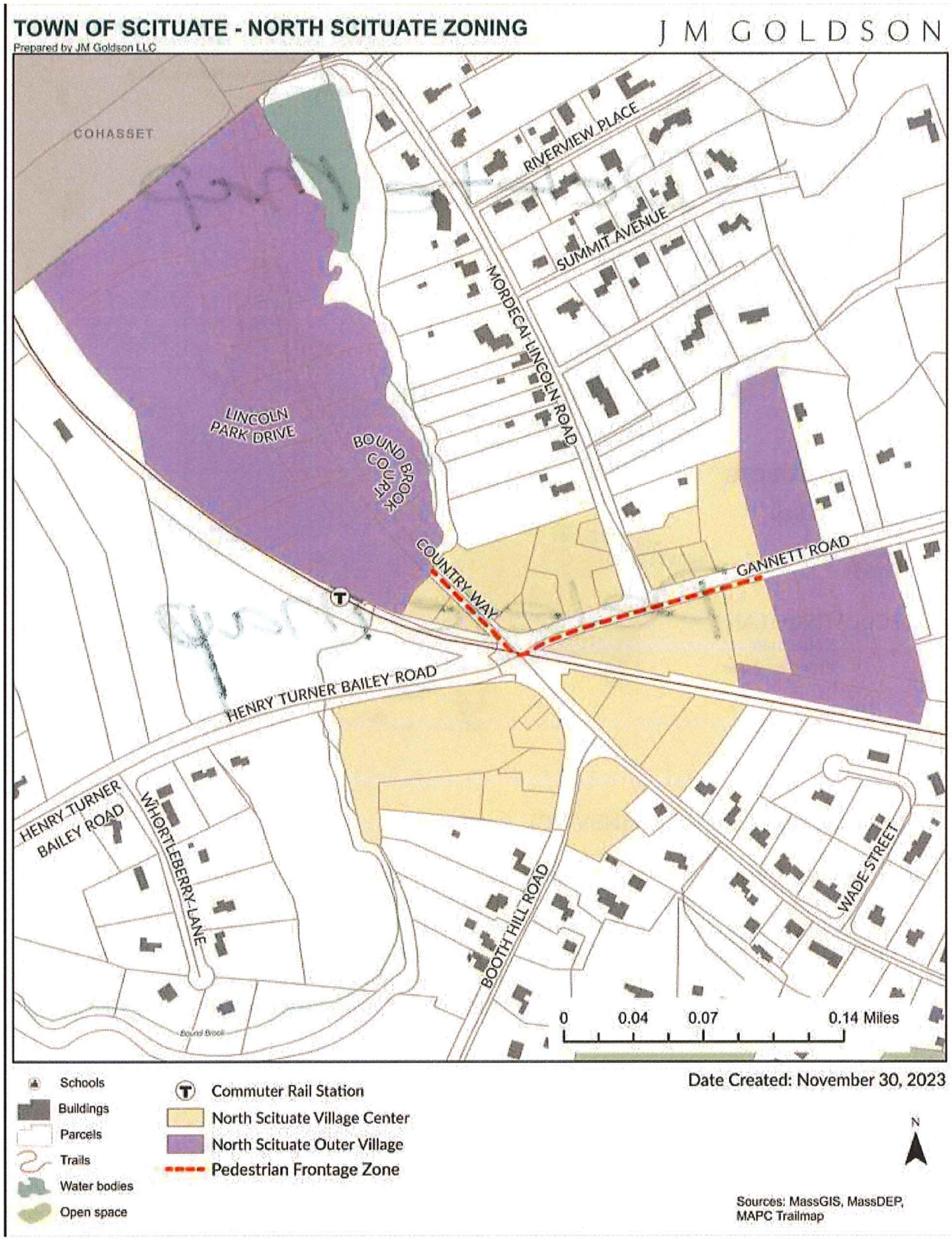
6. Driftway Conservation & Recreation District (DCR):
   a) Purpose: The purpose of this district is to protect the conservation and recreational activities associated with Widows Walk golf course and to enhance this public facility with uses and buildings associated with the golf course as well as limited commercial uses providing for food and entertainment, accommodations, and events and function space benefiting by the natural and recreational resources along the Driftway and proximity to Scituate Harbor.
   b) Design and Development Standards: Reserved.

