

Re-codified Zoning Bylaw

4-12-2017

Draft Zoning Bylaw

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SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. The purpose of the Zoning Bylaw (“the Bylaw”) includes, but is not limited to, the following: lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve natural resources and prevent blight and pollution of the environment; to encourage the most appropriate use of land throughout the town, and to preserve and increase amenities by the promulgation of regulations to fulfill said objectives.

Said regulations may include but are not limited to restricting, prohibiting, permitting or regulating: uses of land, including wetlands and lands deemed subject to seasonal or periodic flooding; size, height, bulk, location and use of structures, including buildings and signs except that billboards, signs and other advertising devices are also subject to the provisions of sections twenty-nine through thirty-three, inclusive, of Chapter ninety-three, and Chapter ninety-three D; uses of bodies of water, including water courses; noxious uses; areas and dimensions of land and bodies of water to be occupied or unoccupied by uses and structures, courts, yards and open spaces; density of population and intensity of use; accessory facilities and uses, such as vehicle parking and loading, landscaping and open space; and the development of the natural, scenic and aesthetic qualities of the community.

1.2 AUTHORITY. the bylaw is enacted in accordance with the provisions of Massachusetts General Laws (M.G.L.) Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts. The title of the bylaw shall be: “Zoning Bylaws, Town of Lynnfield”.

1.3 SCOPE. the bylaw regulates the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and establishes performance standards governing the use of land in the Town, as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the bylaw. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of the bylaw imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of the bylaw shall control.

1.4.1 Applicability; Nonconformities. Except as herein after provided, the bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building permit or special permit issued before the first publication of notice of the public hearing on the bylaw or any amendments thereto, but shall apply to any change or substantial extension of such use, to a building permit or special permit issued after the first notice or said public hearing, to any reconstruction, extension or structural change of such structure and to any alteration of a structure begun after the first notice of said public hearing to provide for its use in a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent except where alteration, reconstruction, extension or a structural change to a single or two family residential structure does not increase the nonconforming nature of said structure.

1.4.2 Commencement of Construction or Operation. Construction or operations under a building permit or special permit shall conform to any subsequent amendments to the bylaw, unless the use or construction is commenced within a period of not more than six months after the issuance of the permit and in any case involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

1.5 AMENDMENTS. the bylaw, including the Zoning Map which is part hereof, may be amended at a regular or special Town Meeting in accordance with Chapter 40A of the General Laws of Massachusetts. Petitions for zoning amendments shall be made in accordance with M.G.L c. 40A, s. 5, and shall be submitted to the Board of Selectmen with a copy to the Planning Board.

1.6 SEPARABILITY. The invalidity of any section or provision of the bylaw shall not invalidate any other section or provision herein. In the event any portion of the Bylaw is found invalid under MGL c40, s32 the previous applicable provisions of the Bylaw shall be re-instated.

SECTION 2.0 DISTRICTS

2.1 ESTABLISHMENT OF DISTRICTS. For the purpose of the bylaw, the Town of Lynnfield is hereby divided into the following districts, designated as:

Residential Districts

Single Residence A District	RA
Single Residence B District	RB
Single Residence C District	RC
Single Residence D District	RD
Elderly Housing District	EH

Business Districts

Limited Business District	LB
General Business District	GB
Commercial District	C
Office Park	OP

Industrial Districts

Limited Industrial District	LI
Municipal District	M

2.2 SPECIAL DISTRICTS. In addition to the districts set forth in Section 2.1, the following special districts have been established:

Flood Plain Districts	FP
Groundwater Protection District	GW
Wetland Buffer Zone	WB
Wireless Communication District	WC
Planned Village Development District	PV

2.3 LOCATION OF DISTRICTS. Said districts referred to are located and bounded as shown on a map entitled, "Zoning District Map of the Town of Lynnfield, Massachusetts, December 1953", together with all duly adopted amendments and revisions, and filed in the office of the Town Clerk, which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of the bylaw.

2.3.1 GW District. The Groundwater Protection District is located as shown on separate maps entitled “Lynnfield Groundwater Protection District Zones 1, 2 and 3” dated September 1, 1993 and August 8, 1996 which are on file in the office of the Town Clerk.

2.3.2 PV District. The Planned Village Development District is located as shown on a separate map entitled: “Plan of Land Showing Proposed Zoning Overlay District Entitled: Planned Village Development District ‘PVDD’ and Sub-Districts”, dated March 7, 2007.

2.4 LOCATION OF BOUNDARIES. The location of the boundary lines of the districts shown upon the Zoning Map shall be determined as follows:

2.4.1 Center Line. Where a boundary is shown as following a public way, private way, railroad, or utility transmission line, the boundary shall be the center line thereof unless otherwise indicated.

2.4.2 Parallel. Where a boundary is shown outside of a public way, private way, railroad, or utility transmission line and approximately parallel thereto, it shall be deemed parallel to the nearest exterior line thereof; and a figure placed on the Zoning Map between the boundary and the way, railroad, or utility transmission line is the distance in feet of such boundary from such exterior line, said distance being measured at a right angle thereto unless otherwise indicated.

2.4.3 Other. In any cases not covered by the other provisions of this paragraph, the location of a boundary line shall be determined by the distance in feet, if given, from other lines upon the Zoning Map, or, if distances are not given, then by the scale of said map.

2.5 LOTS IN TWO DISTRICTS. Where a single residence A, B, C, or D district boundary line divides a lot the entire area of which lies in a Residence District, the regulations applicable to the less restricted portion of such lot may extend not more than thirty (30) feet into the more restricted portion, provided that such lot has required frontage on a public or private way in the less restricted district; otherwise, there shall be no extension.

2.6 LOTS SPLIT BY TOWN BOUNDARY. When a lot is situated in part in the Town and in part in an adjacent municipality, the provisions of the bylaw shall be applied to the portion of such lot in the Town in the same manner as if the entire lot were situated in the Town.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES.

3.1.1 Applicability of Use Regulations. No building or structure, and no alteration, enlargement or extension of an existing building or structure shall be designed, arranged or constructed, and no land, building, 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 in the Table of Use Regulations or in a special district set forth in SPECIAL DISTRICTS Section. Any use not listed therein shall be construed to be prohibited.

3.1.2 Permitted Uses. In the following Table of Use Regulations, the uses permitted by right in the district shall be designated by the letter (Y). Uses designated (N) shall not be permitted in the district. Those uses that may be permitted by special permit in the district, in accordance with SPECIAL PERMITS Section, shall be designated by identification of the Special Permit Granting Authority, which is either:

ZBA	Zoning Board of Appeals
PB	Planning Board
BOS	Board of Selectmen

3.1.3 Uses Subject to Other Regulations. Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of the bylaw.

3.1.4 Table of Use Regulations. See Appendix A, Table of Use Regulations, which is declared to be part of the bylaw.

3.2 ACCESSORY USES.

3.2.1 Home Occupation. The use of a 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:

1. Such use is clearly incidental and secondary to the use of the premises for dwelling purposes, and
2. Not more than one non-professional person other than residents of the premises is regularly employed thereon in connection with such use, A.T.M. 04/29/91, and
3. No stock in trade is regularly maintained, and
4. No offensive noise, vibration, smoke, dust, odor, heat or glare is produced, and
5. There is no exterior display and no exterior sign, except as hereinafter permitted, and
6. There is no exterior storage of material or equipment (including the exterior parking of commercial vehicles) and no other exterior indication of such use or variation from the residential character of the premises.

3.2.2 Other Accessory Uses. See the Table of Use Regulations, Section A

3.3 TEMPORARY USES. The Board of Appeals may authorize a temporary building, structure, or use not in conformity with the provisions of the bylaw, if necessary and incidental to the development of a permitted use. In such cases, the applicant shall file with the Town Clerk a bond, with adequate security, in such sum as may be required by the Board of Appeals, together with bill of sale to the Town, effective in case any building or structure is not removed prior to the expiration of the permit

SECTION 4.0 DIMENSIONAL AND DENSITY REGULATIONS

4.1 GENERAL REGULATIONS.

4.1.1 Conformance Required. No building or structure shall be built or shall any existing building or structure be enlarged except in conformance with the regulations of the bylaw as to lot coverage, lot area per dwelling unit, lot width, front, side and rear yards, and maximum height of structures, in the districts as set forth below except as may otherwise be provided elsewhere in the bylaw.

4.1.2 Table of Dimensional and Density Regulations. All buildings and structures shall comply with the Table of Dimensional and Density Regulations set forth below.

District	Lot Area Required	Lot Frontage Required	Permitted Lot Coverage	Required Set Back Distance from Street Center Line	Required Front Yard Depth	Required Side Yard Width	Required Rear Yard Depth
Single Residence A	15,000 sq. ft.	110 ft.	35 percent	50 ft.	30 ft.	15 ft.	20 ft.
Single Residence B	30,000 sq. ft.	150 ft.	35 percent	60 ft.	40 ft.	20 ft.	20 ft.
Single Residence C	40,000 sq. ft.	180 ft.	35 percent	60 ft.	40 ft.	25 ft.	20 ft.
Single Residence D	60,000 sq. ft.	210 ft.	35 percent	60 ft.	40 ft.	30 ft.	20 ft.
Limited Business			35 percent	60 ft.	40 ft.	15 ft. for dwellings	20 ft. for dwellings
General Business			50 percent	60 ft.	40 ft.	15 ft. ¹	20 ft. for all other buildings
Commercial			50 percent	60 ft.	40 ft.	15 ft. ¹	20 ft. for all other buildings
Limited Industrial			30 percent	100 ft.	100 ft.	100 ft. ²	40 ft.
Elderly Housing District	4 acres	200 ft.	25 percent	70 ft.	50 ft.	25 ft.	30 ft.
Office Park District	3 acres	200 ft. ³	30 percent	75 ft.	50 ft.	50 ft.	50 ft.

Table of Dimensional and Density Regulations

¹ for other buildings, unless having a party wall on the same lot line.

² where the lot line forms the side Boundary of a Single Residence A, B, C, or D District, or 100 ft. from such a Boundary where not co-incident with the lot line; otherwise.

³ on a Public Way or 50 ft. on a Private Way or right of way that:

1. has been determined to be adequate and appropriate for access by the Planning Board;
2. has been constructed in accordance with the Planning Board Regulations then applicable to construction of public ways;
3. has been specifically designed for Office Park use; and
4. will be privately maintained by the owner of the Office Park Site.

4.2 HEIGHT PROJECTIONS. Chimneys, spires, towers, and other projections not used for human occupancy, whether constituting separate structures or attached to buildings, may be constructed above the height limitations herein before established, but no such structure or projection shall be constructed in any district to a height greater than fifty (50) feet without authorization of the Board of Appeals.

4.3 LOT SHAPE. Lot side lines shall not vary more than 20 degrees from being perpendicular to the street boundary, or a tangent thereto, for a distance of at least 30% of the District frontage requirement. The same shall apply to the intersection of side lot lines with the rear boundary.

4.4 GREEN BELT AND SPECIAL DISTRICTS. In Single Residence Districts A, B, C, and D, and in tracts of land which otherwise qualify for Green Belt Residential Development under the bylaw, land which lies within a Flood Plain District or a Wetlands as defined in M.G.L. c. 131, s. 40, as amended, shall not be used to meet the minimum area required for lots in each of such districts; provided however, that nothing contained in this Section shall prevent such land from being used for such purpose in Elderly Housing Districts

4.5 ELDERLY HOUSING DISTRICT. In Elderly Housing District, the “Lot Frontage Required” may be met upon a way situated within an adjoining 40R District (i.e., an overlay district adopted by the Town pursuant to General Laws, c. 40R) provided that:

1. the lot in the Elderly Housing District has vested rights in said way over the entire frontage and to a public way, for all purposes for which ways may be used in the Town of Lynnfield and for the installation of utilities,
2. the way has been approved by the Planning Board as part of a Plan Approval for a Development Project within said 40R District, and
3. the way will be privately maintained by the owner of such Development Project within said 40R District.

4.6 LOT WIDTH EXCEPTION. Any lot shown on a plan duly recorded or registered on or before March 12, 1962 and any dwelling then existing or thereafter built thereon, shall be exempt from the lot width requirement.

4.7 OPEN DISPLAYS. No open display or other open use, where permitted, and no sign or other structure, shall be located nearer to the exterior line of any public or private way than thirty (30) feet in a Limited Business, General Business or Commercial District, or eighty (80) feet in a Limited Industrial or Office Park District, except the following:

1. Utility pole or mail box.
2. Plants growing in the soil, if not obstructing the view of cars entering and leaving the premises.
3. Parking lot for passenger automobiles.
4. Sign attached to a building if extending not more than three (3) feet in front of said building, and only above a height of ten (10) feet.

4.8 SET BACK AND YARD EXCEPTIONS. In all districts except Elderly Housing Districts, no building need be further from either the exterior or the center line of any public or private way than the average distance from each such line, respectively, of the dwellings or other principal buildings located on the adjoining side lots. In determining such average, a vacant side lot shall be considered as though occupied by a building having the required set back and front yard. The side yard and rear yard requirements hereof may be varied by the Board of Appeals in the specific case of an irregular, narrow, or shallow lot or a lot unusual either in shape or topography, provided that the spirit and intent of the bylaw with regard to yards and other open spaces is preserved.

4.8.1 Cornice or Eaves. Nothing herein shall prevent the projection of cornices or eaves not exceeding eighteen inches in width, or of uncovered steps, or window sills into any required yard or other open space.

4.8.2 Shed. In all Residence Districts, no private tool shed used exclusively by the occupants of the residence located on the lot on which the shed is located need be further from the side line of said lot than ten (10) feet nor further from the rear line of said lot than five (5) feet, provided that said tool shed has a floor area of no more than one hundred fifty (150) square feet and a height of no more than twelve (12) feet.

4.9 REDUCTION OF OCCUPIED LOTS. No lot on which a building is located in any district shall be reduced or changed in size or shape so that the building or lot fails to comply with the lot area, frontage, width, coverage, set back or yard provisions of this Section, without the approval of the Board of Appeals. This prohibition shall not apply, however, when a portion of a lot is taken or conveyed for a public purpose.

SECTION 5.0 NONCONFORMING USES AND STRUCTURES

5.1 APPLICABILITY. the bylaw shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by M.G.L. c. 40A, s. 5 at which the bylaw, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized here under.

5.2 NONCONFORMING USES. The Zoning Board of Appeals may award a special permit to change a nonconforming use in accordance with this Section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood.

5.2.1 Permissible Changes. The following types of changes to nonconforming uses may be considered by the Zoning Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

5.3 NONCONFORMING STRUCTURES. The Zoning Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this Section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.3.1 Permissible Changes. The following types of changes to nonconforming structures may be considered by the Zoning Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent.

5.4 VARIANCE REQUIRED. Except as provided below in NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES, governing single and two-family homes, the extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance; the extension of an exterior wall at or along the same nonconforming distance within a required yard shall also require the issuance of a variance from the Zoning Board of Appeals.

5.5 NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES. Nonconforming single and two family residential structures may be extended, altered, or structurally changed upon a determination by the Building Commissioner that such proposed reconstruction, extension, alteration, or change does not increase the gross floor area of said structure by more than 100% and that one of the following circumstances shall apply, in which case the proposed extension, alteration, or change shall be deemed not to increase the nonconforming nature of said structure:

1. Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements;
2. Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements;
3. Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.

If the Building Commissioner determines that proposed alteration, extension or change exceeds the one or more of the criteria set forth above, the Zoning Board of Appeals may, by special permit, allow such alteration, extension or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

5.6 ABANDONMENT OR NON-USE. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of the bylaw.

5.7 RECONSTRUCTION AFTER CATASTROPHE OR DEMOLITION. For the purposes of this subsection only, the term “reconstruction” shall mean the voluntary demolition of such structure, or reconstruction after a catastrophe, and its rebuilding. Any nonconforming structure, other than a nonconforming single or two-family dwelling governed by NONCONFORMING SINGLE AND TWO FAMILY RESIDENTIAL STRUCTURES Section, may be reconstructed after a catastrophe or after demolition in accordance with the following provisions.

5.7.1 Procedures.

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.
2. Building(s) reconstructed as of right shall be located on the same footprint as the original nonconforming structure and shall be only as great in volume or area as the original nonconforming structure.
3. In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) cause the structure to be located other than on the original footprint, a special permit shall be required. In the case of voluntary demolition, the special permit shall be obtained from the Zoning Board of Appeals prior to such demolition.

5.8 REVERSION TO NONCONFORMITY. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

5.9 SUBSTANDARD LOTS. When a prior lawful nonconforming structure is located on a lot which does not meet current dimensional requirements, such lot shall not be changed, unless the change does not result in exacerbation of an existing nonconformity or a new nonconformity.

5.10 EMINENT DOMAIN. When a lot is changed by eminent domain so as to become deficient in area, frontage, building setback, or lot coverage, any structure located thereupon shall be considered a nonconforming structure subject to the rules of the NONCONFORMING USES AND STRUCTURES Section.

SECTION 6.0 GENERAL REGULATIONS

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 of such uses shall be considered as business or commercial buildings.

1. Any of the uses permitted in Limited Business, General Business, Commercial, Office Park or limited Industrial Districts but not permitted in Single Residence A, B, C and D Districts (with or without Board of Appeals authorization).
2. Any of the following Single Residence District uses, where permitted, in a Limited Business, General Business, Commercial or Limited Industrial District:
 - a. Child care center or school aged child care program;
 - b. Long term care facility;
 - c. Commercial golf course;
 - d. Salesroom or stand for the display and sale of agricultural or horticultural products.