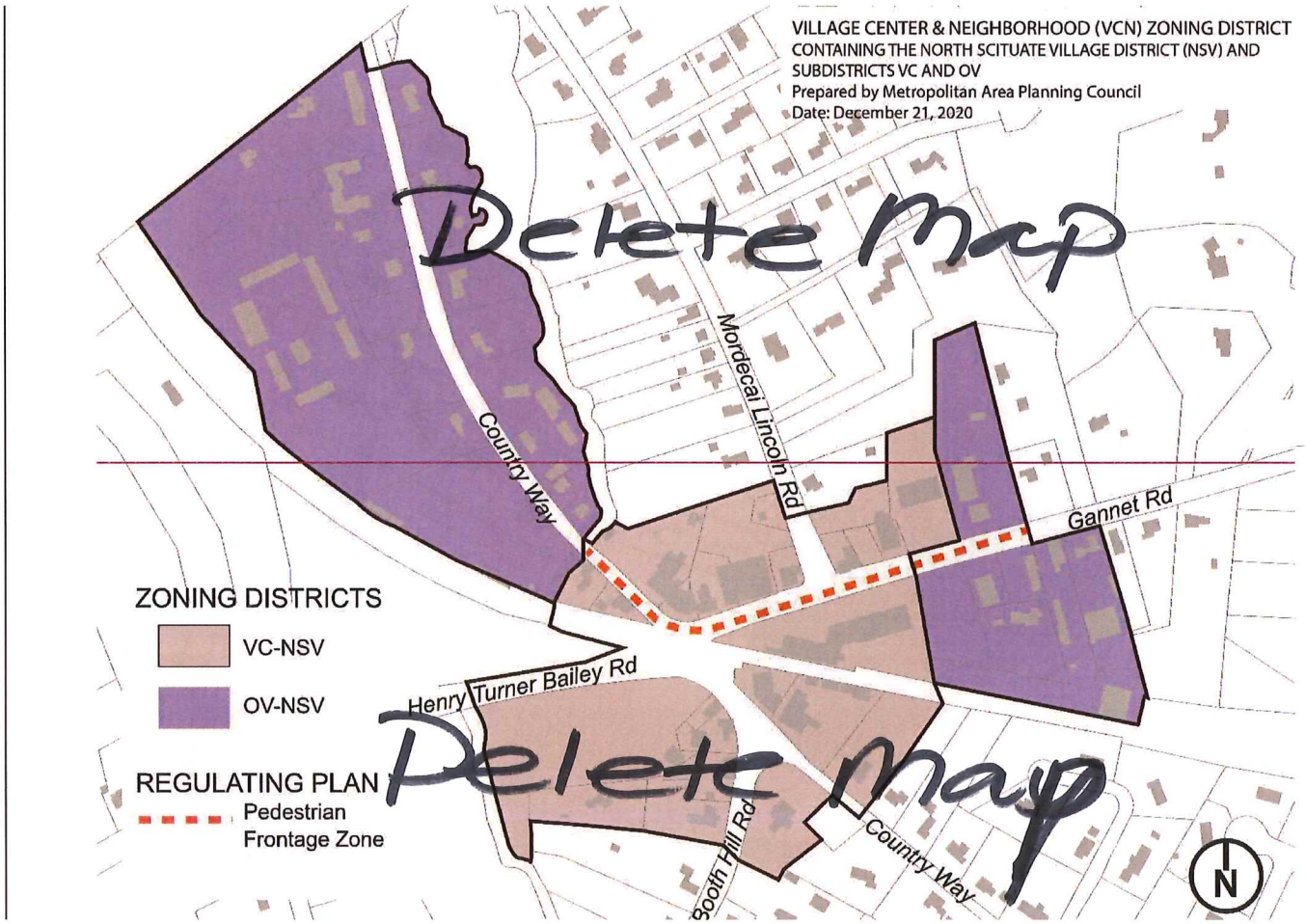
7. North River Conservation & Recreation District (NRCR):
   a) Purpose: The purpose of this district is to protect the saltmarsh and tideland natural resources of the North River and its tributaries while providing limited opportunities for recreational activities and facilities.
   b) Design and Development Standards: Reserved.

B. North Scituate Village District (NSV)

The North Scituate Village District is a base zoning district comprised of two (2) subdistricts located and bounded as shown on a map entitled "Town of Scituate Zoning Map," copies of which are on file in the offices of the Town Clerk and Planning Departments, dated November 30, 2023 by JM Goldson LLC. The District is intended to be an active, vibrant neighborhood center, achieved through redevelopment based upon historic New England town village principles, streetscape and civic space improvements, parking and access enhancements, and business development.

The North Scituate Village contains two (2) subdistricts. The Zoning Map/Regulating Plan for the NSV District and development and design standards for the subdistricts are identified below. Where there is a conflict between the building placement, form, and lot occupation standards for each of the NSV Districts in Section 580.9.B below, this section shall apply.


TOWN OF SCITUATE - NORTH SCITUATE ZONING
Prepared by JM Goldson LLC
J M GOLDSON
COHASSET
RIVERVIEW PLACE
SUMMIT AVENUE
MORDECAI LINCOLN ROAD
LINCOLN PARK DRIVE
BOUND BROOK COURT
COUNTRY WAY
GANNETT ROAD
HENRY TURNER BAILEY ROAD
HENRY TURNER BAILEY ROAD
WHORTLEBERRY LANE
BOOTH HILL ROAD
WADE STREET
0 0.04 0.07 0.14 Miles
Schools
Buildings
Parcels
Trails
Water bodies
Open space
Commuter Rail Station
North Scituate Village Center
North Scituate Outer Village
Pedestrian Frontage Zone
Date Created: November 30, 2023
N
Sources: MassGIS, MassDEP, MAPC Trailmap



1. North Scituate Village Center (NSV-VC)

a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; providing for moderate density mixed-use development, including the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.

b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

1. Minimum outdoor amenity space coverage is 10% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.

2. North Scituate Village Outer Village District (NSV-OV)

a) Purpose: The purpose of this subdistrict is to enhance North Scituate Village by promoting opportunities for local, small-scale businesses and other commercial opportunities; to expand additional and alternative forms of housing that will contribute to the vibrancy of North Scituate Village and support local businesses; to facilitate the production of housing affordable to a broad range of age, income, and household types; encouraging the use of alternative modes of transportation such as public transit, bicycling, and walking; and supporting existing and new development with attractive streetscapes and active open spaces.

b) Design and Development Standards: As listed below.

Where there is a conflict between this Section 580.9 and Sections 580.3 or 750.6, the standards below shall apply.

1. Minimum outdoor amenity space coverage is 15% for all building types. The Planning Board may allow a further reduction in required outdoor amenity space in exchange for payments toward public benefits improvements.
2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street frontage for Multi-Family Building is 40 feet.
5. Minimum street facing wall width for Multi-Family, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
6. Maximum building footprint for all building types except Gas Backwards is not applicable.

580.10 APPLICABILITY

The provisions of Section 580, Village Center and Neighborhood District, shall not apply to any application filed with the Planning Board and Town Clerk pursuant to Section 560, Village Business Overlay District of the Scituate Zoning Bylaw for the Greenbush-Driftway area prior to April 1, 2019.

2. Front yard minimum build-to-zone is 0 feet for all building types.
3. Minimum side setbacks for all building types except Gas Backwards is 0 feet if a common wall with adjacent building.
4. Minimum street facing wall width for Multifamily, Live-Work, Mixed-Use, and Commercial Buildings is 40 feet.
5. Maximum building footprint for all building types except Gas Backwards is not applicable.

754 FAIR HOUSING AND AFFORDABILITY STANDARDS

754.1 APPLICABILITY

A. General. The following standards shall apply to all housing developments generating more than five units in all districts. Land under common ownership for housing developments cannot be segmented to avoid this requirement.

B. Specific Application to VBOD and VCN

1. Exemptions. Applications requesting five or fewer dwelling units are exempt from this requirement. By right development in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV nine or fewer are exempt from this requirement. The Planning Board may waive this requirement if housing units are entirely within an existing historic structure either on the National Register of Historic Places, the State Register of Historic Places or on a list of historic structures maintained by the Scituate Historical Society.
2. Number of Affordable Units. The number of affordable housing units required shall be equal to fifteen per cent (15%) of the total of proposed housing units, rounded to the nearest whole number, except that fractions up to and including .5 units shall be rounded down to the next lower whole number. The requirements for affordable units are thus as follows:

Total Housing Units	Required Affordable Units
6-10	1
11-16	2
17-23	3
24-30	4
31-36	5
37-40	6
Above 40	15% of total

By right development of ten units or more in the VCN subdistricts GDG-GWB, GDG-NRN, GDG-GVC, and NSV-OV are required to provide 10 percent affordable units at not less than 80 percent of the Area Median Income.

3. Density Bonuses. For all projects receiving a density bonus, not less than twenty percent (20%) of housing units constructed shall be Affordable Housing. For purposes of calculating the number of units of Affordable Housing required within a project, any fractional unit shall be deemed to constitute a whole unit. ~~The total number of Affordable Housing units constructed in a VBOD or VCN District shall equal not less than twenty percent (20%) of the total number of all units~~

~~constructed within projects in the district.~~ A Project shall not be segmented to evade the Affordability threshold set forth above.

754. LOCATION OF UNITS

A. Distribution. All affordable housing units shall be distributed throughout the remaining proposed housing units. The number of one-, two- and three-bedroom units shall be in the same proportion as that of the market rate units. The affordable units shall be designed so the exteriors are comparable in general design and appearance to those of the market rate units.

B. Off-Site Units. At the discretion of the Planning Board, the applicant may substitute off-site affordable housing units which are priced and deed-restricted as required under this Section. The number of affordable units provided must be at least the number required by this Section. In considering whether to accept these units, the Planning Board shall consider the geographic distribution of affordable housing throughout the town and avoid concentration in any one particular area of Scituate.

754.3 MONITORING AGENT

A Monitoring Agent which may be the local housing authority or other qualified housing entity (the "Monitoring Agent") shall be designated by the Applicant in conjunction with the Planning Board ~~Select Board.~~ In a case where the Monitoring Agent cannot adequately carry out its administrative duties, upon certification of this fact by the designating official or by ~~DHCD~~EOHLC such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the designating official or, in the absence of such timely designation, by an entity designated by the ~~DHCD~~EOHLC. In any event, such Monitoring Agent shall ensure the following, both prior to issuance of a building permit for a project, and on a continuing basis thereafter, as the case may be:

A. Prices of Affordable Homeownership Units are properly computed; rental amounts of Affordable Rental Units are properly computed;

B. Income eligibility of households applying for Affordable Housing is properly and reliably determined;

C. The housing marketing and resident selection plan conform to all requirements, comply with ~~DHCD~~EOHLC's Affirmative Fair Housing Marketing and Resident Selection Plan Guidelines and are properly administered;

D. Sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and

E. Affordable Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

754.4 SUBMISSION REQUIREMENTS

As part of any application for site plan approval for a project including affordable housing units, the applicant must submit the following documents to the Planning Board and the Monitoring Agent:

A. Evidence that the Project complies with the cost and eligibility requirements of this Section.

B. Project plans that demonstrate compliance with the requirements of this Section.

C. A form of Affordable Housing Restriction that satisfies the requirements of this Section.

These documents in combination, to be submitted with an application for site plan approval (or, for projects not requiring site plan approval, prior to submission of any application for a building permit), shall include details about construction related to the provision, within the development project, of units that are accessible to the disabled and appropriate for diverse populations, including, as applicable, households with children, other households, individuals, and the elderly.

754.5 COST AND ELIGIBILITY REQUIREMENTS

A. **Rental or Sales Price.** The initial rental or sales price shall be affordable to low- and moderate-income households with income at or below eighty (80) percent of area median income, adjusted for household size, for the metropolitan or non-metropolitan area that includes the Town of Scituate as determined annually by the U.S. Department of Housing and Urban Development (HUD).