6.1 SIGN REGULATIONS.

6.1.1 Signs in Single Residence Districts. In a Single Residence A, B, C, and D District, the following exterior signs are permitted:

1. One sign for each dwelling unit on the premises indicating the owner or occupant or pertaining to a permitted home occupation provided that such sign does not exceed 6 inches in width and 24 inches in length. Such sign may be white lighted but shall not be flashing.
2. One sign not over 9 square feet in area pertaining only to permitted uses and buildings on the premises as listed in "Single Residential District Uses" Section of the Lynnfield Zoning bylaws but specifically not including number 1, 9, and 10 of that "Single Residential District Uses" Section. Provided that no such sign is located within 20 feet of any exterior way line or lot line. Such sign may be white lighted but shall not be flashing.
3. One temporary unlighted sign not over 9 square feet in area pertaining to the sale or lease of the premises provided that no such sign is located within 10 feet of any exterior way line or lot line.

6.1.2 Signs in Limited Business Districts. In a Limited Business, Limited Industrial and Office Park District, two exterior signs pertaining to permitted buildings, structures and uses existing at the time on the premises is permitted, provided that:

1. One sign attached flat against a wall of the building and fronting on the principal way, a parking space in the rear, or, in the case of a building on a corner lot, on that portion of the side of the wall within fifty (50) feet of the exterior line of the principal way. In no case shall such sign project above the roof line. Such sign may be white lighted but shall not be flashing. Such

sign may not exceed in total area 2 square feet for each linear foot of store front. In any case, such sign may not exceed 75 square feet.

2. A directory-type sign for identification of the several tenants or occupants in the area may be placed in a prominent place for the benefit of foot vehicular traffic. Each tenant will be allotted for his identification on the sign an area not in excess of 24” horizontally and 6” vertically (144 square inches) and the total area of the sign shall not exceed 10 square feet. Other ornaments may not protrude from the sign more than 4 inches in any direction with the exception of hardware necessary to attach the sign to a post. Such a sign should be in good taste and maybe white lighted indirectly, but may not be lighted by flashing or intermittent lights. Said sign shall be placed in a safe location at the normal entrance to the area in which the tenants or occupants are located and also be located so as not to obstruct the normal vision of traffic. Said sign shall not be suspended or placed so as to overhang a public or private way and will be no higher at its lower extremity than 3 feet above the ground. Permission for the installation of any directory sign not attached to a building will be in writing from the fee holder of title and accompany any request for a permit or variance. Said request to include a scale drawing of the proposed sign and said permit, when issued, shall indicate that the permit for said sign may be revoked by the Building Inspector if it is not properly maintained.

6.1.3 Signs in General Business and Commercial Districts. In a General Business and Commercial District, exterior signs pertaining to permitted buildings, structures and uses existing at the time on the premises are permitted, provided that:

1. One sign is attached flat against a wall of the building and fronts on the principal way, a parking space in the rear, or in the case of a building on a corner lot, on that portion of the side of the wall within 50 feet of the exterior line of the principal way. Such sign may not exceed in total area 3 square feet for each linear foot of store front, and in no case may exceed 100 square feet.
2. One additional sign not attached to the building, which may be double faced. Each face may not exceed the lesser of one square foot for each 2 linear feet of lot frontage or one square foot for each 100 square feet of ground floor area in the building or buildings located on the premises. In no case is this sign to be larger than 150 square feet per side nor to exceed 15 feet in height including standard.

6.1.4 Signs in Limited Industrial Districts. See “Signs in Limited Business Districts”.

6.1.5 Signs in Housing for the Elderly Districts.

1. One sign at each vehicular entrance to the District provided that such sign does not exceed 6 inches in width and 24 inches in length. Such sign may be non-flashing white lighted.
2. One sign attached flat against the wall of one building and fronting on the principal way. Such sign shall not exceed 9 square feet and may be non-flashing white lighted.

6.1.6 Signs in Office Park Districts. See “Signs in Limited Business Districts”.

6.1.7 Standards Applicable in All Districts. The sections on sign regulations are intended to ensure that all signs are located, designed, sized, constructed, installed, and maintained in a way that protects and promotes safety, health, aesthetics, and the public welfare including impact upon residential property value while allowing adequate communication.

1. Signs shall neither contain moving elements nor convey the appearance of movement, whether by changing pixilation or any other physical or electronic representation of movement.

6.2 OFF-STREET PARKING.

6.2.1 General. In all Districts, except the Elderly Housing District, no business or commercial building shall be constructed or externally enlarged, and no business or commercial use shall be established or expanded in ground area, unless there is provided on the lot or land associated therewith and within three hundred (300) feet of such building or use, off-street automobile parking spaces in compliance with the following.

6.2.2 Parking Space Dimensions. For the purposes of this Section and off-street parking space shall contain one hundred and eighty (180) square feet of appropriate dimensions for the parking of an automobile, exclusive of access drives or aisles

6.2.3 Computation. In the case of mixed uses in the same building or on the same lot, or the joint use of spaces by two (2) or more separate buildings or uses, the total requirements for off-street parking space shall be the sum of the requirements of the various buildings and uses computed separately. Required parking spaces shall be located, graded, drained and otherwise constructed in accordance with the site plan hereinafter required, shall be provided and maintained with a dust-free surface, and shall be permanently available for use by the customers, patrons, and employees of the establishment with which connected.

6.2.4 Table of Parking Requirements.

Retail stores, showrooms or salesrooms, wholesale showrooms, consumer, professional or commercial service establishments, offices or banks	At least one off-street parking space for each one hundred and eighty (180) square feet of ground floor area of the building plus one additional space for each three hundred and sixty (360) square feet of floor area in all stories above the first story
Restaurants and other places for the serving of food or beverages and theaters and other places of amusement or assembly	At least one off-street parking space for each one hundred and eighty (180) square feet of ground floor area of the building plus one additional space for each three hundred and sixty (360) square feet of floor area in all stories above the first story, or at least one off-street parking space for each three (3) seats provided for patron use, whichever requires the greater number of parking spaces
Shops of the building trades, printing and publishing establishments, and all storage, manufacturing or other uses first specifically listed herein in a Commercial or Limited Industrial District	At least one off-street parking space for each two (2) persons employed or anticipated being employed, on the largest shift
Motor vehicle service stations, drive-in establishments, open-air retail businesses (including open-air amusements)	Sufficient off-street parking spaces to accommodate the automobiles of customers, patrons and employees. (Frequent parking of such automobiles within a public or private way adjacent to the premises will be considered as evidence of the inadequacy of the off-street spaces provided in connection therewith.)

6.2.5 Elderly Housing District. In an Elderly Housing District, no housing shall be constructed unless there is provided on the lot or land associated therewith off street parking totaling at least four parking spaces as above defined for each three units contained in such residence buildings.

6.3 VEHICULAR ACCESS.

6.3.1 General. All vehicular access to and from any lot on which a business or commercial building or use is located (including accessory off-street parking spaces) shall be through designated driveway openings.

6.3.2 Dimensions. Driveway openings shall have a width of not more than twenty (20) feet at the exterior line of the public or private way, and not more than one opening for entrance and one opening for exit [which may be contiguous with a total width of forty (40) feet] shall be permitted along any way for each two hundred (200) feet of lot frontage on said way, if in a Limited Business District, or for each three hundred (300) feet of lot frontage on said way, if in a General Business, Commercial, Office Park or Limited Industrial District.

6.3.3 Lots with Deficient Frontage. In the case of a lot having less than the specified frontage along the exterior line of a way, a total of not more than two designated driveway openings shall be permitted (one of which shall be for entrance and the other for exit), provided that:

1. Said lot was laid out by deed or conveyance or shown on a duly recorded plan prior to the effective date of the bylaw, provided that on such date said lot did not adjoin other land of the same owner available for use in connection with said lot, or
2. Said driveway openings are used or to be used in common by two (2) or more lots having a total continuous frontage on the way of at least the amount specified for a single lot, or
3. Said driveway openings are at the exterior line of a private way whose primary function, in the opinion of the Board of Appeals, is to provide access to premises located in non-residential districts, and a variance from these requirements is accordingly authorized by said Board.

6.3.4 Elderly Housing District. In Housing for the Elderly District, driveways within each lot, including those for ingress and egress, shall be thirty (30) feet in width, with twenty (20) feet paved for the use of vehicles and with two (2) sidewalks each five (5) feet in width. Adequate lighting shall be provided for driveways, and driveways and parking areas shall be suitably graded and provided and maintained with permanent dust-free surface, adequate drainage and bumper guards when needed for safety. Off street parking shall not be allowed between buildings and side lot lines.

6.4 OUTDOOR LIGHTING.

6.4.1 Purpose. For reasons of safety and the reduction of light trespass, glare and light pollution, all outdoor lighting fixtures except those installed for municipal purposes, and with the further exception of lighting regulated by OFF-STREET PARKING Section, whether ground, pole, or wall-mounted, shall be subject to the following regulations.

6.4.2 Definitions. See Definition Section under Outdoor Lighting.

6.4.3 Residential Districts. Residential lighting shall be steady, stationary, and when necessary shielded so as to avoid causing glare for motorists, pedestrians, or neighboring premises. The marginal increase in light, as measured at a property line other than a street line, shall not exceed 0.5 foot-candle.

6.4.4 All Other Districts (Excluding Overlay Districts); Height. The following limitations on height shall be observed by all uses except illuminations for public recreation on public land.

Maximum luminaire mounting height (to Bottom of luminaire)

	LB District	All Other Districts
Fixture Type I	15 Feet	-
Fixture Type II	20 Feet	20 Feet
Fixture Type III	25 Feet	30 Feet

6.4.5 All Other Districts (Excluding Overlay Districts); Overspill Limitations. The following limitations on illumination overspill shall be observed by all uses except illuminations for public recreation on public land.

Maximum Off-site overspill (foot candles, FC)

	LB District	All Other Districts
Fixture Type I	0.2 FC	-
Fixture Type II	0.5 FC	0.5 FC
Fixture Type III	0.5 FC	1.0 FC

6.4.6 All Other Districts (Excluding Overlay Districts); Maximum Light. In all non-residential districts (except Housing for the Elderly and overlay districts) the amount of light under any fixture shall not exceed 20-foot candles.

6.5 ENCLOSURE AND SCREENING.

6.5.1 General. The District's respective uses (whether or not requiring Board of Appeals authorization), and all uses accessory thereto, shall be conducted wholly within a completely enclosed building, except as follows.

6.5.2 Residential Districts.

1. All those uses permitted in Residence A, B, C and D Districts unless specified elsewhere.

6.5.3 Limited Business District.

1. All those uses listed in "Residential Districts".
2. Accessory outdoor dining areas.
3. Plants growing in the soil.
4. Parking lots for passenger automobiles.
5. Exterior signs, as hereinafter permitted.
6. Exterior lights installed in compliance with OUTDOOR LIGHTING Section.
7. The dispensing of fuels, lubricants or fluids at automobile service stations.

6.5.4 General Business District.

1. All those uses listed in "Limited Business District".
2. The service of food or beverages or the dispensing of merchandise from a completely enclosed building to persons outside at drive-in establishments.

6.5.5 Commercial District. In a Commercial District all open storage of junk, scrap metal, rags, waste paper, and similar used materials shall be completely screened from view at normal eye level from any public or private way or from any premises. Any other use conducted outside a completely enclosed building, except an open use permitted in General Business Districts, shall, if visible at normal eye level from any point within a Single Residence A, B, C and D District and less than two hundred (200) feet distant, be completely screened from such view, unless separated from said District by a railroad or by a public or private way having a width of forty (40) feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other attractive suitable visual barrier.

6.5.6 Industrial District. The open storage of goods, products, materials or equipment, where accessory to a permitted main use conducted in a completely enclosed building on the same premises, subject to the condition that the total ground area devoted to such open use does not exceed twenty-five (25) per cent of the ground area covered by said building and that this open use does not come nearer than one hundred (100) feet from the boundary of a Single Residence A, B, C or D District.

1. In a Limited Industrial District all open storage of junk, scrap metal, rags, waste paper, and similar used materials shall be completely screened from view at normal eye level from any public or private way or from any premises. Any other use conducted outside a completely enclosed building, except an open use permitted in General Business Districts, shall, if visible at normal eye level from any point within a Single Residence A, B, C and D District and less than two hundred (200) feet distant, be completely screened from such view, unless separated from said District by a railroad or by a public or private way having a width of forty (40) feet or more. Screening required under this paragraph shall be by an evergreen planting, fence, or other attractive suitable visual barrier.

6.5.7 Housing for the Elderly Districts. None, unless specified elsewhere in the bylaw.

6.5.8 Office Park Districts. None unless specified elsewhere in the bylaw.

1. There shall be provided a landscaped buffer strip of 50 feet on all sides of the property, except where the development adjoins existing development within a single residence A, B, C or D District, such buffer strip shall be increased to 100 feet. A landscaped buffer shall consist of existing natural vegetation or new plantings, or combinations thereof, which will form a year-round dense screen at least six feet high within three years.

SECTION 7 SPECIAL REGULATIONS

7.1 EARTH REMOVAL.

7.1.1 General. The removal, for sale or otherwise, from the Town, or from one lot to another in the Town, of sod, loam, clay, sand, gravel or quarried stone forming a part of the real estate in the Town, shall be permitted only if a Special Permit from the Board of Appeals is first obtained.

7.1.2 Exceptions. Removal when necessarily incidental to or in connection with the construction at the site of removal, of a building for which a permit has been issued, or for grading or otherwise improving the premises of which such building is a part, is excepted from the requirements of this Section.

7.1.3 Application. Any person desiring to obtain the permission of said Board for such purpose shall make written application therefore, and the said Board shall hold a public hearing thereon, of which public notice shall be given, and render a decision. The applicant shall show, to the satisfaction of said Board, that such use of the premises for which such application is made shall not constitute a nuisance because of noise, vibration, smoke, gas fumes, odor, dust or other objectionable features, shall not be hazardous because of fire or explosion, shall not adversely affect the economic status of the Town, shall not tend to impair the beauty of the Town or of the District most immediately affected, and shall not be dangerous to the public health.

7.1.4 Decision. When in the opinion of the Board, such a permit may be granted if accompanied by conditions especially designed to safeguard the district and the Town, including protection against permanent and temporary situations which may be left or arise after operations are completed or because of the methods of handling such material at the site, or transporting such material through the Town, it shall impose such conditions and make them a part of the permit.

7.2 ADULT USES.

7.2.1 General. This Section regulates adult uses and adult entertainment facilities within the Town of Lynnfield.

7.2.2 Purpose and Intent. The purpose and intent of this Section is to address and mitigate the secondary effects of the adult uses and businesses referenced herein. The provisions of this Section are not intended to impose a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Also, the provisions of this Section are not intended to restrict or deny access by adults to adult uses and to sexually oriented matter or material protected by the Constitution of the United States of America and of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute, or exhibit such matter or materials. Neither is it the purpose or intent of this Section to legalize the sale, rental, distribution, or exhibition of obscene or other illegal matter or materials.

7.2.3 Definitions. See DEFINITIONS Section, “Adult Uses” for applicable definitions.

7.2.4 Special Permit. No adult use shall be allowed except by a Special Permit granted by the Board of Appeals. Said Board may impose such conditions as it deems appropriate for the protection of public health, safety, and welfare in any district permitting such use. Said Special Permit shall only be issued following a public hearing held within sixty-five (65) days after filing of an application with the Board of Appeals, a copy of which shall forthwith be given to the Town Clerk by the applicant. The Board of Appeals shall grant a special permit when the application meets the performance standards set forth in this Section.

7.2.5 Location. An adult use may be located only within the Commercial District within the Town. An adult use may not be located within four hundred (400) feet of (a) a boundary line of a residential zoning district, (b) any other adult bookstore or adult motion picture theater, or (c) any establishment licensed under the provisions of Chapter 138, Section 12.

7.2.6 Application. The application for a Special Permit for an Adult Use shall include the following information: name and address of the legal owner of the proposed establishment; name and address of all persons having a lawful ownership, equity or security interest in the proposed establishment; a sworn statement that neither the applicant, owner, nor any person having a lawful ownership, equity or security interest in the proposed establishment has been convicted of violating the provisions of Massachusetts General Laws Chapter 119, Section 63 or Chapter 272, Section 28; name and address of the manager of the proposed establishment; proposed provisions for security; number of employees; and proposed physical layout of the interior of the proposed establishment.

7.2.7 Signage. All signs must meet the requirements of SIGN REGULATIONS Section. In addition, no advertisement, display or other promotional material which contains sexually explicit graphics or sexually explicit text shall be visible to the public from any public way including, but not limited to, sidewalks, pedestrian walkways or highways.

7.2.8 Zoning Bylaw Requirements. The proposed Adult Use shall comply with all other requirements of the bylaw for the district proposed for location of such Adult Use.

7.3 MARIJUANA.

7.3.1 General. This Section applies to Registered Marijuana in Dispensaries within the Town of Lynnfield including all like or related businesses and facilities.

7.3.2 Purpose and Intent. This Section shall apply to all Registered Marijuana dispensaries and like or related operations in the Town as permitted under the laws of the Commonwealth of Massachusetts. The purpose of this Section is to protect the health, safety, and welfare of the residents, businesses, and property owners in the Town. Further, the purpose of this Section is to provide areas within the Town for the cultivation, production, and distribution of marijuana so that persons permitted to obtain, possess, and use marijuana for medical purposes may do so. Nothing in this Section is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

7.3.3 Definitions. See DEFINITION Section, “Medical Marijuana” for applicable definitions.

7.3.4 Location. A Registered Marijuana Dispensary may be located only within the Commercial District by special permit from the Planning Board. A separate Special Permit shall be required for each premises from which a Registered Marijuana Dispensary is operated. No two or more different Registered Marijuana Dispensaries may be treated as one premises nor may they be co-located on a single premises.