B. **Eligibility.** Affordable Housing shall comply with the following requirements:

1. Affordable Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
2. For an Affordable Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the ~~DHCD~~EOHLC shall apply.
3. For an Affordable Homeownership Unit the monthly housing payment, including mortgage principal and interest, private mortgage insurance, property taxes, condominium and/or homeowner's association fees, insurance, and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one, unless other affordable program rent limits approved by the ~~DHCD~~EOHLC shall apply.
4. Prior to the granting of any building permit or Plan Approval for a Project, the Applicant must demonstrate, to the satisfaction of the Monitoring Agent, that the method by which such affordable rents or affordable purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to Scituate.

754.6 DESIGN AND CONSTRUCTION

Units of Affordable Housing shall be finished housing units. Units of Affordable Housing shall be dispersed proportionately throughout the Project of which they are part, across all unit types and be comparable in initial construction quality and exterior design to the other housing units in the project.

754.7 AFFORDABLE HOUSING RESTRICTION

A. Deed Restriction. The subsequent rent or sales prices or rents shall be controlled through a deed rider or an affordable housing restriction as defined by Massachusetts General Laws Chapter 184, Section 31, recorded at the Plymouth County Registry of Deeds and/or Land Court as applicable, and shall be in force in perpetuity or as long a period as legally possible.

B. Compliance with LIP Program. As required for affordable housing to count towards the Town of Scituate's Housing Inventory, the applicant must comply with low- or moderate-income housing regulations and guidelines of the Local Initiative Program (LIP), 760 CMR ~~5645~~.00, or another similar state-approved program in effect on the date of application. Evidence must be provided to the Planning Board of a recorded deed restriction on resale, designation of a monitoring agent acceptable to the Planning Board, and an affirmative marketing plan prior to issuance of the first occupancy permit.

C. Filing. Each Project shall be subject to an Affordable Housing Restriction which is recorded with the appropriate Registry of Deeds or District Registry of the Land Court and which contains the following:

1. Specification of the term of the Affordable Housing Restriction which shall be no less than thirty years;
2. The name and address of the Monitoring Agent with a designation of its power to monitor and enforce the Affordable Housing Restriction;
3. A description of the Affordable Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Affordable Rental Units in a project or portion of a Project which are rental. Such restriction shall apply individually to the specifically identified Affordable Homeownership Unit and shall apply to a percentage of rental units of a rental Project or the rental portion of a Project with the initially designated Affordable Rental Units identified in, and able to float subject to approval by ~~DHCD~~EOHLC in accordance with, the corresponding Affirmative Fair Housing Marketing Plan (AFHMP) and ~~DHCD~~EOHLC's AFHMP guidelines.
4. Reference to a housing marketing and resident selection plan, to which the Affordable Housing is subject, and which includes an affirmative fair housing marketing program, including public notice and a fair resident selection process. The housing marketing and selection plan may provide for preferences in resident selection to the extent consistent with applicable law; the plan shall designate the household size appropriate for a unit with respect to bedroom size and provide that the preference for such Unit shall be given to a household of the appropriate size;

5. A requirement that buyers or tenants will be selected at the initial sale or initial rental and upon all subsequent sales and rentals from a list of Eligible Households compiled in accordance with the housing marketing and selection plan;
6. Reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
7. Designation of the priority of the Affordable Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Affordable Housing Restriction if required by then current practice of commercial mortgage lenders;
8. A requirement that only an Eligible Household may reside in Affordable Housing and that notice of any lease of any Affordable Rental Unit shall be given to the Administering Agency;
9. Provision for effective monitoring and enforcement of the terms and provisions of the affordable housing restriction by the Administering Agency;
10. Provision that the restriction on an Affordable Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
11. Provision that the restriction on Affordable Rental Units in a rental project or rental portion of a project shall run with the rental project or rental portion of a project and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;
12. Provision that the owner(s) or manager(s) of Affordable Rental Unit(s) shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this Bylaw and containing such other information as may be reasonably requested in order to ensure affordability; and
13. A requirement that residents in Affordable Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

754.8 COSTS OF HOUSING MARKETING AND SELECTION PLAN

The housing marketing and selection plan may make provision for payment by the Project Applicant of reasonable costs to the Monitoring Agent to develop, advertise, and maintain the list of Eligible Households and to monitor and enforce compliance with affordability requirements. Such payment shall not exceed one-half (1/2%) percent of the amount of rents of Affordable Rental Units (payable annually) or one (1%) percent of the sale or resale prices of Affordable Homeownership Units (payable upon each such sale or resale), as applicable.

754.9 AGE RESTRICTIONS

Nothing in this Section shall permit the imposition of restrictions on age upon Projects unless proposed or agreed to voluntarily by the Applicant. However, the Planning Board may, in its review of a submission under this Section, allow a specific projects or units designated exclusively for the elderly, persons with disabilities, or for assisted living, provided that any such Project shall be in compliance with all applicable fair housing laws and not less than twenty-five percent (25%) of the housing units in such a restricted project shall be restricted as Affordable Housing units. Any project which includes age restricted residential units shall comply with applicable federal, state and local fair housing laws and regulations.

754.10 PHASING

For any project that is approved and developed in phases in accordance with this Section, unless otherwise expressly approved in writing by ~~DHCD~~EOHLC, the proportion of Affordable Housing Units in each phase shall be at least equal to the minimum percentage of Affordable Housing required under this Section.

754.11 NO WAIVER

Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived unless otherwise expressly approved in writing by ~~DHCD~~EOHLC.

760 PARKING REQUIREMENTS

760.1 PURPOSE

The purpose of these requirements is to ensure that adequate quantity of well-designed off-street parking is provided to service all parking demands.

760.2 APPLICABILITY

Off-street parking shall be provided to service the net increase in parking demand created by new construction, additions, or change of use. Structures and land uses in existence on January 1, 1988, are not subject to these requirements so long as they are not enlarged or changed in a manner that increases their parking needs. All parking required by this Section shall be provided on-site except as provided in Section 760.8.

760.3 DESIGN REQUIREMENTS

Each parking space shall contain no less than one hundred sixty-two square feet of area [typically nine feet by eighteen feet] and shall have adequate back-up room. All required parking spaces and driveways, except those serving single or two-family residences, shall be paved, unless the Planning Board determines that the intensity of use does not merit paving or that an alternative surface is in the public interest.

760.4 PARKING LOT PLANTING

Parking lots shall have at least one tree per eight parking spaces to be located in planting areas inside of the lot or within ten feet of paved area. Existing trees may fulfill

this requirement, provided the trees are distributed throughout the lot. Such trees shall be at least two inches trunk diameter with not less than forty square feet of unpaved soil or other permeable surface area per tree. At least five percent of the interior of any parking lot having twenty-five or more parking spaces shall be maintained with landscaping, including trees, on plots of at least four feet in width. Trees and soil plots shall be so located as to provide visual relief and sun and wind interruption within the parking area and to assure safe patterns of internal circulation.

760.5 CONSTRUCTION EXEMPTION

The Planning Board may grant a special permit under this section to temporarily waive the construction of a portion of an approved parking plan if the applicant can show that special circumstances exist, such as shared use of a parking lot by activities having different peak demand times. Such special permit shall expire two years after its approval date. The area of the approved parking plan that will not be constructed shall remain open or shall be landscaped according to a plan approved by the Planning Board. At least 120 days prior to the expiration of the two year term of the special permit, a special permit application may be filed to for a permanent construction waiver in accordance with this section. The Planning Board shall consider, among other relevant evidence, the adequacy of the parking during the two-year temporary waiver period. The Planning Board may impose reasonable conditions on any permanent parking waiver granted by special permit under this section.

760.6 TABLE OF MINIMUM REQUIREMENTS – TABLE 1

Use	Number of Spaces Required
Single family residential	2
Two-family residential	4
Accessory Dwelling (Section 530)	1 space per bedroom
Residential (except single or two-family dwellings)	1 space per bedroom
Retail or service uses (other than automotive service station)	1 space per 200 square feet gross floor area
Automotive service or body shop	1 space per service bay
Professional or other office, bank	1 space per 300 square feet of gross floor area
Restaurant, bar	1 space per 4 seats
Industrial, light manufacturing	1 space per 400 square feet of gross floor area
Warehouse	1 space per 600 square feet of gross floor area
Places of public assembly, including auditoriums, theaters, clubs, houses of worship and recreational facilities	1 space for every 3 occupants as determined by State Building Code
Marina	1 space per boat capacity
Rest, nursing or convalescent home or hospital	1 space per 3 beds
Laundromat	1 space per 2 washing machines
Bowling alley	1 space per 2 lanes
Commercial Golf Course	1.6 spaces for every acre of land in the property
Hotels and motels	1.25 spaces/guest unit plus spaces required for other commercial uses
Inns	1.25 per guest unit
Bed and breakfast	1 per bedroom

Clubs and lodges	1 space for every four occupants as determined by the Building Code
Religious exempt uses other than houses of worship	1 space for every four occupants as determined by the Building Code
Educational exempt uses	1 space for every 200 square feet of gross floor area
All other uses	Parking spaces adequate to accommodate normal demand as determined by the Planning Board

760.7 BUSINESS AND COMMERCIAL PARKING REQUIREMENTS

Whenever off-street parking in the Village Center & Neighborhood and Business Districts is required in accordance with this Section 760, the following provisions shall apply:

A. **Buffer Area.** Each lot shall contain a buffer area, at least six feet deep, between the street line and the balance of the lot. This buffer area, which shall be separated from the street and the balance of the lot by a curb, shall be seeded and landscaped except along a driveway entrance or where a pedestrian walkway and/or bicycle parking is being provided. This requirement shall not apply to the Village Center & Neighborhood District.

B. **Access.** In all areas not subject to egress controls as specified under Section 610.2.C of this bylaw, driveway entries shall be at least twenty feet wide and if there is more than one driveway entry on a lot, these entries shall be located at least one hundred and twenty feet apart, center to center.

C. **Number of Driveways.** If the street frontage of a lot is two hundred feet or less, only one driveway entrance shall be permitted. If the street frontage exceeds two hundred feet, additional driveway entries shall be permitted in the ratio of one additional entry for each additional two hundred feet or portion thereof of frontage.

D. **Pedestrian Access.** Safe and continuous pedestrian access must be provided to and within a parking area, preferably in connection with interior landscaping, and connecting to current or anticipated adjacent pedestrian facilities and to adjoining transit facilities.