1. A Registered Marijuana Dispensary shall not be located within 1000 yards of any school, church, licensed childcare center, playground, place of worship, or any other Registered Marijuana Dispensary.
2. No Registered Marijuana Dispensary shall be located within the same premises as any medical doctor's office or the offices of any other professional practitioner authorized to prescribe the use of medical marijuana.
3. Any and all cultivation, production, storage, display, sales, or other distribution of marijuana shall be located so as to occur only within the Restricted Area of a Registered Marijuana Dispensary and shall not be visible from the exterior of the business.

7.3.5 Signs. Any and all signs related to the Registered Marijuana Dispensary must be located on the same building in which the Registered Marijuana Dispensary is located and must comply with all Sign Regulations of the Town of Lynnfield. No sign, advertisement, display, or other promotional material which utilizes graphics related to marijuana or marijuana paraphernalia, or figures or symbols related to marijuana shall be visible to the public from any public way, including but not limited to, sidewalks, pedestrian walkways, or highways.

7.3.6 Special Permit. No operation of a Registered Marijuana Dispensary within the Town shall be allowed without a Special Permit granted by the Planning Board.

7.3.7 Approval Requirements.

1. The Planning Board may issue a Special Permit for a Registered Marijuana Dispensary if the information available to the Planning Board verifies that the applicant has submitted a full and complete application, has planned improvements to the business location consistent with the application, is prepared to operate the business as set forth in the application and in accordance with Town Bylaws and has submitted the required fees as required. The Planning Board shall deny any application for a Special Permit where the applicant does not meet the requirements of Town Bylaws or any other applicable law, rule, or regulation or in the event that such application contains any false or incomplete information. The Planning Board may impose such conditions as it deems appropriate for the protection of public health, safety, and welfare in any district permitting such use. Said Special permit shall only be issued following a public hearing within sixty-five (65) days after the filing of an application and payment of the filing fees with the Planning Board, a copy of such application shall forthwith be given to the Town Clerk by the applicant.

2. A Special Permit for a Registered Marijuana Dispensary is not transferable or assignable, including, without limitation, not transferable or assignable to a different premises, to a different type of business (including another RMD), or to a different owner or licensee. A Registered Marijuana Dispensary Special Permit is valid only for the owner(s) named thereon, the type of business disclosed on the application for the license, and the location for which the license is issued.

7.3.8 Application. An application for a Special Permit for a Registered Marijuana Dispensary shall be made to the Planning Board with an application fee of One Thousand Five Hundred Dollars (\$1,500.00). The Board may provide forms to applicants for that purpose. The application shall provide such information relative to the public health, safety, and welfare as may be required by the Planning Board including, but not limited to such matters as:

1. The identity of all investors, owners, officers, and employees of the applicant;
2. The applicant's past history and experience operating Registered Marijuana Dispensaries, including history of license or permit denials;
3. A description of all products and services to be provided;
4. An operating plan and a site plan for the proposed facility, including building layout, lighting, and security;
5. A ventilation plan for the elimination of marijuana odors off premises;
6. A written plan for waste water disposal accompanied by a site plan describing the treatment of waste water so as to prevent environmental harm;
7. A plan for the storage and disposal of all toxic substances on the premises;
8. A plan for the exclusion of minors from the premises if unaccompanied by an adult;
9. A statement as to the amount of the projected daily average and peak electric load anticipated and certification by a qualified engineer that the premises are equipped to provide such electric loads;
10. A plan by a Registered Land Surveyor to show within a radius of one thousand (1,000) feet from the boundaries of the property upon which the Registered Marijuana Dispensary is located, the proximity of the property to any school, church, licensed child care center, playground, place of worship, every other Registered Marijuana Dispensary, every residential zone district, and other facility identified in the bylaw, or to a mixed-use development containing one or more residences;
11. A copy of the applicant's completed state RMD registration application in its entirety and a copy of the applicant's state RMD registration;
12. Proof of ownership or legal possession of the restricted area for a Registered Marijuana Dispensary for the term of the proposed license. If the Registered Marijuana Dispensary is not the owner of the premises of the business, the applicant shall provide on a form approved by the Town, written authorization to the Town from the owner to enter the property for inspection of the premises.

7.3.9 Exclusions.

1. The permitting requirement set forth in the bylaw shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, a retail sales and use tax license, a retail food establishment license, or any applicable zoning or building permit.
2. A Special Permit granted under the bylaw does not provide any exception, defense, or immunity from other laws. The issuance of any Special Permit pursuant to the bylaw does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.
3. Compliance with the requirements of the bylaw shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except for a violation of the bylaw.

7.3.10 Annual Renewal. A Registered Marijuana Dispensary Special Permit shall be valid for one year. The Special Permit shall expire on the date stated on the license unless otherwise provided by the Planning Board. The Planning Board may extend the term of the license for no more than six months to facilitate the administration by the Planning Board of renewals and coordinate with the date for renewal of the state license of such licensee.

1. The Special Permit must be renewed annually by application on a form provided by the Planning Board requiring the Special Permit holder to confirm the status of information provided in its original application and all renewals thereof.
2. The application for renewal need not be considered unless the renewal application fee of Two Thousand Five Hundred Dollars (\$2,500.00) has been paid in full.
3. The licensee shall apply for renewal of the medical marijuana business license at least ninety (90) days before the expiration of the license. The licensee shall apply for renewal using forms provided by the Planning Board.
4. In the event there has been a change to any information provided in the immediately prior application and if there has been any change to any of the plans identified in the license application which were submitted to and approved by the Planning Board with the application or an earlier renewal, the renewal application shall include specifics of such changes or proposed changes.
5. The renewal application shall include a copy of the applicant's current and valid state registration, a summary report for the previous twelve months showing the amount of marijuana purchased; the amount of marijuana sold, the forms in which marijuana was sold; the police report numbers or case numbers of all police calls to the RMD and its related facilities; and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

6. In the event there have been allegations of violations of the bylaw or any other law on the part of the Special Permit holder or the person submitting a renewal application, the Planning Board may hold a hearing prior to approving the renewal application. The hearing shall be to determine whether the application complies with the bylaw and whether the operation of the business has been in compliance with law. If the Planning Board does not hold a hearing and the application and the applicant(s) does not meet the requirements of all applicable rules, regulations, bylaws, and laws, or the business has been operated in the past in violation of any applicable rules, regulations, bylaws and laws, the renewal application may be denied or issued with conditions.

7.4 SITING OF RADIO TELECOMMUNICATIONS FACILITIES.

7.4.1 Preface. Although not a regulating part of the Section the preface serves to illustrate the limitations that the Town must operate under when reviewing an application. The Federal Telecommunications Act of 1996, 47 U.S.C. § 332 (the "TCA") significantly limits the ability of state and local authority to apply zoning regulations to wireless telecommunications.

Under the TCA, the power of local governmental authorities to regulate the placement, construction and modification of personal wireless services is tempered by the proviso that such regulation shall neither discriminate among providers of personal wireless service nor prohibit, or have the effect of prohibiting, the provision of personal wireless service. For example the denial of an individual permit could amount to a prohibition of service if the service could only be provided from a particular site.

The TCA does grant local authorities the first say in determining where and how to construct personal wireless services provided that said review is acted upon "within a reasonable period of time" 47 U.S.C. § 332(7)(B)(ii). However, if a local authority's actions violate the provisions of the TCA or denies a request the court has the authority to grant the wireless provider its original request, 47 U.S.C. § 332(7)(B)(iii).

The TCA closed the door on any Radio Frequency emissions arguments; no local government may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC regulations, 47 U.S.C. § 332(7)(B)(iv).

The Middle Class Tax Relief and Job Creation Act of 2012, section 6409, states that local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station.

7.4.2 Purpose and Scope of Authority. The purpose of this Section is to establish general guidelines for the siting of Radio Telecommunication Facilities, (RTF). The goal of this Section is:

1. To enable RTFs to benefit the people of Lynnfield.
2. To minimize the total number of RTF towers throughout the community.
3. To ensure that the benefits of RTFs outweigh potential detrimental impacts on the Town's scenic and historic assets, safety, health, environment, general welfare, values and quality of life.

4. To make all RTF locations available for local municipal agencies use where feasible.
5. To encourage the location of Personal Wireless Service Facility (PWSF) towers on municipal, general business, commercial, or limited industrial zoned land.
6. To encourage owners of PWSF towers to locate them, to the extent possible, in areas where the adverse impacts on adjacent properties of the community is minimal.
7. To require, when technically possible, the co-location of new and existing PWSFs.

Pursuant to the purposes stated in this Section, the Town will exercise its bylaw authority within the following scope:

1. To ensure that RTFs comply with local, state and federal regulations.
2. To ensure that the location, height and design of RTFs are subject to a public review process.

7.4.3 Definitions. See DEFINITION Section, “Radio Telecommunication Facilities”, for applicable definitions.

7.4.4 Special Permit Granting Authority. The Special Permit Granting Authority (SPGA) shall be the Zoning Board of Appeals.

7.4.5 Location. The siting of RTFs is applicable to all zoning districts throughout the Town.

7.4.6 Personal Wireless Service Facilities (PWSF). A PWSF may be erected, installed or modified upon issuance of a special permit in compliance with the provisions of the bylaw, whether the PWSF is considered a principal use or an accessory use.

7.4.7 Exemptions.

1. A PWSF is exempt from the special permit requirement if it is an Indoor RTF, including but not limited to internet-connected “femtocells,” distributed antenna systems, and bi-directional amplification systems.
2. An Eligible Facilities Request for a modification is exempt, however an updated Site Plan shall be required by the SPGA.
3. Antennae and directly related facilities used exclusively for communication for the purpose of federally licensed amateur radio operators shall be exempt.

7.4.8 PWSF Preference Installation Types. The following list of PWSF Installation Types is presented in order of preference hence forming a hierarchy structure.

1. First Preference Type (highest). PWSF located on existing conforming structures, as permitted in the underlying districts. Panels, antennae and associated equipment may be approved as accessory uses. The intent of the First Preference Type is to allow such facilities to be located in or on structures appropriately screened and/or camouflaged pursuant to this Section. When possible the facility shall be mounted inside an existing structure, modification of a structure may be permitted. For example, but not limited to, a church steeple which is 20

feet in height then rises 50 feet as a thin spiral tube (antenna), would not be considered an acceptable permitted structure, it is an attempt to skirt around the Section.

2. Second Preference Type. The following PWSF Installation Types are of equal preference to one another, and collectively are subordinate to the First Preference:

a. Collocation. A PWSF may employ Site-Sharing with an existing PWSF or Collocate on an existing structure, to the extent that such is found by the SPGA to be consistent with the purposes and standards established in the bylaw.

b. Existing Utility Infrastructure. A PWSF may Collocate on existing utility infrastructure such as transmission lines, utility poles or streetlights using unobtrusive architectures such as Distributed Antenna Systems (DAS). With respect to the use of utility poles, collocation on existing utility poles (and replacements thereof) is preferred above the installation of new utility poles in public ways. In neighborhoods with underground utilities, pole-mounted PWSF on existing utility infrastructure are discouraged in favor of less visually obtrusive alternatives, such as placing a small antenna installation on existing utility poles on a nearby street.

c. Other Implementations. A PWSF may be located using innovative alternatives that are in keeping with the purpose and intent of the Bylaw provided the SPGA determines that such is an acceptable second preference and does not rise to a Third Preference.

3. Third Preference Type: Antenna Tower. A PWSF which requires the construction of a new Antenna Tower are least on the order of preference. When nothing else meets the needs specified by the Telecommunications Act of 1996 only free standing monopoles, with associated antennae and/or panels, shall be allowed as specified below. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

4. Waiver of Preferences. The SPGA may waive the preference orders designated for siting and types of PWSF pursuant to Other Implementations upon a written finding that the siting at a location of lesser preference, or the installation of a PWSF type of lesser preference, would achieve a similar coverage result consistent with the purposes of this Section.

7.4.9 General Requirements.

1. PWSFs shall only be employed for the purpose of delivering PWS to subscriber devices or supporting public safety communications, and shall not be used for storage, office, manufacturing, repair, or other activities, unless separately permitted in the underlying district.

2. PWSF which includes, but are not limited to, monopoles, satellite dish(es) over three (3) feet in diameter or antenna, shall only be erected or installed if in compliance with the provisions as set forth herein.

3. Whenever possible, PWSF shall be located in non-residential zoning districts and shall be suitably screened from abutting and residential neighborhoods.

4. Any proposed construction of a replacement PWSF facility that substantially changes the physical dimensions, such as but not limited to an extension in the height, shall be subject to a new application for a permit.

5. An undertaking shall be required, secured by a bond appropriate in form and amount for removal of the PWSF within 6 months of cessation of operation of said facility or such other activity which may be appropriate to prevent the structures from becoming a nuisance or aesthetic blight.

7.4.10 Demonstration of Need. Needs are relative to the Town of Lynnfield's geographic area and 0.25 miles outside the Town limits, "Coverage Area".

7.4.11 Need for Service. The Applicant must demonstrate the service objectives in Lynnfield that the proposed PWSF will address in whole or in part. Such demonstration shall include:

1. written evidence including technical documentation demonstrating that there is a substantial deficiency in the Applicant's provision of service to Lynnfield, a coverage gap;
2. detailed information about all existing and pending PWSFs and their associated coverage maps;
3. information about terrain, vegetation and land use within the proposed coverage area that results in the deficiency;
4. network performance factors; and
5. other information relevant to the Applicant's service objectives, or as may be required by the SPGA.

7.4.12 Need for Location. The Applicant must provide substantial written evidence including documentation showing how the improved service could not be substantially provided by utilizing one or more locations of higher preference as described in Section "PWSF Installation Types" or, alternatively, as described in Section "PWSF Installation Types - Waiver of Preferences."

7.4.13 Third Preference Type. For a Third Preference Type, the following information shall be prepared by one or more professional engineers for the Coverage Area.

1. Describe the capacity of the facility, the number and type of panels, antenna and/or transmitter /receivers that it can accommodate and the basis for these calculations. The applicant shall provide information concerning the foreseeable industry growth needs for the facility's use for the succeeding ten (10) years.
2. Demonstrate that no existing facility can accommodate the applicants proposed facility. Evidence submitted to demonstrate such shall consist of the following:
 - a. No existing facility is located within the coverage area, which can meet the applicant's engineering requirements.
 - b. Existing facilities are not of sufficient height to meet the applicant's engineering requirements.
 - c. Existing facilities do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

- d. Fees, costs, or contractual provisions required by an owner in order to share an existing facility or to adapt an existing facility for sharing are determined to be unreasonable. The total cost to construct a new independent facility, which meets the requirements of the section, is presumed to be unreasonable.
- e. Other limiting factors that render existing facilities unsuitable.
- f. Provide an alternative analysis that considers the tradeoffs between Preference Types, location, height, capacity, number, separations, and economic factors of the proposed facility.
- g. Provide an inventory of existing facilities that are within the coverage area. Said inventory shall include information about the location, height, design, and capacity of each facility.
- h. Co-location PWSF shall be designed to accommodate the maximum number of providers technologically practical and such maximum number specified. The intent of the requirement is to reduce the number of antennas, which will be required to be located within the coverage area.

7.4.14 Availability of Alternatives. The SPGA may require the Applicant to consider specific potential alternatives at any level of the hierarchy in Section “PWSF Installation Types” if the SPGA determines that such locations may better achieve the purposes established in the bylaw.

7.4.15 Height and Setbacks; PWSF Non-Residential. Height of an Antenna Tower and Antenna shall be measured from ground level at the base of that item regardless of location of base. PWSFs in PWSF Non-Residential locations may exceed the height limit of the underlying district, whether attached to existing structures or mounted on new Antenna Towers, subject to the following criteria:

1. Height. New Antenna Towers in PWSF Non-Residential locations are limited to the minimum height necessary to accommodate the anticipated and future use but in no case above 100 feet in height.
2. Subject to the following findings, and such findings as required for issuance of a waiver pursuant to Section PWSF Preference Installation Types - Waiver of Preferences, the SPGA may approve a PWSF Antenna Tower at a height up to 150 feet in height upon a written finding that:
 - a. Such greater height is more consistent with the purposes established by the bylaw than a lesser height;
 - b. The PWSF Antenna Tower is at least 1.5 times its height from the nearest residential property line;
 - c. The PWSF Antenna Tower is at least 1.0 times its height from the property line of the parcel it resides upon; and
 - d. The PWSF is screened from view to residential buildings, public or private ways, and public or private conservation land by existing terrain, vegetation, camouflage and/or development.

2. Setbacks. PWSFs must satisfy the property line setbacks of the underlying district.
 - a. PWSF Antenna Towers that are greater than the height limit of the underlying district shall be set back from all parcels in residential districts by a minimum of 1.5 times the height, including appurtenances.
 - b. On existing structures, PWSF Antenna Towers that are greater than 15 feet above the height of the structure shall be set back from all parcels in residential districts by a factor of 1.5 times the height, including appurtenances.

7.4.16 Height and Setbacks; PWSF Residential. PWSFs in PWSF Residential locations may exceed the height limit of the underlying district, whether attached to existing structures or mounted on new Antenna Towers, subject to the following criteria:

1. Height. New Antenna Towers in PWSF Residential locations are limited to: Sixty feet above ground in areas where there is no significant tree cover; or Ten feet above the average existing tree cover within a 150 foot radius; or Such lesser height that the SPGA finds is appropriate for the site of the PWSF based on the purposes and standards established in this Section.
2. Subject to the following findings, and such findings as required for issuance of a waiver pursuant to Section PWSF Preference Installation Types - Waiver of Preferences, the SPGA may approve a PWSF Antenna Tower at a height of between 60 feet and 150 feet upon a finding that: the location of the Antenna Tower is visually remote from surrounding residential uses; and such height increase is consistent with the purposes and standards established in this Section.
3. Setbacks. PWSFs must satisfy the property line setbacks of the underlying district.
 - a. PWSF Antenna Towers that are greater than the height limit of the underlying district shall be set back from all parcels in residential districts by a factor of 1.5 times the height above ground of the Antenna Tower, including appurtenances.
 - b. On existing structures, PWSF Antenna Towers that are greater than 12 feet above the height of the structure shall be set back from all parcels in residential districts by a factor of 1.5 times the height above ground of the tower, including appurtenances.