E. **Bicycle Racks.** A bicycle parking rack must be provided in all cases where five or more automobile parking spaces are required, with the location convenient to, and when practical provided weather protection by, the building it serves. The number and location of bicycle parking spaces is at the discretion of the Planning Board, but shall be not less than 10% (rounded to the nearest whole number) of automobile spaces required; provided that, if in the opinion of the Planning Board such bicycle parking spaces will compromise public health, safety or welfare, the Planning Board may allow fewer than the minimum 10% bicycle parking spaces.

760.8 BUSINESS AND MIXED-USE DISTRICT PARKING REQUIREMENTS AND WAIVERS
The Planning Board may waive the parking requirements of this Section for commercial, mixed use, and residential uses in the Village Center & Neighborhood (VCN) and Business Districts if the applicant can demonstrate that sufficient off-street and on-street parking (public or private) exists that may adequately fulfill, in part or in whole, the parking needs of the applicant, or that special circumstances exist, such as the shared use of a parking lot by activities having different peak demand times as determined by the standards below. No commercial parking is required in the VCN-GDG-NDTV and NSV-VC districts for by-right projects only.

A. Purpose.

1. To establish parking policies that support human-scaled environments.
2. To minimize the impact of sidewalk interruptions and conflict points on the walkability of the public realm.
3. To minimize excessive and inefficient off-street parking lots that result in lost opportunities to develop new buildings that expand business and the tax base.
4. To encourage the use of public transportation, bicycling, and walking in lieu of motor vehicle use when a choice of travel mode exists.

B. Off-Street Parking Requirements. The minimum number of off-street parking spaces required for residential, commercial, and mixed uses in the VCN and B shall be consistent with the requirements on Table 2 below. Where a use is not addressed on Table 2, then such use will be consistent with the requirements of Table 1 in Section 760.6. Outdoor seating cafes and accessory buildings are exempt from off-street parking requirements at the discretion of the Planning Board. The VCN-GDG-NDTV and NSV-VC districts do not require any off-street parking for the ground floor commercial uses for by-right projects only.

TABLE 2 - OFF-STREET PARKING STANDARDS FOR MIXED USE DISTRICTS

Commercial and Mixed Use	**Required Parking Spaces**
Retail Business, Commercial or Personal Service Establishment	1 space per 400 square feet
General Office or Retail in Mixed Use Buildings	1 space per 500 square feet
Medical or Dental Office or Clinic	5 spaces/doctor or dentist within a single office or suite
Restaurant	1 space for each 4 seats
Residential Use	
S.F. Attached Unit or Cottage Unit	1.5/DU with 2 bedrooms or less; and 2/DU with 3 bedrooms or more located within 300 feet of the Dwelling Unit
1-bedroom unit in Mixed-Use or Multi-Family Building	1 space
2-bedroom unit in Mixed Use or Multi-Family Building	1.5 spaces
3 or more bedroom unit in Mixed Use or Multi-Family Building	2 spaces

C. **Parking Reduction Methods.** By Special Permit, the Planning Board may decrease off-street parking requirements in Table 2 under the following conditions:

1. On-Street Parking Off-Set. Parking spaces required to meet the minimum off-street parking requirements of Table 2 may include publicly available on-street parking spaces along the building lot frontage on the same side of the street.
2. Shared Parking and Mixed Use.
   a) When there is a combination of uses on-site using shared parking lots with offset peak demand times under one or more of the following-conditions: a shared parking agreement with proximate properties where uses have offset peak demand times; uses have a high rate of parking turnover; or evidence of similar uses and location situations operating successfully with lower amounts of parking.
   b) In Commercial or Mixed-Use Buildings or Developments where shared parking is proposed, the Planning Board may require an evaluation prepared by the applicant following the procedures of the Urban Land Institute (ULI) Shared Parking Manual (latest edition) or the Institute of Transportation Engineers (ITE) Shared Parking Guidelines (latest addition), or other approved procedures determined by the Planning Board.
   c) A formal parking evaluation may be waived for small developments where there is established experience with the land use mix and its impact is expected to be minimal.
3. Car-Sharing Program. The Planning Board may approve a parking reduction where an active car-sharing program is made available to residents and/or employees of a Development Site; and where cars for the car-share program are available on the site or within a 700-foot walking distance of the site.
4. Off-Site Parking. The Planning Board may allow required parking to be provided off-site, except for any required handicapped parking, as permitted according to the provisions of and when conforming to the following:
   a) A lot featuring the off-site parking must be located within seven hundred (700) feet in walking distance, measured from the nearest point of the off-site parking along walkways to the principal building entrance served;
   b) Pedestrian access between the use and the off-site parking area must be via paved sidewalk or walkways; and
   c) A lease, recorded covenant, or other comparable legal instrument, executed and filed with the Town of Scituate, guaranteeing long term use of the site containing the off-site parking area is provided to the Planning Board.

D. **Special Parking Types and Standards.**

1. Stacked and Valet Parking. By Special Permit, the Planning Board may allow valet or stacked parking if an attendant is present to move vehicles. If stacked parking is used for required parking spaces, a written guarantee must be filed with the Town ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply

for stacked parking. Valet and stacked parking spaces do not require individual striping and may be permitted on-site or off-site as a means of satisfying the applicable off-street parking requirements where:

a) Adequate assurance of the continued operation of the valet parking is provided.

b) An equivalent number of valet spaces are available to replace the number of required off-street parking spaces.

c) The design of the valet parking area will not cause queuing in a vehicular travel lane.

d) An attendant is provided to park vehicles during business hours.