7.4.17 Additional Required Setbacks. In all districts, PWSFs shall be placed no closer than 3 times the height of the Antenna Tower to an existing Dwelling, School, Child Care Facility, Nursing or Convalescent Home, or an Assisted Living Facility.

7.4.18 Additional Requirements. When reviewing the construction, erection, installation and/or placement of a PWSF the SPGA shall also be based upon the following visual guidelines.

1. Concealment. To the maximum extent practicable, PWSFs shall conceal equipment, cables, and antennas within architectural surfaces that are ordinary and consistent with the context of the PWSFs Lynnfield environs, such as steeples, concealed-antenna monopoles, flagpoles, smokestacks, faux chimneys and cupolas.
2. Screening, Camouflage and Landscaping. Wherever possible, PWSF shall be sited so as to minimize the visibility of such devices from adjacent property and shall be screened from

abutters in residential neighborhoods. Where elements of a PWSF will be visible to residential parcels and public or private ways, PWSFs shall employ screening and/or camouflage methods that are consistent with the context of the surrounding area such as fencing, vegetation, and paint color or patterns to match underlying surfaces in order to mitigate any undesirable visual bulk and distraction. Installation of free-standing PWSF shall minimize the removal of trees and other existing vegetation.

3. Scale. The visual characteristics of a PWSF shall be minimized with respect scale, such as a dominant or looming visual experience, disproportion to the site and its surroundings, or undesirable shadowing impacts.

4. Color. Free-standing, wall mounted and roof-mounted devices may be required to be painted or otherwise colored or finished in a manner which aesthetically minimizes the visual bulk of the devices to the surrounding landscape or on the building or structure to which they are attached.

5. Signs. There shall be no advertising permitted on or in the vicinity of PWSF. There shall only be a sign not exceeding four square feet in area at each PWSF which shall display a phone number where the person responsible for the maintenance of the PWSF may be reached on a 24-hour basis.

6. Lighting. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration or other State or Federal agencies having jurisdiction of the same. Outdoor lighting of PWSFs shall be limited to that which is necessary for security and temporary maintenance at the discretion of the SPGA.

7. Maintenance. The visual characteristics of a PWSF shall be maintained, repaired and replaced as necessary and as an ongoing condition of compliance to retain the characteristics approved by issuance of a special permit.

8. Parking. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

9. Prohibitions. The following are specifically prohibited:

- a. Lattice style Antenna Towers and facilities requiring three or more legs and/or guy wires for support; and
- b. Fences utilizing razor wire or barbed wire or similar wire types.

7.4.19 Special Permits Criteria. In addition to the standards of this Section the SPGA shall review the Special Permit application for compliance with the Zoning Bylaw Section “Site Plan Approval” which is part of the required application material.

7.4.20 Application Procedures. The Application Phase of the process begins with the receipt by the SPGA of a complete application including all material required by this section and any applicable regulations. The application procedures for a Special Permit or for those only requiring a Site Plan shall follow the procedures as specified in M.G.L. c. 40A, s. 9.

1. Within 30 days of receipt, the SPGA or its designee shall review the application for consistency and completeness with respect to the Application Requirements in the bylaw and any applicable regulations and shall notify the Applicant in writing of any deficiency in the completeness of the application.

2. The SPGA shall take regulatory notice of the Federal Communications Commission (FCC) presumption that the final action of the SPGA on a new Antenna Tower should take no more than 150 days from the date of receipt of the completed application, and that final action on a Collocation or Site Sharing application should take no more than 90 days from the date of receipt of the completed application except upon written extension of these timelines by mutual agreement between the SPGA and the Applicant.

7.4.21 Modification to Existing PWSF. A modification of an existing Special Permit and/or a new Special Permit is required for any change in the facility that would be visible from an adjacent property boundary, including but not limited to an increase in height, bulk, surface area presented to one or more viewpoints, size or quantity of any exterior elements of an individually permitted PWSF, including without limitation, additions or changes to outdoor equipment or antennas. Said modifications are exclusive of those classified under an Eligible Facilities Request.

7.4.22 Site Plan Review. Nothing in this Section is intended to exempt PWSF from the requirement to receive Site Plan Approval as described elsewhere in the bylaw.

7.4.23 Consultant Review. When considering an application, new or modification, for a PWSF, the SPGA may determine the need for the assistance of a consultant expert in matters involving the placement (which includes coverage area), construction, and/or modification of PWSFs to review applicants compliance with ALL requirements of the Zoning Bylaw and the Telecommunications Act of 1996, at the Applicant's expense pursuant to M.G.L. c. 44, s. 53G. To make the most productive use of the limited time authorized by the FCC to hear the application, the SPGA may at its discretion engage a consultant immediately upon receipt of an application.

7.4.24 Decision. The Decision along with the applicable site plan shall be in writing and dated. A copy of all material shall also be filed with the Zoning Enforcement Officer. To approve a Special Permit for a PWSF, the SPGA must make the following findings: Note; some findings may require certification by an appropriate engineer with verification from the SPGA' Consultant.

1. That the Applicant or co-Applicant has:

a. demonstrated that it has sufficient leasehold or other legal interest in the proposed site to construct the PWSF;

b. provided a written assent to the Town that the Applicant will allow Site-Sharing, to the extent reasonably practicable in a nondiscriminatory manner;

2. That the proposed PWSF (with conditions, if applicable):

a. is compatible with Lynnfield's character and is designed and screened in a manner that is sensitive to the surrounding neighborhood as well as the community at large;

- b. protects adjacent properties from unreasonable risks of PWSFs, to the extent permitted by law, including without limitation excessive noise levels, falling objects, fuel spills, and attractive nuisance;
- c. if the proposed PWSF will Site-Share with an existing PWSF(s), that such Site Sharing is found by the SPGA to be consistent with the purposes established in this Section;
- d. conforms with the PWSF Location and PWSF Installation preferences of Section “PWSF Preference Installation Types” to conform with the purposes established in this Section;
- e. if proposed as a new Antenna Tower, the Applicant has documented that no combination of one or more alternative Collocations and/or Site Sharing can;
- f. substantially satisfy the Applicant’s coverage objectives; and present a substantially less detrimental impact on Lynnfield; and documented that a higher Preference Type cannot satisfy the Applicant's coverage;
- g. satisfies the Purposes established by the Zoning Bylaw and, without limitation, the specific requirements and guidelines established in the bylaw; and
- h. if applicable, that: existing vegetation will be preserved or improved, and disturbance of the existing topography has been minimized; or proposed manipulation of vegetation and disturbance of topography results in a lesser visual impact.

7.4.25 Form of Decision. The SPGA may approve, approve with conditions, or deny an application. The Decision of the SPGA shall be timely, in writing, and based upon substantial evidence in the written record.

7.4.26 Approval. Any approved Special Permit shall authorize specific PWS provider(s) and specific wireless service(s) to be operated by the Applicant(s) at the Antenna height(s) or positions specified in the application or approval document.

7.4.27 Approval with Conditions. The SPGA may impose conditions as deemed necessary to protect the interests of the neighborhood in which a PWSF is located.

1. Every Permit shall be conditioned upon a requirement that the PWSF owner shall make available to a number of other telecommunications companies use of the facility equal to the number determined to be the maximum number technologically practical under Section “Co-location” on commercially reasonable rates and terms, which take into consideration the cost of the facility. The proposed rates and terms shall show plainly all requisite detail fully to explain the basis of such charges and terms; in the event of disagreement between the Permit holder and the proposed lessee, the matter shall be submitted for resolution to the Massachusetts Department of Energy and Telecommunications (“DTE”) pursuant to 220 CMR 5.00, as amended, and any other applicable law and compliance with the decision of the DTE shall be compliance with this provision of the bylaw.

2. For any condition that the SPGA establishes with reporting or monitoring requirements, including without limitation noise or radio frequency emissions, the SPGA shall seek the advice of an expert in the relevant field pursuant to Section “Consultant Review” to identify the least burdensome protocol that is consistent with a legitimate public purpose identified by the SPGA.

7.4.28 Denial. Any denial shall be in writing and supported by substantial evidence. A denial if the petitioner does not fulfill or address the requirements of these regulations to the satisfaction of the Board may also be cause.

7.4.29 Waivers. The SPGA may at its discretion authorize waivers in the Special Permit Approval with respect to the order of “Preference Types” and any dimensional or other requirements of Section “Height and Setbacks” upon a written finding that such waiver will achieve better results consistent with the purposes and standards established in this Section “Personal Wireless Service Facilities (PWSFs)”.

7.4.30 Lapse. The Special Permit shall lapse within two (2) years unless substantial use or construction has commenced as specified in M.G.L. c. 40A, s. 9.

7.4.31 Removal of Abandoned Antenna Towers and PWSFs. Any PWSF Antenna Tower, PWSF Communications Device, or PWSF, that is not operated for a continuous period of six (6) months shall be considered abandoned.

1. The owner of said Antenna Tower, Communications Device, or PWSF shall remove same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If such Antenna Tower, Communications Device, or PWSF is not removed within said ninety (90) days, the Town may cause such to be removed at the joint and several expense of the said owner and the owner of the lot on which such structure is located.

2. For a site with two or more users said removal is limited to the user(s) that are considered abandoned. Additionally for these multi user sites the height may be reduced to that required by the remaining user(s). If the permit holder for the tower ceases operation, the remaining users may be required to apply for a new Special Permit.

SECTION 8.0 SPECIAL RESIDENTIAL REGULATIONS

8.1 GREEN BELT RESIDENTIAL DEVELOPMENT.

8.1.1 Purpose. For the purpose of promoting the more efficient use of land in harmony with its natural features and with the general intent of the bylaw, and to protect and promote the health, safety, convenience and general welfare of the inhabitants of the town, an owner or owners of a tract of land situated within Single Residence Districts, or a duly authorized agent thereof, may, in connection with the submission of a subdivision plan for Planning Board approval under the Subdivision Control Law or, if no such approval is required, after consultation with the Planning Board, make application to the Board of Appeals for a Special Permit pursuant to the Section excepting his plan from the lot area, side yard and frontage requirements of the bylaw pertaining to Single Residence Districts.

8.1.2 Special Permit Criteria. After notice and public hearing and after due consideration of the report and recommendations of the Planning Board (See “Planning Board Report”, below), the Board of Appeals may grant such a Special Permit provided that:

1. It finds that the proposed plan is in harmony with the purpose and intent of the bylaw and that it will promote the purposes of this section.
2. The area of the tract of land to be subdivided is not less than 25 acres.
3. Each lot shall contain not less than 26,700 square feet of land in Residence A, B and C Districts, and not less than 40,000 square feet of land in Residence D Districts.
4. Each lot shall have frontage on a way of not less than 30 feet and in no instance shall 4 contiguous lots have less than a total of 300 feet frontage and the total frontage of all lots in the tract shall in no instance be less than the product of 100 feet multiplied by the total number of lots. Each lot shall be so configured as to accommodate within it a circle having a diameter of not less than 120 feet.
5. The required front yard and rear yard depths of the district in which each lot is situated shall be met, and the side yard width shall not be less than 20 feet.
6. The number of lots permitted within the perimeter (total area) of the subdivision shall be determined on the following basis:
 - a. Residence A, B and C Districts, not more than 1 lot per 40,000 square feet, exclusive of the area set apart for ways and exclusive of area within a Flood Plain District or a Wetland as defined in M.G.L. c. 131, s. 40, as amended.
 - b. Residence D District, not more than 1 lot per 60,000 square feet, exclusive of the area set apart for ways and exclusive of area within a Flood Plain District or a Wetland as defined in M.G.L. c. 131, s. 40, as amended.
 - c. In tracts located partly in more than one Residential District, not more than the total number of lots which would be permitted by the preceding Paragraphs a and b allowing fractional lots to be added together, exclusive of the area set apart for ways. Such area

set apart for ways may be deducted from the total area of land in any District or partly from each.

7. There shall be an area or areas, but not more than two such areas, of “Green Belt Land” within the tract which shall equal or exceed the sum of the area by which any individual lots are reduced below the minimum lot area normally required by other sections of the Town’s Bylaws in their districts and shall comprise at least 20% of the total area of the tract.

a. Provision shall be made that the “Green Belt Land” shall be owned by a trust, corporation or other entity or organization which is owned or controlled by the owners of the individual lots in the subdivision. Said land shall be subjected to a perpetual Conservation Restriction and Easement in favor of the Town of Lynnfield under the provisions of General Laws Chapter 40, Section 8c and Chapter 184, Section 31 as the same may be from time to time amended, and shall be available for use only by its owners for conservation purposes, as specified in said sections of the General Laws as the same may be from time to time amended, and shall contain no paved areas or structures except such as may be used for as accessory to such purposes. The Town shall be given an adequate permanent easement of access for its agents to inspect the use of the “Green Belt Land” to see that it is not used in violation of the Conservation Easement and Restriction. Construction and use of the tennis courts on an area not in excess of ten (10%) percent of the total “Green Belt Land” as defined herein shall be permitted in “Green Belt Land”. Dredging of brooks and ponds shall be permitted in “Green Belt Land” so long as the same shall be done in accordance with applicable law.

b. The foregoing provisions shall not preclude such “Green Belt Land” being given by voluntary act of the owners to the Town, should the Board of Selectman, at some future time vote to accept the same, but in such case the Town shall not use any such land or make improvements thereon for any purposes other than those enumerated in this Paragraph . Nothing herein shall be constructed to require any owner to donate land to the Town, nor to affect the right of the Town to take such land by eminent domain.

c. No land within a Flood Plain District shall be included in determining the required area of “Green Belt Land”.

d. Reasonably unobstructed access and egress by a way at least 30 feet wide shall be provided to each area of “Green Belt Land” from one or more ways.

8. The utilities proposed for said subdivision will adequately provide for water, sewerage and drainage, and the proposed streets and street accesses and egresses will adequately provide for traffic convenience and safety.

9. The location and site design are compatible with the Master Plan of the Town adopted in 1954, as amended and as the same may be amended from time to time, the existing neighborhood and future development of the environs.

10. The plan provides for efficient allocation and distribution of the “Green Belt Land”.

11. The land use is harmonious with the natural features of the tract.

8.1.3 Conditions. The Board of Appeals may, in appropriate cases, impose further restrictions upon the tract, or parts thereof, as a condition to granting the Special Permit.

8.1.4 Planning Board Report. In connection with an application for a Special Permit from the Board of Appeals under this Section, the Planning Board shall submit, in writing, prior to the hearing, its recommendation and report to the Board of Appeals. The Planning Board may supplement its report after the hearing. The report of the Planning Board shall include as a minimum:

1. A determination of the area of the tract usable for residential construction.
2. A determination of the number of lots upon which dwellings could be constructed without regard to this section.
3. A general description of the neighborhood in which the tract lies and the effect of the plan on the area.
4. The relation of the plan to the Master Plan of the town adopted in 1954, as amended, and as the same may be amended from time to time.
5. The extent to which the plan is designed to take advantage of the natural terrain of the tract.
6. The extent to which the proposed "Green Belt Land" has reasonable size and shape and has adequate access and egress.
7. The Planning Board's opinion as to the overall design of the plan.
8. The Planning Board's recommendations as to the advisability of granting the Special Permit, and as to any restrictions which should be imposed upon the tract as a condition of such Permit.

The Board of Appeals shall give due consideration to the report of the Planning Board and, where its decision differs from the recommendations of the Planning Board, shall state the reasons therefore in writing.

8.1.5 Required Compliance. No provision hereof shall exempt a proposed subdivision from compliance with the Rules and Regulations of the Planning Board, nor shall it affect the right of the Board of Health to make reports and recommendations and of the Planning Board to approve, with or without conditions or modifications, or disapprove, a Subdivision Plan in accordance with the provisions of such Rules and Regulations and of the Subdivision Control Law.

8.1.6 Other Provisions. All dwellings and accessory buildings erected under the provisions of this section shall conform to all other provisions of the bylaws, which shall not be varied except by the Board of Appeals as permitted by law.

8.1.7 Procedures.

1. The procedure set forth herein for making application for a Special Permit for a Green Belt Residential Development is meant to be complementary and supplementary to the Rules of the Board of Appeals and the following should be interpreted to render the same harmonious with said Rules.

2. In single Residence Districts, a Green Belt Residential Development shall be allowed with a Special Permit issued by the Board of Appeals.
3. Thirty (30) days or more prior to application to the Board of Appeals for a Special Permit for Green Belt Zoning under this Section the applicant shall submit the subdivision plan referred to in the "Purpose" Section to the Lynnfield Planning Board by filing the same with the Clerk of the Planning Board, together with an application to obtain its approval with reference to the layout, construction and installation of streets, utilities and drainage facilities together with all other subjects within the proper jurisdiction of the Planning Board. Said approval shall not be given by the Planning Board unless and until the applicant has furnished the Town with such adequate security for performance of the applicant's obligations under the said plan and application as the Planning Board may require under its Regulations, as the same may from time to time exist. The Planning Board shall file a report concerning the Site Plan (hereinafter referred to) together with its recommendations as required by this Section with the Clerk of the Board of Appeals within forty-five (45) days from the date of application to said Planning Board, and shall send a copy of same to applicant. The Planning Board shall make such report and recommendation in or within forty-five (45) days from the date of application to the Planning Board; the failure of the Planning Board to make such report on said Plan within said period of time shall permit the Board of Appeals to act upon an application thereunder for a Special Permit without such report of the Planning Board.
4. In addition to three (3) copies of the Subdivision Plan, each application for a Special Permit to the Board of Appeals for Green Belt Zoning shall be accompanied by a Site Plan on one (1) or more sheets, in triplicate, of the entire tract under consideration prepared in accordance with the Rules of the Board of Appeals and, without limiting the generality of the foregoing, shall show all existing and proposed buildings, structures, ways, driveway openings, driveways, and all major landscape features such as screening in the form of fences, walls, planting areas and other barriers, the existing topography at a suitable scale and contour interval, proposed grading, location of all Green Belt Areas, educational active or passive recreational and cultural uses, if any, and the location of any proposed easements. Said Plan shall be subject to such rules relating to scale, dimensions, legend, form and preparation as may from time to time be promulgated by the Board of Appeals.
5. Each application for a Special Permit shall be accompanied by four (4) copies of the following proposed documents:
 - a. Perpetual easements to the Town to enable it to maintain and repair the Green Belt Areas and the drainage system, although clearly placing the primary responsibility upon the owner for the same. Also, contracts indemnifying and holding the town harmless for any expense incurred by the town in performing any of these tasks; said contracts shall be in a form binding upon the successors and assigns of the owner of the Green Belt areas.
 - b. Performance bonds securing the Town against default by the owner, whether it be an association, corporation, corporation or trust, which owns the Green Belt Areas, in performing the required repair and maintenance services; said bonds shall be in a form binding upon the successors and assigns of the owner.

8.1.8 Changes. No changes in a Special Permit granted hereunder, or in any plan or other document executed or submitted in connection with the application for such Special Permit, shall be made except under the authority of a decision of the Board of Appeals upon application and hearing as provided under the “Hearing” Section of the this Section. Prior to such hearing, the Planning Board shall submit to the Board of Appeals in writing recommendations as to the advisability of granting the requested changes relating to a Special Permit granted hereunder, and as to any restrictions which should be imposed as a condition of approval by the Board of Appeals.

8.2 ASSISTED LIVING RESIDENCE.

8.2.1 Purpose and Intent. The purpose of this Section is to promote the availability of services for elderly or disabled persons in a residential environment and to recognize that Assisted Living Residences are an important part of the spectrum of living alternatives for the elderly. Assisted Living Residences must be operated and regulated as residential environments with supportive services and not as medical or nursing facilities. Assisted Living Residences are certified by the Commonwealth of Massachusetts Executive Office of Elder Affairs under the provisions and requirements of M.G.L. Chapter 19D.

8.2.2 Special Permit. No Assisted Living Residence shall be allowed except by a Special Permit granted by the Board of Appeals in accordance with the requirements of Site Plan Approval of the Zoning Bylaws. Said Board may impose such conditions as it deems appropriate for the protection of public health, safety, and welfare in any district permitting such use.

8.2.3 Number of Residents. Said Special Permit may be granted for an Assisted Living Residence which shall provide for a maximum of twelve (12) residents on contiguous land located within any residential zone or a maximum of one hundred (100) residents on contiguous land located within the Commercial District.

8.2.4 Residential Districts. By Special Permit, an Assisted Living Residence may be located within any of the residential zones (RA, RB, RC, or RD) provided that said Residence shall comply with all of the following conditions:

1. All side yard, rear yard, and setback provisions shall apply for the particular zone.
2. The Residence shall be situated on contiguous land. In Single Residence Districts A, B, C, and D, and in tracts of land which otherwise qualify for “Green Belt Zoning” under the Bylaw, land which lies within a Flood Plain District or a Wetlands as defined in M.G.L. c. 131, s. 40, as amended, shall not be used to meet the minimum area required for lots in each of such districts. The minimum area required shall be the sum of (a) 10,000 square feet for each unit (including staff or caretaker unit), (b) 2,500 square feet per unit for parking and accessory needs, and (c) ten percent (10%) of the sum of (a) and (b).

8.2.5 Commercial Districts. By Special Permit an Assisting Living Residence may be located within the Commercial District provided that such Residence shall comply with all of the following conditions:

1. All side yard, rear yard, and setback provisions shall apply for that zone.

2. The Residence shall be situated on contiguous land. The minimum area required for such Residence in a Commercial District shall be the sum of (a) 1,000 square feet for each unit (including staff or caretaker unit); (b) 250 square feet per unit for parking and accessory needs and (c) ten percent (10%) of the sum of (a) and (b).” (S.T.M. October 20, 2003)

8.2.6 Other Requirements. At its discretion, the Board of Appeals shall have the authority to review and approve all aspects of the site plan presented, including, but not limited to, parking, traffic, signage, landscaping, structural design, septic system, drainage, and maintenance of the integrity of abutting properties. All approvals shall be granted in a manner calculated to maintain a residential environment which will blend comfortably with the surrounding area.

8.3 ACCESSORY APARTMENTS IN RESIDENCE DISTRICTS.

8.3.1 Purpose and Intent. It is the specific purpose and intent of allowing accessory apartments within one-family properties, except where enforceable deed covenants prohibit the same, in all one-family residence districts to meet the special housing needs of elderly parents of families presently living in the Town of Lynnfield. To help achieve these goals and to promote the other objectives of this ordinance and of the town development plan, specific standards are set forth below for such accessory apartment uses.

8.3.2 Permissible Location. Accessory apartments may be created only within single-family dwellings, which are located on lots meeting the minimum lot area and width requirements of the applicable zone.

8.3.3 Owner Occupancy Requirement. The owner(s) of the one-family lot upon which the accessory apartment is located shall occupy at least one (1) of the dwelling units on the premises. The special permit shall be issued to the owner of the property. Should there be a change in ownership, a change in the residence of the owner, or the death of the surviving parent, the special permit use and the certificate of occupancy for the accessory apartment shall become null and void. Within ninety (90) days of the death of the surviving parent or prior to a change in ownership or residence the second kitchen shall be removed and the house shall revert to a single-family status. Should the new owner decide to live in the structure and desire to continue the use of the second dwelling unit, he shall apply to the Zoning Board of Appeals for a special permit. The owner applicant shall be required to file on the subject property a declaration of covenants prior to the issuance of a special permit for an accessory apartment. This declaration shall be in favor of the Town of Lynnfield and state that:

1. The special permit for an accessory apartment or any renewal of said special permit shall terminate upon the death of the undersigned and the spouse of the undersigned or upon the transfer of title to said premises or upon the undersigned no longer occupying the premises as their principal residence.

2. The new owner of the premises shall have to apply to the Zoning Board of Appeals for a special permit to continue the accessory apartment.

8.3.4 Application. Applications need only contain such information to determine compliance with the regulations set forth herein.

8.3.5 Yearly Renewal. The special permit shall be issued on a year-to-year basis and the Board of Appeals shall not renew any such permit where the need for such accessory use no longer exists. The Board shall require bond or surety to insure that any improvements made shall be removed at the expiration of such special permit, or the sale of premise whichever occurs first. All yearly renewals of a special permit granted under this subsection may, but need not, be granted as an administrative matter by the Board of Appeals without the necessity of public notices or hearings upon receipt by the Board of Appeals of:

1. A report from the Director of the Zoning Enforcement and Inspection that the owner and occupant of the premises are in compliance with all provisions of this subsection and that the need for such accessory use still exists; and
2. A renewal of the surety bond referred to in the preceding sentence for the term of the renewed permit.

8.3.6 Principal Dwelling. An accessory apartment must be located in the principal dwelling provided that such principal dwelling conforms to the other requirements of this ordinance unless a variance therefore shall have been granted by the Zoning Board of Appeals.

8.3.7 Apartment Size. The minimum floor size for an accessory apartment within a principal dwelling building shall be three hundred (300) square feet but in no case shall it exceed twenty-five percent (25%) of the habitable area of the dwelling in which it is located, unless in the opinion of the Zoning Board of Appeals a greater or lesser amount of floor area is warranted by the specific circumstances of the particular building.

1. The accessory apartment shall not involve the extension or enlargement of the principal dwelling, except to provide access or egress nor shall it change the single-family characteristics of the dwelling.

8.3.8 Limit Per Lot. There shall be no more than one (1) accessory apartment for a total of two (2) dwelling units permitted per lot.

8.3.9 Approval. Applications for accessory apartments shall be subject to approval solely by the Board of Appeals.

SECTION 9.0 SPECIAL DISTRICTS

9.1 FLOOD PLAIN DISTRICT.

9.1.1 Purpose. The purpose of this Section, in addition to the purposes enumerated in the preamble to the bylaw, is to provide that lands in the Town of Lynnfield subject to seasonal or periodic flooding as described herein shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof.

9.1.2 Location. The Flood Plain District includes all special flood hazard areas within the Town of Lynnfield designated as Zone A and Zone AE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program. The map panels of the Essex County FIRM that are wholly or partially within the Town of Lynnfield are panel numbers:

25009C0383F, 25009C0387F, 25009C0389F, 25009C0391F,
25009C0392F, 25009C0393F, 25009C0394F, and 25009C0413F

dated July 3, 2012. The exact boundaries of the District are defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 3, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.

9.1.3 Relationship to Other Districts. All lands within the Flood Plain Districts are included in one or more of the other districts defined by the bylaw. The permitted uses specified in “Permitted Uses in Flood Plain Districts” take precedence in areas so classified. If, however, an exception under “Uses Allowed by the Board of Appeals” is granted by the Board of Appeals then the permitted uses of the underlying zoning district shall govern.

9.1.4 Permitted Uses in Flood Plain Districts. In a Flood Plain District no building shall be erected, altered or used, and no premises shall be used except for one or more of the following uses:

1. Municipal recreation, public water supply, drainage or flood control use, orchard, truck garden, nursery, or similar open use of the land for raising of agricultural or horticultural crops: and if authorized by the Board of Appeals, commercial golf course, or non-profit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business): and buildings and sheds accessory to any of the above uses, as long as such use is permitted in the underlying district in which the land is classified, but no dumping, filling, or earth transfer or relocation operation except for utility trenches, driveways, landscaping, accessory building foundations, or municipal or public facilities enumerated above.
2. Dwellings lawfully existing prior to the adoption of these provisions, but which shall not thereafter be enlarged or extended.

9.1.5 Uses Allowed by the Board of Appeals. If any land shown on the Zoning Map or defined in the bylaw as being in a Flood Plain District is proven by a Letter of Map Amendment issued by the Federal Emergency Management Agency (FEMA) to be in fact not subject to flooding or not unsuitable for

human occupancy because of drainage and topographic conditions, and if the use of such land will not be detrimental to the public health, safety and welfare, the Board of Appeals may permit buildings for human occupancy on such land in accordance with the requirements of the underlying district after the necessary proof has been presented to and reported on by the Planning Board and the Board of Health

9.1.6 Restrictions. Notwithstanding any other provision of the bylaw to the contrary, no building or structure shall be constructed and no dumping or filling shall be permitted in a floodway as shown on the FIRM except that new structures may be constructed or existing structures may be altered or repaired provided that such activities will improve the flood capacity of the floodway and provided that a special permit therefor is issued by the Board of Appeals. Under no circumstances shall any such special permit be issued, nor any construction or activity allowed anywhere in the District, that would be in violation of Paragraph 60.3(d) of the National Flood Insurance Program regulations, 44 CFR 60.3. The said paragraph is incorporated herein by reference, and a copy of it is on file with the Town Clerk.

9.2 WETLAND BUFFER ZONE DISTRICT.

9.2.1 Purpose. The purpose of this Section, in addition to the purposes enumerated in the preamble to the bylaw, is to provide that lands in the Town of Lynnfield which are defined as a Wetland Buffer Zone herein shall not be used for residence for other purposes in such manner as to endanger the health and safety of the citizens of Lynnfield, public and/or private water supplies and ground water supplies, to prevent pollution and to preserve wetlands.

9.2.2 Location. The location of each Wetland Buffer Zone shall be (1) any area within the Town of Lynnfield defined as a “buffer zone” in the Commonwealth’s Wetland Protection Act as set forth in 310 CMR 10.00 as the same may be amended from time to time, together with (2) any area within the Town which is defined as a buffer zone in any Lynnfield Bylaw, as amended from time to time. The Wetland Buffer Zone shall be limited to the area of land extending 50 feet horizontally outward.

9.2.3 Relationship to Districts. All Wetland Buffer Zones are included in one or more of the other districts defined in the bylaw. The permitted uses specified in “Permitted Uses in a Buffer Zone” take precedence in areas so classified. If, however, an exception under “Uses Allowed by the Board of Appeals” is granted by the Board of Appeals, then the permitted uses of the underlying zoning district shall govern.

9.2.4 Permitted Uses in a Buffer Zone. In a Wetland Buffer Zone, no building shall be erected, altered or used, and no premises shall be used except for one or more of the following uses:

1. Municipal recreation, public or private water supply, drainage or flood control uses, orchard, truck garden nursery, or similar open use of the land for raising of agricultural or horticultural crops, commercial golf course, residential garages and sheds, as long as such use is permitted in the underlying district in which the land is classified, and if authorized by the Board of Appeals, non-profit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business), but no dumping, filling or earth transfer, or relocation operation except for utility trenches, driveways, landscaping, accessory building foundations, or municipal or public facilities enumerated above.
2. Dwellings, or dwellings under construction, lawfully existing prior to the adoption of these provisions, shall be allowed to be enlarged or extended, and Accessory Uses permitted by the underlying Zoning District shall be allowed in conformity to the Section of this Zoning Bylaw entitled “Non-Conforming and Temporary Use”.

9.2.5 Uses Allowed by the Board of Appeals. If any land in the Town defined in this Section as a Wetland Buffer Zone is proven, by reason of drainage or topographic conditions, to be in fact not detrimental to the purposes of this section, the Board of Appeals may permit buildings for human occupancy on such land in accordance with the requirements of the underlying district after the necessary proof has been presented by the petitioner to the Board of Health, the Planning Board, and the Conservation Commission, and their recommendations are received by the Board of Appeals.

9.3 GROUNDWATER PROTECTION DISTRICT.

9.3.1 Purpose. The purpose of this Section is:

1. to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Lynnfield;
2. to preserve and protect existing and potential sources of drinking water supplies;
3. to conserve the natural resources of the town; and
4. to prevent temporary and permanent contamination of the environment.

9.3.2 Scope of Authority. The Groundwater Protection District is an overlay district superimposed on the zoning districts. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses which fall within the Groundwater Protection District must comply with the requirements of this district as well as with the underlying zoning. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

9.3.3 Definitions. See DEFFINITION Section, “Groundwater Protection District”, for applicable definitions.

9.3.4 Establishment and Delineations of Groundwater Protection District. For the purpose of this district, there are hereby established within the Town certain groundwater protection areas, consisting of aquifers or recharge areas which are delineated on three maps. These maps are Entitled “Lynnfield Groundwater Protection District Zones 1, 2, 3 September 1, 1993”, “Lynnfield Groundwater Protection District Zones 1, 2, 3 Aug. 8, 1996” and “Additional Groundwater Protection District Lynnfield, MA August 25, 2009.” These maps are hereby incorporated by reference into the Town of Lynnfield Zoning Map.

9.3.5 District Boundary Disputes. If the location of a District boundary in relation to a particular parcel is in doubt, resolution of boundary disputes shall be through a Special Permit Granting Authority (Zoning Board of Appeals). Any application for a special permit for this purpose shall be accompanied by adequate documentation. The burden of proof shall be upon the owner(s) of the land in question to show where the bounds should properly be located. The ZBA may engage a professional engineer (civil or sanitary), hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the district with respect to individual parcels of land, and may charge the owner(s) for all or part of the cost of the investigation.

9.3.6 Permitted Uses. The following uses are permitted within the Groundwater Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:

1. Conservation of soil, water, plants, and wildlife.
2. Outdoor recreation, nature study, boating, fishing, and hunting where otherwise legally permitted.

3. Foot, bicycle and/or horse paths, and bridges.
4. Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, and conservation devices.
5. Maintenance, repair, and enlargement of any existing structure, subject to “Prohibited Uses” Section and “Special Permitted Uses” Section.
6. Residential development, subject to “Prohibited Uses” Sections and “Special Permitted Uses” Section.
7. Farming, gardening, nursery, conservation, forestry, and grazing, subject to “Prohibited Uses” Section and “Special Permitted Uses” Section.
8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to these activities are not categorically permitted.

9.3.7 Prohibited Uses. The following uses are specifically prohibited within the Groundwater Protection District, as are all other uses not allowed by this Section as of right or by special permit:

1. Landfills and open dumps as defined in 310 CMR 19.006.
2. Storage of liquid petroleum products, except the following;
 - a. Normal household use, outdoor maintenance, and heating of a structure;
 - b. Waste oil retention facilities required by statute, rule, or regulation;
 - c. Emergency generators required by statute, rule, or regulation;
 - d. Treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters, provided that storage of the petroleum product required for the uses listed under “a” through “d” above, is in a free standing container, above ground with secondary containment adequate to contain a spill equal to the capacity of the container plus 10%. The secondary containment must be covered and satisfactorily protected against intrusion by the elements.
3. Land filling of sludge and septage as defined in 310 CMR 32.05.
4. Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31.
5. Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of sewage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, except the replacement or repair of an existing system that will not result in an increase in design capacity above the original design.
6. Storage of deicing chemicals, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

7. Storage of animal manure unless covered or contained.
8. Earth removal, consisting of the removal of soil, sand, gravel, or any other earth material (including mining activities) within 10 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works.
9. Facilities that generate, treat, store, or dispose of hazardous waste subject to M.G.L. 21C and 310 CMR 30.00, except the following:
 - a. Very small quantity of generators as defined under 310 CMR 30.00.
 - b. Household hazardous waste collection centers and events under 310 CMR 30.390.
 - c. Waste oil retention facilities required by M.G.L. c. 21, s. 52A.
 - d. Water rendition treatment works approved under 314 CMR 5.00.
10. Automobile graveyards and junkyard, as defined in M.G.L. c. 140B, s. 1.
11. Treatment works that are subject to 314 CMR 5.00 including privately owned sewage treatment facilities, except the following:
 - a. The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works.
 - b. The replacement of existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s).
 - c. Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater.
12. Storage of liquid hazardous materials, as defined in M.G.L. c. 21E, unless in a free standing container, above ground, with secondary containment adequate to contain a spill equal to the capacity of the container plus 10%. The secondary containment must be covered and satisfactorily protected against intrusion by the elements.
13. Industrial and commercial uses which discharge process wastewater on-site.
14. Stocking and disposal of snow and ice containing deicing chemicals if brought in from outside the district.
15. Storage of commercial fertilizer and soil conditioners, as defined in M.G.L. c. 128, s. 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated runoff or leachate.
16. The use of septic system cleaners which contain toxic or hazardous chemicals.