2. Tandem Parking. By Special Permit, the Planning Board may allow tandem parking under the following conditions:

a) To be used to meet parking requirements for residential units only.

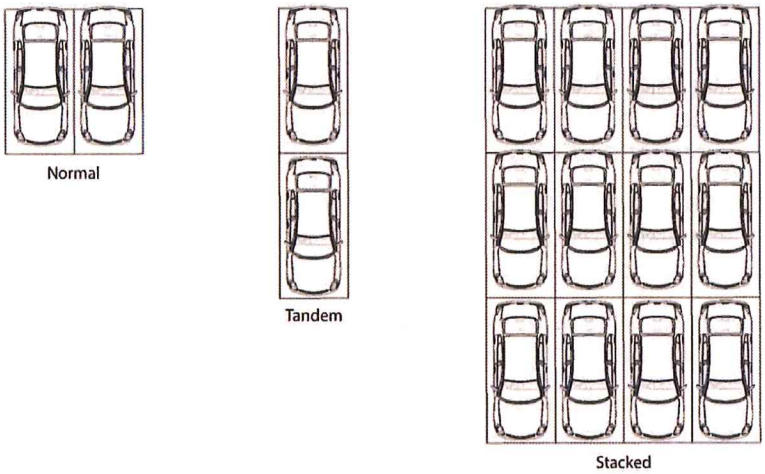
b) Tandem spaces shall be assigned to the same dwelling unit.

c) Tandem parking shall not be used to provide guest parking.

d) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 30 feet in length.

e) Up to 75% of the total off-street parking spaces provided may incorporate tandem parking.

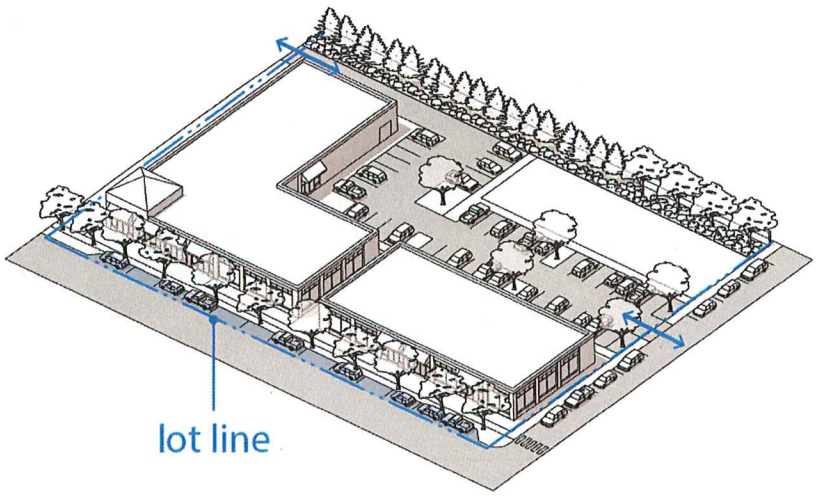
FIGURE 1 - TANDEM AND STACKED PARKING



3. Street Side Parking. By Special Permit, the Planning Board may allow parallel or angled parking provided on a privately-owned lot directly adjacent to the public street right-of-way in combination with a minimum five (5) foot wide planting strip with street trees planted 40 feet on center, and a five (5) foot minimum concrete sidewalk connecting to public sidewalks on abutting lots and to the primary

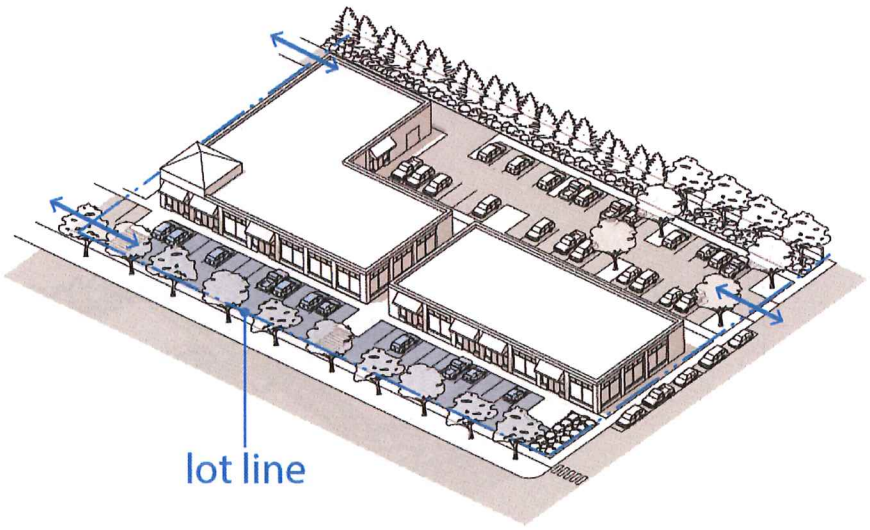
building on-site. These parking spaces shall be privately owned but accessible to the public. These parking spaces were effectively function as on-street parking.

FIGURE 2 - STREET SIDE PARKING (ON FRONT PROPERTY LINE)



4. Teaser Parking. By Special Permit, the Planning Board may allow a limited amount of off-street surface parking to be placed between a public street and the street facing façade of a primarily building. Where this is permitted by the Planning Board, the parking area will be setback a minimum of twenty (20) feet from the street line and streetscape treatments including street trees, landscaping, and a minimum 5-foot sidewalk will be placed adjacent to the street line. The sidewalk shall also be connected to the front door of the primary building by a dedicated pedestrian connection. The portion of the parking lot located in front of the primarily building shall be limited to one (1) double row of vehicles and associated parking aisle.