9.3.8 Uses and Activities Requiring a Special Permit. The following uses and activities are permitted only upon the issuance of a Special Permit under such conditions as the Special Granting Authority may require:

1. Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning (except as prohibited under “Prohibited Uses” Section). Such activities shall require a special permit to prevent contamination of groundwater.
2. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for groundwater recharge must be provided which does not degrade groundwater quality. For non-residential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

9.3.9 Procedures for Issuance of Special Permit.

1. The Special Permit Granting Authority under this “Groundwater Protection District” shall be the Zoning Board of Appeals (“ZBA”). Such special permit shall be granted if ZBA determines, in conjunction with the Board of Health, the Conservation Commission, Department of Public Works, and Planning Board that the intent of the bylaw, as well as its specific criteria, are met. The ZBA shall not grant a special permit under this section unless the petitioner’s application materials include, in detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The ZBA shall document the basis for any departures from the recommendations of the other town boards or agencies in its decision.
2. Upon receipt of the special permit application, the ZBA shall, within 5 working days, transmit one copy to the Planning Board, Board of Health, the Conservation Commission, and the Department of Public Works for their written recommendations. Failure to respond within 35 days of receipt by the Board shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.
3. The ZBA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in SITE PLAN APPROVAL section of the bylaw, and any regulations or guidelines adopted by the ZBA. The proposed use must:
 - a. in no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and
 - b. be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.
4. The ZBA may adopt regulations to govern design features of the projects. Such regulations shall be consistent with subdivision regulations adopted by the Town.

5. The ZBA shall hold a hearing, in conformity with the provisions of M.G.L. c. 40A, s. 9, within 65 days after filing of application.

6. The Town Clerk shall forward copies of all fillings received from the ZBA forthwith to the Planning Board, Conservation Commission, and the Board of Health.

9.3.10 Site Plan. The applicant shall file six (6) copies of the site plan and attachments. The site plan shall be drawn at a proper scale as determined by the ZBA and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:

1. A complete list of chemicals, pesticides, herbicides, fertilizer, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; or

2. Those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:

a. Provisions to protect against the discharge of hazardous materials or wastes to environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean up procedures.

b. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces.

c. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30.00 including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.

d. Proposed down-gradient location(s) for groundwater monitoring well(s), should the ZBA deem the activity a potential groundwater threat.

9.3.11 Violations. Written notice of any violations of this Section shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Department of Public Works, and The Lynnfield Center Water District or its successor. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises. For situations that require remedial action to prevent adverse impact to the water resources within the Groundwater Protection District, the Town of Lynnfield, the Building Inspector, the Board of Health, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Lynnfield, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.

9.4 PLACE HOLDER

9.5 PLANNED VILLAGE DEVELOPMENT DISTRICT (PVDD).

The PVDD (“PV”) was adopted in 2007 by Town Meeting pursuant to Chapter 40R of the General Laws. Due the number of pages describing the PVDD and its rules, the PVDD is hereby incorporated by referenced to be a part of the bylaw, and a copy of the PVDD is available in the office of the Town Clerk and the Planning Board during regular business hours.

SECTION 10.0 ADMINISTRATION AND ENFORCEMENT

10.1 PERMITS.

10.1.1 Building Permit. It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure without applying for and receiving from the Building Commissioner a building permit.

10.1.2 Occupancy Permit. No building erected, altered, or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit, signed by the Building Commissioner, which permit shall not be issued until the building and its uses, and the uses incident thereto, comply in all respects with the bylaw.

10.1.3 Issuance. Such permits shall be applied for in writing to the Building Commissioner. The Building Commissioner shall not issue any such permit unless the plans for the building, and the intended use thereof in all respects fulfill the provisions of the bylaw. Any special permit, variance, or site plan approval governing the application shall be attached to the application. One copy of each such permit issued, including any conditions or exceptions attached thereto, shall be kept on file in the office of the Building Commissioner.

10.1.4 Plot Plan. Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in such numbers of copies and drawn to such a scale as is required by the Building Commissioner. Each such plot plan shall show dimensions and area of lots and of structures and sewage disposal systems, to be erected, altered or moved, and adjacent streets or ways. Such plot plans shall accurately indicate dimensions of all lot lines.

10.2 ENFORCEMENT AND PENALTIES.

10.2.1 Building Commissioner. the bylaw shall be enforced by the Building Commissioner. The Building Commissioner, upon being informed in writing of a possible violation of the bylaw or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. The Building Commissioner, on evidence of any violation, after investigation and inspection shall give written notice of such violation to the owner and to the occupant of such premises. The Building Commissioner shall demand in such notice that such violation be abated and within a reasonable time, designated therein by the Building Commissioner. Such notice and demand may be given by mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the Town of Lynnfield and to the occupant at the address of the premises of such seeming violation.

10.2.2 Duties. The Building Commissioner shall withhold a permit for construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved would be in violation of the bylaw; and no permit or license shall be granted for a new use of a building, structure or land which use would be in violation of the bylaw. If the Building Commissioner is requested in writing to enforce the bylaw against any person allegedly in violation of the same and the Building Commissioner declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reasons therefore, within fourteen days of receipt of such request.

10.2.3 Zoning Administrator. The Board of Appeals, in accordance with M.G.L. c. 40A, s. 13, may appoint, subject to confirmation by the Board of Selectmen, a Zoning Administrator, to serve at the pleasure of the Board of Appeals, who may but need not be the Director of Zoning Enforcement or the Building Commissioner. The Board of Appeals may delegate by unanimous vote to the Zoning Administrator some of its powers and duties. Any person aggrieved by a decision or order of the Zoning Administrator may appeal to the Board of Appeals in accordance with M.G.L. c. 40A, s. 14.

10.2.4 Penalties. Any violation of these Zoning Bylaws shall be punishable by a fine of Three Hundred Dollars (\$300.00), and each day such violation continues shall constitute a separate offense. Such fines shall be recovered as provided by law and shall enure to the Town of Lynnfield.

10.2.5 Noncriminal Disposition. In addition to the procedures for enforcement as described in the previous paragraph, the provisions of the bylaw may be enforced by the Building Commissioner by noncriminal complaint pursuant to the provisions of M.G.L. c. 40, s. 21D. The penalty for violation of any provision of the bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.

10.3 BOARD OF APPEALS.

10.3.1 Membership. There shall be a Board of Appeals consisting of three persons, inhabitants of the Town. The members shall be appointed by the Board of Selectmen. They shall hold office for a term of three years. In case of vacancy, inability to act, or interest on the part of any member of the Board of Appeals, his place shall be taken by an associate member. Members shall serve without remuneration and shall be subject always to the rule that they shall give due consideration to the pertinent provisions of the bylaw.

1. The Board of Selectmen shall also appoint three persons, inhabitants of the Town, associate members of said Board of Appeals, who shall hold office for a term of three years.

10.3.2 Powers of the Board of Appeals. The Board of Appeals shall have the following powers:

1. Appeals. To hear and decide an appeal taken by any person aggrieved by reason of his inability to obtain a permit from any administrative official, or any person aggrieved by any order or decision of the Commissioner of Buildings or any other administrative official in violation of any provision of M.G.L. c. 40A or of the bylaw.
2. Special Permits. To grant a special permit when designated as the Special Permit Granting Authority by the bylaw.
3. Variances. To authorize a variance for a particular use of a parcel of land or to an existing building thereon from the terms of the bylaw as set forth in M.G.L. c. 40A, s. 10.
4. Site Plan Approval. To review and approve site plans pursuant to SITE PLAN APPROVAL Section of the bylaw.
5. Comprehensive Permits. To grant a comprehensive permit pursuant to M.G.L. c. 40B.

10.3.3 Rules and Regulations; Fees. The Zoning Board of Appeals shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of the bylaw and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.4 PLANNING BOARD.

10.4.1 Establishment. A Planning Board of five members shall be elected for five-year overlapping terms.

10.4.2 Powers. The Planning Board shall have the following powers:

1. To hear and decide applications for special permits as provided in the bylaw.

10.4.3 Rules and Regulations; Fees. The Planning Board shall adopt rules and regulations, including fees, for the conduct of business and for the purpose of the bylaw and Chapter 40A of the General Laws, and shall file a copy of such rules and fees with the Town Clerk.

10.5 SPECIAL PERMITS.

10.5.1 Special Permit Granting Authority. The Board of Appeals, Planning Board, and the Board of Selectmen shall be the Special Permit Granting Authority (SPGA) as specified in the various sections of the bylaw and, when designated herein, shall hear and decide applications for special permits.

10.5.2 Criteria. Special permits shall be granted by the SPGA, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in the bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Impacts on neighborhood character;
5. Impacts on the natural environment; and
6. Potential fiscal impact on town services, tax base, and employment taking into account any proposed mitigation.

10.5.3 Application. The SPGA may adopt additional rules relative to the issuance of special permits and shall file a copy with the Town Clerk. The rules shall prescribe a size, form, contents, style, and number of copies of plans and specifications and the procedure for submission and approval of such permits.

10.5.4 Conditions. The SPGA may impose additional conditions and limitations as it may deem necessary.

10.5.5 Regulations. The SPGA may adopt rules and regulations for the administration of this Section.

10.5.6 Fees. The SPGA may adopt reasonable administrative fees and technical review fees for applications for special permits.

10.5.7 Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6 SITE PLAN APPROVAL.

10.6.1 Applicability. In Residential Districts no nonconforming business or commercial building shall be externally enlarged, changed and no use shall be expanded except in conformity with a site plan approval issued by the Board of Appeals. In all other Districts no business or commercial building shall be constructed, externally enlarged, or changed and no use shall be establish or expanded except in conformity with a site plan approval issued by the Board of Appeals. 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 of such uses shall be considered as business or commercial buildings:

1. Any of the uses permitted in Limited Business, General Business, Commercial, Office Park or Limited Industrial Districts but not permitted in Single Residence A, B, C and D Districts (with or without Board of Appeals authorization).
2. Any of the following Single Residence District uses, where permitted, in a Limited Business, General Business, Commercial or Limited Industrial District.
3. Long term care facility.
4. Commercial golf course.
5. Salesroom or stand for the display and sale of agricultural or horticultural products.

10.6.2 Site Plan Requirements. Said application shall include a site plan which shows all existing and proposed features, including as a minimum the following:

1. All landscaping features such as screening in the form of fences, walls, planting areas, walks, and other barriers.
2. Suitable landscaping adequate to screen parking and service areas from public and private ways and adjacent properties.
3. All outside uses.
4. Existing and proposed structures and buildings together with all set back distances, side line and rear yard depth.

5. Parking spaces with calculations showing the minimum number required under the bylaw.
6. All handicapped parking spaces shall be marked in conformity with State and Federal requirements.
7. Loading, service, refuse and trash disposal areas.
8. Proposed and existing ways, driveways and driveway openings.
9. All facilities for sewage and waste disposal and their type.
10. All outside lighting including the direction and intensity of said lighting.
11. Any land thereon which lies within the "Wetland Buffer Zone".
12. The addition of 600 square feet or more of impervious area shall require the applicant to specify a means to prevent an increase in the rate of rainfall runoff for the site resulting from the proposed alteration. Computations prepared by a registered professional engineer in support of the design of these preventive means shall be provided with the application. No increase of the peak rate of runoff for the 2-, 10-, and 100-year storms based upon the methodologies set forth in the U.S. Soil Conservation Service Technical Release No. 55 as amended shall be allowed. Said means, such as holding ponds, dry wells, or other equivalent permanent methods shall be shown including the location of all structures and piping with their invert elevations.

10.6.3 Procedures. All applications for a site plan approval shall be filed by the applicant with the Town Clerk who shall certify the date and time of filing. The applicant must forthwith thereafter file the application and Town Clerk's certification with the Zoning Board of Appeals.

1. The rules and regulations of the Zoning Board of Appeals shall prescribe the procedure of an application for, submission and approval of, a site plan approval. Said rules and regulations shall specify the size, form, contents, style, and number or copies of plans, specifications, and other associated information required to be submitted with the application. The requirements of said rules and regulations shall be in addition to and not in lieu of, the requirements set forth in this Section.
2. Upon receipt of an application the Board of Appeals shall, within 5 working days, transmit one copy to the Planning Board, Board of Health, Conservation Commission, and Department of Public Works for their written recommendations in accordance with the provisions of M.G.L. c 40A, s. 11. Upon written request by one of the aforementioned town agencies to the remainder of said agencies, a joint review may be conducted to provide information which may be used in the recommendation to the Board of Appeals.
3. The Board of Appeals shall hold a public hearing in accordance with M.G.L. c. 40A, s. 15.
4. Any extension to the time limit for holding the public hearing or taking final action may be extended by written mutual agreement between the petitioner and the Board of Appeals, provided that said agreement is signed by both parties and filed within 5 days with the Town Clerk.

5. The Zoning Board of Appeals may require the employment of outside consultants such as may reasonably be required to perform design and engineering review, and may impose fees to charge for such pursuant to M.G.L. c. 44, s. 53G.

10.6.4 Criteria for Evaluation. In considering the application, the Board of Appeals shall consider whether the application conforms with the bylaw and take into account whether the following criteria have been met:

1. Protection of adjoining premises against seriously detrimental or offensive uses on the site.
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways and land.
3. Adequacy of the methods of disposal for sewage, refuse and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water.
4. Adequacy of provisions for the off-street loading and unloading of vehicles, goods, products, materials and equipment incidental to the normal operation of the establishment or use.
5. Sufficiency of spaces for the off-street parking of automobiles of customers, patrons and employees where the provision of this Chapter 6 does not require a specific number.

10.6.5 Conditions. The Board of Appeals shall have the right to impose conditions, safeguards and limitations on time or use when granting the permit. The Board of Appeals shall have the power to modify or amend a site plan approval upon application of the person owning or leasing the premises, or upon its own motion in the event of changes in physical conditions of the site sufficient to justify such action. All of the provisions hereof applicable to approval shall, where apt, be applicable to such modification or amendment.

10.6.6 Decision. The Zoning Board of Appeals shall file its decision with the Town Clerk within ninety (90) days of the receipt of the application. Failure to file a decision within this time period shall be deemed a constructive approval of the application. This deadline may be extended by agreement of the applicant and the Board. Any such extension shall be filed forthwith with the Town Clerk.

10.6.7 Effect. No site plan approval, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the Town Clerk is recorded in the Essex County South District Registry of Deeds. The responsibility for recording or registering such upon the owner's certificate of title is that of the owner or applicant.

10.6.8 Other Permits. No building, septic, roadway opening, electrical, or similar permits shall be granted until proof of said recording or registering of the site plan approval has been presented to the appropriate permit issuing authority.

10.6.9 Regulations. The Zoning Board of Appeals may adopt rules and regulations for the administration of this Section.

10.6.10 Fees. The Zoning Board of Appeals may adopt reasonable administrative fees and technical review fees for applications under this Section.

10.6.11 Lapse. Site plan approval shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 36 months following the filing of the decision (plus such time required to pursue or await the determination of an appeal referred to in M.G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

10.6.12 Appeal. The decision of the Zoning Board of Appeals may be appealed in accordance with M.G.L. c. 40A, s. 17 to a court of competent jurisdiction.

10.7 SITE PLAN REVIEW FOR USE REGULATIONS SECTION.

10.7.1 Purpose. The purpose of this Section is to provide for site plan review of religious, educational, and child care centers otherwise “exempt” pursuant to M.G.L. c. 40A, s. 3.

10.7.2 Site Plan Review Required. Prior to the issuance of any building permit or certificate of occupancy, the establishment, alteration, change, extension, or reconstruction of uses B.1, B.2, or B.3, as set forth in the Table of Use Regulations, shall require site plan approval from the Planning Board pursuant to this Section.

10.7.3 Scope of Site Plan Review. Under this Section, Site Plan Review shall be limited to two inquiries:

1. Whether the use qualifies for protection under M.G.L. c. 40A, s. 3; and, if so,
2. What reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, if any, should be imposed on the use.

10.7.4 Required Information. All applications for Site Plan Review shall be in writing and provide, at a minimum, the following information:

1. Name and address of applicant person or entity;
2. Name and address of property owner;
3. Description of the proposed use and any documents necessary to establish threshold compliance with M.G.L. c. 40A, s. 3;
4. Reason that relief is requested from otherwise applicable zoning requirements;
5. If necessary to reach a decision on the application, the Planning Board may request further information from the applicant consistent with M.G.L. c. 40A, s. 3, specifying in detail the information required.

10.7.5 Site Plan; Contents. In addition, the applicant shall submit a site plan with the following information:

1. Legend depicting all pertinent existing and proposed site features.
2. The date and north arrow shall be shown on the plans.

3. All site plans must be stamped by a Registered Professional Civil Engineer and a Professional Land Surveyor. The land surveyor shall perform an instrument boundary survey and shall certify the accuracy of the locations of the buildings, setbacks, and all other required dimensions to property lines.
4. Zoning Chart depicting “Required” vs. “Provided” for all applicable Zoning Criteria including Lot Size, Frontage, Setbacks, Building Height, Lot Coverage, Parking Spaces, Landscaping Requirements.
5. Locus map, at a scale of 1”=600’ or suitable scale to accurately locate the site in Town, oriented on the plan in the same way as the large scale plan.
6. The location, width, status (public or private), and name of all streets within 100’ of the project.
7. On-site and abutting lot lines. On site lot lines shall be described by bearings and distance. Abutting lot lines shall be shown in a general way.
8. Zoning District lines, including overlay districts if applicable.
9. The location of existing or proposed building (s) on the lot shall be shown with total square footage and dimensions of all buildings.
10. Any streams, brooks, or wetland resource area boundaries within 100’ of the property lines.
11. Information on the location, size and type and number of existing and proposed landscape features.
12. Information on the location, size and capacity of existing and proposed on-site and abutting utilities, (water, sewer, drainage, natural gas, electrical cable, etc.) including utilities in abutting side streets, if applicable.
13. Detailed locations and dimensions of all existing and proposed buildings and uses on site and on abutting properties, including exterior details relating to the building footprint. All existing and proposed setbacks from property lines. Any minimum, or below minimum, setback distances shall be clearly noted as such on the plan.
14. Information and details for all site and directional on-site signage shall be submitted.
15. Elevation and facade treatment plans of all proposed structures. Color renderings are required for new construction.
16. Information on the location, size and type of parking, loading, storage and service areas. A parking calculation schedule noting existing, required and proposed spaces for the entire site shall be provided.
17. Details and specifications (if applicable) for proposed site amenities, including, but not limited to fences, recreation facilities, walls or other barrier materials; and special paving materials.

10.7.6 Decision. The Planning Board may approve, approve with conditions, or deny an application for site plan approval. In making its decision, the Board shall be guided exclusively by M.G.L. c. 40A, s. 3. The Board shall file a written decision with the Town Clerk within __ days of receipt of the application. Failure to file a decision within ninety (90) days shall constitute approval of the site plan.

10.7.7 Appeal. Any appeal of the Planning Board's decision shall be made pursuant to M.G.L. c. 40A, s. 17, to a court of competent jurisdiction.

10.8 REQUEST FOR REASONABLE ACCOMMODATION.

10.8.1 Purpose. Under the FHA, it is a discriminatory practice to refuse to make “a reasonable accommodation in rules, policies, practices, or services when such accommodation may be necessary to afford [a handicapped] person equal opportunity to use and enjoy a dwelling.” 42 U.S.C. § 3604(f)(3) (B). The same standard applies under the ADA, which also addresses nonresidential facilities providing services to persons with disabilities. 42 U.S.C. 12112(b)(5). The purpose of this Section is to facilitate housing and/or services for persons with disabilities and to comply fully with the spirit and the letter of the FHA and, where applicable, the ADA.

10.8.2 Request. Any person eligible under the FHA or any provider of housing to persons eligible under the FHA, or any person eligible to operate a nonresidential facility providing services to persons eligible under the ADA, may request a Reasonable Accommodation as provided by the Fair Housing Act and/or the ADA. A Request for a Reasonable Accommodation does not affect a person’s or provider’s obligations to act in compliance with other applicable laws and regulations not at issue in the requested accommodation.

10.8.3 Zoning Board of Appeals. All requests for Reasonable Accommodation under the FHA and/or the ADA shall be submitted to the Zoning Board of Appeals (ZBA).

10.8.4 Information. All requests for Reasonable Accommodation shall be in writing and provide, at a minimum, the following information:

1. Name and address of person (s) or entity requesting accommodation;
2. Name and address of property owner;
3. Name and address of dwelling or facility at which accommodation is requested;
4. Description of the requested accommodation and specific regulation or regulations for which accommodation is sought;
5. Reason that the requested accommodation may be necessary for the person or persons with disabilities to use and enjoy the premises;
6. If the requested accommodation relates to the number of persons allowed to occupy a dwelling, the anticipated number of residents, including facility staff (if any); and
7. If necessary to reach a decision on the request for Reasonable Accommodation, the ZBA may request further information from the applicant consistent with the FHA and/or ADA, specifying in detail the information required.

10.8.5 ZBA Procedures. Within 45 days from the date of application, the ZBA shall hold a public meeting. The ZBA may seek information from other Town agencies in assessing the impact of the requested accommodation on the rules, policies, and procedures of the Town. Upon written notice to the ZBA, an applicant for a Reasonable Accommodation may withdraw the request without prejudice.

The ZBA shall consider the following criteria when deciding whether a request for accommodation is reasonable:

1. Whether the requested accommodation would require a fundamental alteration of a legitimate Town policy; and
2. Whether the requested accommodation would impose undue financial or administrative burdens on the Town government.

10.8.6 Decision. After conducting an appropriate inquiry into the request for Reasonable Accommodation, the ZBA may by majority vote:

1. Grant the request;
2. Grant the request subject to specified conditions; or
3. Deny the request.

The ZBA shall issue a written final decision on the request in accordance with M.G.L. c. 40A, s. 15. If the ZBA fails to render its decision on a request for Reasonable Accommodation within the time allotted by M.G.L. c. 40A, s. 15, the request shall be deemed granted. The ZBA's decision shall be filed with the Town Clerk and sent to the applicant by certified mail.

10.8.7 Appeal. The ZBA's decision pursuant to this section may be appealed to a court of competent jurisdiction in accordance with M.G.L. c. 40A, s. 17 or otherwise.

10.8.8 File. The ZBA shall maintain a file of all requests for Reasonable Accommodation under the FHA and/or the ADA and a file of all decisions made on such requests. The file(s) may be reviewed in the Office of the ZBA upon request during regular business hours.

10.8.9 Other Laws. While a request for Reasonable Accommodation is pending, all laws and regulations otherwise applicable to the premises that is the subject of the request shall remain in full force and effect.

10.8.10. Effective Date. The provisions of this Section shall apply only to requests for Reasonable Accommodation made after April 24, 2017. Any person who has previously submitted a request for Reasonable Accommodation may resubmit the request for processing pursuant to the procedures set forth in this Section.

SECTION 11.0 DEFINITIONS

11.1 TENSE AND CONSTRUCTION.

Words used in the present tense include the future; the singular includes the plural, and the plural the singular;

the words "building", "structure", "lot", "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and

the word "shall" is always mandatory and not merely discretionary.

11.2 PRECEDENCE.

Those definition(s) that are defined in a subsection shall take precedence for only that subsection otherwise those listed below shall be used.

11.3 SPECIFIC DEFINITIONS.

In the bylaw terms shall have the meaning given herein, unless a contrary meaning is required by the context or is specifically prescribed.

11.4 MISSING DEFINITIONS.

Words not defined shall have the meaning as defined in the State's Building Code, 780 CMR 2009.

11.5 INDIVIDUAL MEANINGS.

The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory Use: Either a subordinate use of a building, other structure or tract of land, or a subordinate building or other structure:

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

Adult Uses: For the purposes of Adult Uses Section, the following definitions shall apply:

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Club: An establishment which provides live entertainment for its patrons, which includes the display of nudity, as that term is defined in Massachusetts General Laws Chapter 272, Section 31; also, an establishment offering activities or goods or providing services where employees, entertainers or patrons are engaging in nudity, sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Adult Video Store: An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

Assisted Living: A special combination of housing, personalized supportive services, and health care designed to respond to the individual needs of those who need help in activities of daily living. Care is provided in a way that promotes maximum independence and dignity for each resident and encourages the involvement of a resident's family, neighbors and friends. It is intended as an alternative to unnecessary and costly institutionalization for those elders who cannot or choose not to live alone but do not need the skilled medical care provided by a nursing home. Facilities shall provide a range of supportive services including, but not limited to, 3 meals a day, housekeeping services, laundry, 24-hour security and staffing, maintenance and repairs, utilities, emergency call systems in each living unit, health, exercise and recreational programs, medication management, transportation, assistance with activities of daily living such as eating, bathing, dressing, grooming and walking. For purposes of Section 8.2, a "resident" is an adult who resides in an assisted living residence and who receives housing and personal services and, when the context requires or permits, such individual's legal representative.

Assisted Living Residence: Any entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria: (1) provides room and board; and (2) provides, directly by employees of the entity or through arrangements with another organization which the entity may or may not control or own, assistance with activities of daily living for three or more adult residents who are not related by consanguinity or affinity to their care provided; and (3) collects payments or third party reimbursements from or on behalf of residents to pay for the provision of

assistance with the activities of daily living or arranges for the same. This definition shall be in accordance with M.G.L. Chapter 19D.

A.T.M. or ATM: Annual Town Meeting as called for in Town Charter, in the Spring.

Building: Any structure having a roof supported by columns or by a wall (not to include trailers) for the shelter, housing, or enclosure of persons animals, chattels, or property of any kind.

Building Height: Building height in each case to be measured vertically from the average finished grade of the ground adjoining such 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.

Building Inspector: also means Director of Zoning Enforcement and Inspection, Building Commissioner, and Zoning Administrator; and such individuals who may be appointed to those positions from time to time by the BOS.

Child Care Center: A child care center as defined in M.G.L. c. 15D, s. 1A.

Constructed: The word “constructed” shall include the words “built”, “erected”, “reconstructed”, “altered”, “enlarged”, “moved”, “placed”.

Drive-In or Drive-Through Retail Establishment: A business establishment that includes service of food, beverages, or merchandise that is provided from a drive-up or drive-through window or other similar arrangement that allows the service of a patron while the patron remains in a vehicle, whether parked or live parked. The term shall include eating establishments and service establishments such as banks, dry cleaners, pharmacies, and the like, and automotive service stations and gasoline stations and the like.

Dwelling: Any building used in whole or in part as a habitation for one or more persons.

Essential Services: Services provided by a public service corporation, as defined in M.G.L. c. 40A, s. 3, or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhead, but not including PWSFs. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith. Specifically excluded from the definition are buildings and overhead transmission towers. A PWSF shall not be construed as an essential service.

Family: Any number of persons living and cooking together on the premises as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

Family Day Care Home, Large: An accessory use as defined in M.G.L. c. 15D, s. 1A.

Family Day Care Home, Small: An accessory use as defined in M.G.L. c. 15D, s. 1A.

Funeral Establishment: Facility for the conducting of funerals and related activities such as embalming or a crematorium.

Glare: Direct light emitted by a luminaire at a strength and at a direction that it creates a visual nuisance or a hazard by reason of reduced vision or momentary blindness.

Groundwater Protection District: For the purposes of Groundwater Protection District, the following definitions shall apply:

Acre: For purposes of this section of the Bylaw relating to Groundwater Protection only an acre shall be considered to be 40,000 square feet.

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

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Recharge Area: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazards to human health if such substance or mixture were discharged to land or water of the Town of Lynnfield. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metal, radioactive or infectious wastes, acids and alkalis and all substances defined as toxic or hazardous under Massachusetts General Laws Chapters 21C and 21E and 310 CMR 30.00 and also include such products as solvents and thinners in quantities greater than normal household use.

House, One-Family Detached: A detached dwelling designed for and occupied by one family.

Housing for the Elderly: Multi family dwellings which contain two or more independent dwelling units consisting of a room or suite of rooms, its own bath and toilet facilities, and its own kitchen facility. Each such building may also include central kitchen and dining facilities for providing meals to residents thereof and their guests but not to the public and may also provide lounge rooms for the common use of residents and their guests. In one of such buildings, a unit may be included for occupancy by the manager of the project and his immediate family, one room of which may be used as an office, and except for the unit to be occupied and used as aforesaid by the manager, no unit in such building shall be occupied unless at least one of the tenants is a person who is fifty-five years of age or over. No Housing for the Elderly development shall contain more than 136 independent dwelling units. Children under the age of eighteen (18) years of age are prohibited from occupying or residing in any of the Elderly Housing dwelling units on a permanent basis.

Impervious Surface: Materials or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Kennel: An establishment as defined in M.G.L. c. 140, s. 137A.

Light Manufacturing: A use engaged processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution goods or products. Includes bottling plant for beverages, plant for light metal fabrication or finishing (but not including heavy punch presses and drop hammers), plant for manufacturing of electrical or electronic devices, appliances, apparatus or supplies, plant for manufacturing of medical, dental or drafting instruments, optical goods, watches or other precision instruments, and plant for manufacturing of advertising displays, awnings or shades, bakery products, beverages (non-alcoholic), brushes, books, candy, clothing or other textile products, cosmetics, jewelry, ice, leather goods, or toys..

Long-Term Care Facility: Any institution whether conducted for charity or profit which is advertised, announced or maintained for the express or implied purpose of providing three or more individuals admitted thereto with long-term resident, nursing, convalescent or rehabilitative care; supervision and care incident to old age for ambulatory persons; or retirement home care for elderly persons. Long-term care facility shall include convalescent or nursing homes, rest homes, infirmaries maintained in towns and charitable homes for the aged, as set forth in 105 CMR 150.001.

Lot: A single tract of land held in identical ownership throughout and defined by metes, bounds or lot lines in a deed or conveyance or shown on a duly recorded plan.

Lot Frontage: In all districts, the required frontage shall be measured along a straight line connecting the points of intersection of the side lot lines with the exterior line of the frontage way. Alternatively, in Single Residence Districts, frontage or a portion thereof may be measured along a curve, provided that only 75% of the distance along a curve may be used to compute the required frontage.

Lot Width: The required lot width shall be measured parallel to the line along which the required frontage is to be measured, as hereinbefore specified.

Medical Marijuana: For the purposes of Section 7.3, the following definitions shall apply:

Marijuana or Marihuana: 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.

Marijuana-Infused Product (MIP): A product infused with marijuana that is intended for use or consumption, including but not limited to edible products, ointments, aerosols, oils, and tinctures.

Marijuana, Medical: Any marijuana intended for medical use which meets all requirements for medical marijuana contained in the bylaw, the General Laws of the Commonwealth of Massachusetts, and the Code of Massachusetts Regulations (CMR).

Marijuana, Registered Dispensary (RMD): A not-for-profit entity registered under the Code of Massachusetts Regulations, that acquires, cultivates, possesses, processes (including development of related products such as edible MIPs, 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. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of marijuana.

Neighborhood Retail or Service Establishment: Any other retail business or service establishment supplying commodities or performing personal or consumer services primarily for residents of the surrounding neighborhood, provided that such use is similar to the uses hereinbefore listed in general character, extent of business hours, number of persons or cars to be attracted, and in effect on adjacent property and improvements (but not including any use specifically listed herein in a less restricted district, nor any use whose stock in trade consists primarily of large bulky objects not normally subject to being carried away by the customer on his person or in his automobile).

Outdoor Lighting: For the purposes of Section 6.4, the following definitions shall apply:

Lighting Fixture Types:

Type I - No light cutoff.

Type II - Luminaire shielded such that peak candlepower is at an angle of seventy-five (75) degrees or less from the vertical, and essentially no light is emitted above the horizontal.

Type III - Luminaire shielded such that total cutoff is at less than ninety (90) degrees from the vertical, and no light sources (lamp or brightness of reflective surfaces) is in direct view from five or more feet above the ground at any point off the premises.

Glare - Direct light emitted by a luminaire at a strength and at a direction that it creates a visual nuisance or a hazard by reason of reduced vision or momentary blindness.

Person: Any individual, any entity, or any combination of individuals, entities, or both individuals and entities.

Personal Service Establishment: Any of the following personal or consumer service establishments: barber or beauty shop, collection station for laundry or dry cleaning, frozen food locker, hand or self-service laundry, photographic studio, shoe or hat repair shop, shop for custom work by a dressmaker, milliner or tailor.

Planned Shopping Center: A shopping center allowed by special permit in the LI District.

Premises: A lot, together with all buildings, structures, and uses thereon.

Radio Telecommunication Facilities: For the purposes of Siting of Radio Telecommunications Facilities Section, the following definitions shall apply:

Amateur Radio Service: That category of Radio Telecommunication that is regulated under 47 CFR §97 as defined in §97.3(a)(4): “A radio communication service for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.”

Antenna: A device that includes conductive surfaces that transmit and/or receive Radio Telecommunications. Examples of Antenna types include dish, panel, vertical (e.g., “whip” and “collinear”), horizontal (e.g., “beam,” “yagi” and “log-periodic”).

Antenna Tower: A Tower that is constructed for the primary purpose of supporting one or more Antennas.

Co-location, Collocation: “The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting and/or receiving radio frequency signals for communication purposes.” (Source: Nationwide Programmatic Agreement for the Collocation of Wireless Antennas, FCC et al, 2001).

Concealed Antenna Monopole: A Monopole that fully contains Antennae and cables concealed within its tubular outer surface.

Earth Station: An RTF that communicates using man-made or natural satellites by transmitting and/or receiving Radio Telecommunication with the aid of such satellites, provided that any RTF that may otherwise qualify as both an Earth Station and either an Amateur Radio Service or a Subscriber Antenna, shall not be regulated as an Earth Station under the Bylaw.

Eligible Facilities Request: Any request for modification of an existing PWSF that involves one or more of the following;

1. Collocation of new transmission equipment;
2. Removal of transmission equipment;
3. Replacement of transmission equipment provided that such modification does not substantially change the physical dimensions of the PWSF.

Fixed Wireless Signals: Any commercial non-broadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. Fixed wireless signals do not include, among other things, AM radio, FM radio, amateur (“Ham”) radio, Citizen's Band (CB) radio, and Digital Audio Radio Service (DARS) signals.” (47 CFR 1.4000 in effect as of February 10, 2011).