FIGURE 3 – TEASER PARKING (IN FRONT OF PRIMARY BUILDING)



E. Structured Parking.

1. Permitted Types. Off-street parking structures may include a private garage or carport, an above-ground parking structure, or an underground parking structure.
2. Access. Pedestrian access to structured parking shall be made directly to the primary building and may be made to a public sidewalk as applicable. Structured parking may also be attached directly to the primary building allowing pedestrians to enter directly into the building.
3. Design and Construction. Where a structured parking facility is visible from a public way, the façade design of the visible façade(s) must be designed as follows:
   a) Fenestration and facade openings must be vertically and horizontally aligned and all floors fronting on the facade must be level (not inclined).
   b) The facade must include windows of transparent or translucent, but non-reflective, glass or openings designed to appear as windows for between twenty percent (20%) and fifty percent (50%) of the wall area of each floor.
   c) Windows must be back-lit during evening hours and internal light sources must be concealed from view from public sidewalks.
   d) The facade area masking the floors occupied by motor vehicle parking must be seamlessly integrated into the architectural design of the building's facade.

F. Parking Design Standards. In addition to the parking standards in Section 760, the following standards apply:

1. Parking Setbacks.
   a) In the VCN all off-street parking, except underground structured parking, shall be located at or behind the required parking setback as indicated in Section 580.

imposed by the Planning Board be secured by a type and amount of security satisfactory to the Planning Board.

770.9 APPLICABILITY OF APPROVAL REQUIREMENTS

For the purpose of this section, the following uses shall be considered as business or commercial uses, and all buildings designed, arranged or constructed for or occupied by, one or more such uses shall be considered as business or commercial buildings:

A. Any of the uses permitted in B or VCN District, but not permitted in R-1, R-2, or R-3 Districts (with or without Board of Appeals authorization).

B. Any of the following R-1, R-2, or R-3 District uses, when located in a B or VCN District:

1. Nursery school or other agency for day care of children, or private organized camp.

2. Rest home, convalescent home, nursing home or assisted living facility.

3. Commercial livery or mooring for marine pleasure craft.

4. Commercial golf course

5. Riding academy on lots of less than five acres of land

6. Boarding or Lodging House, Inn or Bed and Breakfast Establishment

7. Salesroom or stand for the display and sale of agricultural and horticultural products, or commercial greenhouse on lots of less than five acres of land.

~~C. An apartment house, garden apartment building or other multiple dwelling for residential use by more than two families.~~

C. Multi-family dwellings are subject to Site Plan Administrative Review and Major Site Plan Review as would be required for business and commercial uses.

SECTION 800 - NON CONFORMING STRUCTURES AND USES

810 STRUCTURES AND USES ALREADY IN EXISTENCE

810.1 EXISTING USES AND STRUCTURES

Any lawful structure or any lawful use of land or structure, existing in whole or in substantial part as of the effective date of this bylaw or any amendment thereto, subject to the limitations established in Massachusetts General Laws, Chapter 40A, Section 6, as amended, or any construction or operation for which a building or other permit has been issued prior to the effective date of this bylaw or any amendment thereto may be continued, although not in conformity with the provisions thereof, unless or until abandoned or not used for a period of four years or more, except that this time limit may

be waived by the Zoning Board of Appeals by means of a special permit and/or finding. Modifications to structures or uses of land or structures lawfully existing as of the effective date of this by law, April 11, 2022, shall be governed by the following subsections with the further provisions that no nonconforming use, once abandoned or not used for a period of four years or more, shall be allowed to be restored as a nonconforming use and no nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

810.2 ALTERATION OF NONCONFORMING STRUCTURES

The Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally nonconforming structure, or a portion thereof, or accessory structures thereto, provided the proposed repair, alteration, reconstruction, extension or structural change meets the following conditions:

A. In the case of a structure which is nonconforming solely because of insufficient lot frontage or lot area, or both, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side and rear yard setbacks, and maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.

B. In the case of a dimensionally nonconforming structure with sufficient lot frontage and lot area, where said structure or a portion thereof is nonconforming as to one or more of the dimensional requirements for front, side or rear yard setbacks or maximum height, the proposed repair, alteration, reconstruction, extension or structural change shall meet all dimensional requirements for front, side, or rear yard setbacks or maximum height; provided, that any repair, alteration, reconstruction, extension or structural change which by itself or in the aggregate with other repairs, alterations, reconstructions, extensions or structural changes would increase the gross floor area of the nonconforming structure which existed on the date that the structure became nonconforming by more than 20% may not be permitted by the Building Commissioner pursuant to this paragraph.

C. In all other instances of alteration, reconstruction, extension or structural change to structures governed by this bylaw, the applicant may petition the Board of Appeals for a finding under General Laws Chapter 40A, Section 6 to allow the proposed repair, alteration, reconstruction, extension or structural change, which the Board may grant if the Board finds the proposed repair, alteration, reconstruction, extension or structural change will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The repair, alteration, reconstruction, extension or structural change of such nonconforming structure so as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard setback, shall require the issuance of a variance from the Board of Appeals.

820 CHANGE OF NONCONFORMING USE