Indoor RTF: RTFs that are all of the following: indoors, essentially not visible to persons off the parcel, and require no modification of structure or exterior surfaces to be installed and operate.

Monopole: A Tower that is a self-supporting vertical pole, with no guy wires, that supports Antennae and through the interior of which Antennae and control cables are routed to maintain an uncluttered continuous exterior surface. Antennae are mounted to Monopoles in several fashions, including those mounted on wide frames or platforms extending from the Monopole surface, surface-mounted to the pole exterior (sometimes called “flush mounts”), concealed within the pole’s surface (see Concealed Antenna Monopole) or disguised by materials such as those emulating natural vegetation.

Other Radio Service: Those Radio Telecommunications that are not Personal Wireless Services or Amateur Radio Services.

Personal Wireless Service (PWS): That category of Radio Telecommunication that is subject to the National Wireless Telecommunications Siting Policy (Section 704 of the Telecommunications Act of 1996 and codified in 47 USC §332(c)(7).

Personal Wireless Service Facility (PWSF): An RTF that provides Personal Wireless Services to subscriber devices. A PWSF consists of all equipment including but not limited to, structures, materials, cabling, electronic sub-assemblies, antennas and customer-side utility interfaces used by an individual provider of Personal Wireless Services at one site.

Exceptions:

1. Consumer-grade PWS devices that are authorized by the carrier and installed by the subscriber to reinforce local service;
2. PWS devices and networks that are installed inside a building to serve the occupants of the building.

Note, it is important to distinguish between a structure that may be part of a PWSF and the PWSF itself: A Tower is not a PWSF, although it may be a component of one or more PWSFs at a site.

PWSF Site-Sharing: The placement of a PWSF at a tower, building or structure that already has one or more PWSFs installed on such building, tower or structure. Site-Sharing is one form of collocation.

Radio Frequency (RF): That portion of the electromagnetic spectrum regulated by the Federal Communications Commission.

Radio Telecommunication: The transmission and/or reception of information, including but not limited to voice, video, data or radio location signals, by means of RF transmissions through the atmosphere.

Radio Telecommunication Facility (RTF): Any installation for the purpose of Radio Telecommunication.

Subscriber Antenna: Pursuant to 47 CFR 1.4000, an antenna that is both:

a. Located on property within the exclusive use or control of the Antenna user where the user has a direct or indirect ownership or leasehold interest in the property; and

b. One meter (3.28± feet) or less in diameter that is used to receive (and transmit, as applicable):

1. Direct broadcast satellite service, including direct-to-home satellite service,
2. Fixed wireless signals, whether via satellite or not;
3. Video programming services via multi point distribution services, including:
 - i. Multichannel multi point distribution services;
 - ii. Instructional television fixed services;
 - iii. Local multi point distribution services;
 - iv. Fixed wireless signals other than via satellite; and/or
 - v. An antenna that is used to receive television broadcast signals.

Repair Shop: Any of the following consumer, professional or commercial service establishments: bicycle repair shop, television or household appliance repair shop, typewriter repair shop.

Research Facility: Those facilities used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses, but excluding laboratories categorized as Level 4 by the National Institutes for Health.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in premises designed for dining purposes, which are adjuncts to the main indoor restaurant facility.

Retail, General: Store for the conduct of a retail business, including but not limited to any of the following retail businesses: book, stationery or news store, cigar store, drug store, delicatessen, dry goods or variety store, florist or gift shop, fruit or grocery store, hardware store, jewelry store, meat market or wearing apparel store.

Riding Academy: A facility where horses are boarded and cared for and where instruction in riding, jumping, and showing is offered and where horses may be hired for riding.

School Aged Child Care Program: A program as defined in M.G.L. c. 15D, s. 1A.

School, For Profit: Business or trade school, music or dance school, school for martial arts training, and the like operated by a for profit entity.

Sign: Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminated service, which shall be constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, whatsoever, which is displayed in any manner outdoors including any from the foregoing which may be visible from in any manner from the outdoors.

Sign, Area of: The area of the minimum rectangle in the plane of the sign necessary to totally enclose all parts of it.

Sign, Movement or Moving: As applied to signs, any visual elements that either change or alter in appearance whatsoever.

S.T.M. or STM: Special Town Meeting as called for or permitted in Town Charter, included but not limited to the regular town meeting scheduled for the fall.

Street: A way which is over twenty-four (24) feet in right-of-way width which is dedicated or devoted to public use by legal mapping or by any other lawful procedure. A “Street” includes (1) all public ways, (2) a way which the Town Clerk certifies is maintained and used as a public way, (3) a way shown on a plan approved and endorsed in accordance with the Rules and Regulation Governing Subdivision of Land in Lynnfield, Massachusetts, or (4) a way having in the opinion of the Lynnfield Planning Board sufficient paved width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Structure: A combination of materials assembled at a fixed location to give support or shelter or for other purposes, including buildings, frameworks, tents, platforms, signs, flagpoles, masts for antenna, and the like, but expressly excluding basketball courts. (S.T.M. October 21, 1991)

Tower: Any structure that is not habitable, has proportions of which the height is substantially greater than the largest dimension of its horizontal cross-section, is greater than 12 feet in height when attached to a building or other structure, and/or exceeds the height limit of the district within which it is constructed, whether or not attached to another structure. Examples of Tower types include “lattice” (open frame, truss-type construction) and “monopole” (tubular construction, defined herein). (Article October 14, 2014)

Trade Shop: Shop of a carpenter, cabinetmaker, electrician, painter, paperhanger, plumber, sign painter, or upholsterer, with not more than five thousand (5,000) square feet of floor area per establishment used for work and storage.

Veterinary Office or Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the use.

Violation of Any Law or Violated Any Law: A plea or finding of a violation of any law in a criminal, civil, or administrative proceeding, whether part of a plea agreement, settlement agreement or determination by an arbitrator, board, hearing officer, court, or jury.

APPENDIX A

Table of Use Regulations

<u>Principal Uses</u>	<u>Residential</u>					<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R</u> <u>A</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>R</u> <u>D</u>	<u>E</u> <u>H</u>	<u>LB</u>	<u>G</u> <u>B</u>	<u>C</u>	<u>O</u> <u>P</u>	<u>LI</u>	<u>M</u>
A. RESIDENTIAL											
1. One-family detached house, with not more than one such house located on any lot provided that no such property shall be leased or rented for a period of thirty (30) days or less unless specifically authorized by the Board of Appeals	Y	Y	Y	Y	B A	Y	N	N	N	N	N
2. Alteration of a single family dwelling to accommodate two families if located on a lot having an area not less than twice that required for the erection of a single family dwelling in the same district, provided that no exterior change is made which alters the single family character of the dwelling	B A	B A	B A	B A	N	BA	B A	N	N	N	N
3. Long Term Care Facility	N	N	N	N	N	N	Y	Y	N	N	N
4. Assisted Living Residence	B A	B A	B A	B A	N	BA	B A	B A	N	N	N
5. Housing for the Elderly	N	N	N	N	Y	N	N	N	N	N	N
6. Green Belt Residential Development	B A	B A	B A	B A	N	N	N	N	N	N	N

<u>Principal Uses</u>	<u>Residential</u>					<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R</u> <u>A</u>	<u>R</u> <u>B</u>	<u>R</u> <u>C</u>	<u>R</u> <u>D</u>	<u>E</u> <u>H</u>	<u>LB</u>	<u>G</u> <u>B</u>	<u>C</u>	<u>O</u> <u>P</u>	<u>LI</u>	<u>M</u>
B. COMMUNITY AND EXEMPT FACILITIES											
1. Use of land or structures for religious purposes	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
2. Use of land or structures for educational purposes on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
3. Public or non-profit library, museum, art gallery or civic center	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
4. Municipal recreation or public water supply use	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
5. Commercial golf course but not including a golf driving range or miniature golf course * Municipally owned or operated only	B A	B A	B A	B A	N	BA	B A	N	N	N	Y*
6. Governmental (federal, state or municipal) administration building, fire or police station	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
7. Cemetery, hospital, sanatorium, philanthropic or charitable institution (but not including a correctional institution)	B A	B A	B A	B A	N	BA	B A	N	N	N	N
8. Child care center or school aged child care program	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
9. Essential Services * Nonmunicipal services - BA	B A	B A	B A	B A	N	BA	B A	B A	B	BA	Y*

<u>Principal Uses</u>	<u>Residential</u>				<u>EH</u>	<u>Business</u>			<u>OP</u>	<u>Industrial</u>	<u>Municipal</u>
	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>RD</u>		<u>LB</u>	<u>GB</u>	<u>C</u>		<u>LI</u>	<u>M</u>
C. AGRICULTURAL											
1. Orchard, truck garden, nursery or similar open use of the land for the raising of agricultural or horticultural crops, but not including livestock, swine, or fur bearing animals	Y	Y	Y	Y	N	Y	Y	Y	N	N	N
2. Salesroom or stand for the display and sale of agricultural or horticultural products the major portion of which are grown on the premises, provided that any display, whether open or enclosed, is not less than fifty (50) feet from side and rear lot lines and not nearer the exterior line of any public or private way than the front yard depth required for a building in the district in which said salesroom or stand is located; except that temporary portable stands, not exceeding four feet in area may be placed nearer the exterior line of any public or private way than the required front yard depth required in said district, but in no case less than five feet from the exterior line of said way	BA	BA	BA	BA	N	BA	BA	N	N	N	N
3. Kennel, stable, or greenhouse, animal or veterinary hospital, or riding academy	N	N	N	N	N	N	N	Y	N	N	N

<u>Principal Uses</u>	<u>Residential</u>				<u>EH</u>	<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R A</u>	<u>R B</u>	<u>R C</u>	<u>R D</u>		<u>LB</u>	<u>G B</u>	<u>C</u>	<u>O P</u>	<u>LI</u>	<u>M</u>
D. RETAIL, TRADE, AND RESTAURANT											
1. General retail	N	N	N	N	N	Y	Y	Y	N	N	N
2. Showroom for building supplies, including plumbing, heating and ventilating equipment, with storage limited to floor samples only	N	N	N	N	N	N	Y	Y	N	N	N
3. Wholesale office or showroom, with storage limited to floor samples only	N	N	N	N	N	N	Y	Y	N	N	N
4. Planned shopping center	N	N	N	N	N	N	N	N	N	BA	N
5. Restaurant or other place for the serving of food or beverages only to persons seated at tables or counters, provided that no dancing and no mechanical or live entertainment is furnished except for private gatherings	N	N	N	N	N	Y	Y	Y	N	N	N
6. Drive-in retail establishment serving food or beverages or dispensing merchandise from inside a building to persons standing outside or seated in their automobiles	N	N	N	N	N	N	BA	BA	N	N	N
7. Salesroom for boats, trailers, trucks, farm implements, or machinery, with no repair services	N	N	N	N	N	N	BA	BA	N	N	N
8. Salesroom for motor vehicles; motor vehicle repair garage	N	N	N	N	N	N	BA	BA	N	N	N
9. Motor vehicle service station	N	N	N	N	N	BA	Y	Y	N	N	N
10. Personal service establishment	N	N	N	N	N	Y	Y	Y	N	N	N
<u>Principal Uses</u>	<u>Residential</u>				<u>EH</u>	<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R A</u>	<u>R B</u>	<u>R C</u>	<u>R D</u>		<u>LB</u>	<u>G B</u>	<u>C</u>	<u>O P</u>	<u>LI</u>	<u>M</u>
11. Neighborhood retail or service establishment	N	N	N	N	N	Y	Y	Y	N	N	N
12. Miscellaneous retail or service establishment	N	N	N	N	N	N	BA	BA	N	N	N
13. Repair shop	N	N	N	N	N	N	N	Y	Y	N	N

14. Trade shop	N	N	N	N	N	N	Y	Y	N	N	N
15. For profit schools	N	N	N	N	N	N	N	Y	Y	N	N
16. Funeral establishment	N	N	N	N	N	N	N	Y	Y	N	N
17. Country club, lodge building, or other non-profit social, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business)	BA	BA	BA	BA	N	BA	BA	N	N	N	N
18. Business or professional office or bank, provided that not more than five (5) persons are regularly employed therein * Special permit from BA for 6 or more employees	N	N	N	N	N	Y*	Y	Y	Y	N	N
19. Business or professional offices, bank or financial institution building or buildings (excluding retail, wholesale and manufacturing use)	N	N	N	N	N	N	Y	Y	Y	N	N
20. Private commercial golf course (but not including a golf driving range or miniature golf course)	BA	BA	BA	BA	N	BA	BA	N	N	N	N

Principal Uses	<u>Residential</u>					<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>RA</u>	<u>RB</u>	<u>RC</u>	<u>RD</u>	<u>EH</u>	<u>LB</u>	<u>GB</u>	<u>C</u>	<u>OP</u>	<u>LI</u>	<u>M</u>
21. Bowling alley with not more than twenty thousand (20,000) square feet of floor area per establishment, dance hall with not more than five thousand (5,000) square feet of floor area per establishment, indoor theater, billiard parlor, or pool hall	N	N	N	N	N	N	BA	BA	N	N	N
22. Place of amusement or assembly if conducted within a completely enclosed building including, but not limited to the following open air amusements: golf driving range, miniature golf course, pony ring, or ice skating rink	N	N	N	N	N	N	N	BA	N	N	N
23. Printing or publishing establishment	N	N	N	N	N	N	BA	Y	N	N	N
24. Adult Entertainment Establishments (see Special Regulation Section)	N	N	N	N	N	N	N	BA	N	N	N
25. Tattoo Parlors	N	N	N	N	N	N	N	BA	N	N	N
26. Marijuana, Medical (see Special Regulation Section)	N	N	N	N	N	N	N	BA	N	N	N

<u>Principal Uses</u>	<u>Residential</u>					<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R A</u>	<u>R B</u>	<u>R C</u>	<u>R D</u>	<u>EH</u>	<u>LB</u>	<u>G B</u>	<u>C</u>	<u>O P</u>	<u>LI</u>	<u>M</u>
E. WHOLESALE, TRANSPORTATION AND INDUSTRIAL											
1. Light manufacturing	N	N	N	N	N	N	N	Y	N	Y	N
2. Bottling plant for beverages	N	N	N	N	N	N	N	Y	N	Y	N
3. Power laundry, dry cleaning or dyeing works, carpet or rug cleaning plant	N	N	N	N	N	N	N	Y	N	Y	N
4. Storage, if conducted within a completely enclosed building, or warehouse for, lumber and other building supplies, contractors' equipment, cotton or wool, livestock feed, fertilizer, food, furniture, hardware, metal, paint, and paint supplies, pipe, rubber, shop supplies, tobacco, tools, wood, or any products of manufacturing activities hereinafter listed	N	N	N	N	N	N	N	Y	N	N	N
5. Storage warehouse for: lumber and other building supplies, contractor's equipment, cotton or wool, furniture, hardware, metal, pipe, shop supplies, tobacco, tools, wood, or any products of manufacturing activities specifically listed herein before in this District	N	N	N	N	N	N	N	N	N	Y	N
6. Laboratory engaged in research, experimental or testing activities, but not Level 4 as categorized by the National Institutes for Health	N	N	N	N	N	N	N	BA	N	BA	N

<u>Principal Uses</u>	<u>Residential</u>					<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R A</u>	<u>R B</u>	<u>R C</u>	<u>R D</u>	<u>EH</u>	<u>LB</u>	<u>G B</u>	<u>C</u>	<u>O P</u>	<u>LI</u>	<u>M</u>
F. ACCESSORY USES											
1. Home occupation (See Section 3.2.1)	Y	Y	Y	Y	N	N	N	N	N	N	N
2. Family day care home, small	BA	Y	Y	Y	Y	N	N	N	N	N	N
3. Family day care home, large	BA	BA	BA	BA	N	N	N	N	N	N	N
4. Private garage space for not more than four (4) automobiles one of which may be a commercial vehicle if not exceeding two and one-half (2½) tons in gross weight	Y	Y	Y	Y	N	N	N	N	N	N	N
5. Private greenhouse, stable, tool shed, playhouse, family swimming pool, tennis court, basketball court, or other similar building or structure for domestic storage or use	Y	Y	Y	Y	N	N	N	N	N	N	N
6. The regular renting of rooms or the furnishing of table board in a dwelling by prearrangement to not more than five (5) persons, provided that no such renting shall be for a period of thirty (30) days or less.	BA	BA	BA	BA	N	N	N	N	N	N	N
7. Accessory apartments in Residence Districts	BA	BA	BA	BA	N	N	N	N	N	N	N
8. The keeping of animals, livestock or poultry principally for personal enjoyment or household use	Y	Y	Y	Y	N	N	N	N	N	N	N

<u>Principal Uses</u>	<u>Residential</u>				<u>EH</u>	<u>Business</u>				<u>Industrial</u>	<u>Municipal</u>
	<u>R A</u>	<u>R B</u>	<u>R C</u>	<u>R D</u>		<u>LB</u>	<u>G B</u>	<u>C</u>	<u>O P</u>	<u>LI</u>	<u>M</u>
9. Removal of sod, loam, sand, gravel or other earth products in connection with the construction of a building to be erected on the premises for which a permit has been issued, provided that the amount of such material removed does not exceed the amount contained, before construction, in the particular space to be occupied by the foundation of said building	Y	Y	Y	Y	N	N	N	N	N	N	N
10. Such industry or light manufacturing as is usual in connection with a permitted principal use, provided that it does not occupy an area exceeding 50% of the total floor area occupied by the principal use and not more than 5 employees	N	N	N	N	N	N	Y	N	N	N	N
11. Accessory uses customary to housing for the elderly	N	N	N	N	Y	N	N	N	N	N	N
12. Uses, whether or not on the same parcel as activities permitted as a matter of right, accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, provided that the Board of Appeals makes specific findings that the proposed accessory use does not derogate from the public good	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	N