

ARTICLE 38

**AMEND ZONING BYLAW AND MAP
MARRETT ROAD COMMERCIAL DISTRICT**

To see if the Town will vote to amend the Zoning Bylaw and Map to allow additional uses and density in the commercial district along Marrett Road near Spring Street by creating a new zoning district replacing the existing CN and CS districts; or act in any other manner in relation thereto.

(Inserted at the request of Charles Minasian and 9 or more registered voters)

DESCRIPTION:

There are five parcels on CS side of Marrett Road. This article seeks to replace the existing CS commercial district along Marrett Road near Spring Street with a new district, CSX, which will expand the current uses to better reflect the needs of the community. By ensuring the properties have more uses to take advantage of, the article seeks to create a sense of space that can help re-energize this important commercial area.

Rezone lots 78, 79, 80, 81, and 82 on assessor’s map 33 into the CSX District.

MOTION: That the Zoning Bylaws and the Zoning Map of the Town be amended as follows:

- A. Add a new row to the table in § 135-2.2.3 of the Town’s Zoning Bylaw as follows:

<u>CSX</u>	<u>Commercial Service Expanded</u>
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- B. Modify Table 1 to the Town’s Zoning Bylaw, Permitted Uses and Development Standards, by (1) modifying the “Permitted Uses” descriptions as shown below; and (2) adding a new column “CSX” as shown below:

		<u>CSX</u>
A.	RESIDENTIAL USES	
A.1.0	PRINCIPAL RESIDENTIAL USES	
A.1.01	One-family dwelling	<u>N</u>
A.1.02	Two-family dwelling	<u>N</u>
A.1.03	Dwelling unit above street floor level in a commercial or institutional building	<u>N</u>
A.1.04	Congregate living facility	<u>N</u>
A.1.05	Balanced housing development, public benefit development, site sensitive development	<u>N</u>
A.2.0	ACCESSORY USES FOR RESIDENTIAL USES	
A.2.01	Rooming units (not to exceed 3)	<u>N</u>
A.2.02	Basic accessory apartment	<u>SP</u>
A.2.03	Expanded accessory apartment	<u>SP</u>
A.2.04	Accessory structure apartment	<u>SP</u>
A.2.05	Bed and breakfast home	<u>SP</u>
A.2.06	Home occupation, instruction	<u>SP</u>
A.2.07	Home occupation, minor	<u>SP</u>
A.2.08	Home occupation, major	<u>SP</u>
A.2.09	Tennis court or court for a sport played with a racquet or paddle including handball	<u>Y</u>

A.2.010	Family child care home	<u>SP</u>
A.2.011	Family child care home, large	<u>SP</u>
A.2.012	Adult day care in the home	<u>SP</u>
A.2.013	Outdoor parking of commercial vehicles other than one vehicle not larger than 10,000 pounds GVW	<u>Y</u>
A.2.014	Outdoor parking of more than four automobiles for a dwelling unit	<u>Y</u>
A.2.015	Indoor parking of commercial vehicles other than one vehicle not larger than 15,000 pounds GVW	<u>Y</u>
A.2.016	Outdoor storage of unregistered vehicles other than one automobile not stored in the required yard for the principal dwelling, and screened from the view of abutting lots and the street	<u>Y</u>
B.	INSTITUTIONAL USES	
B.1.0	PRINCIPAL INSTITUTIONAL USES	
B.1.01	Child care center	<u>Y</u>
B.1.02	Use of land or structures for religious purposes	<u>Y</u>
B.1.03	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	<u>Y</u>
B.1.04	Municipal buildings or uses	<u>Y</u>
B.1.05	Park, playground, cemetery	<u>Y</u>
C.	PRINCIPAL AGRICULTURAL AND NATURAL RESOURCE USES	
C.1.0	AS A PRINCIPAL USE	
C.1.01	Exempt agricultural uses and structures as set forth in MGL c. 40A, s.3	<u>Y</u>
C.1.02	Farm for the raising of crops not exempt by statute	<u>Y</u>
C.1.03	Greenhouse or nursery not exempt by statute	<u>SP</u>
C.1.04	Horseback riding area or stables not exempt by statute	<u>N</u>
C.1.05	Roadside stand not exempt by statute (for two-year terms)	<u>SP</u>
C.1.06	Removal from a lot of earth materials for sale such as loam, sod, sand, gravel, stone, rock or clay	<u>N</u>
C.1.07	Medical marijuana cultivation center	<u>N</u>
D.	TEMPORARY USES	
D.1.01	Temporary dwelling to replace a permanent dwelling on the same lot during reconstruction	<u>Y</u>
D.1.02	Temporary building or trailer incidental to the construction of a building or land development	<u>Y</u>
D.1.03	Temporary structures and uses not otherwise permitted in the district, provided the Building Commissioner finds that the proposed structure or use is compatible with the neighborhood	<u>Y</u>
D.1.04	Temporary structures and uses not otherwise permitted in the district, provided the proposed structure or use is compatible with the neighborhood	<u>SP</u>

E.	OPERATING STANDARDS - THE FOLLOWING OPERATING STANDARDS APPLY TO ALL USES IN SECTIONS G TO P, INCLUSIVE, OF THIS TABLE IN ADDITION TO ANY STANDARDS SET FORTH THEREIN	
E.1.01	Operations, in part or in whole, conducted outdoors during operating hours (* <u>Except for certain uses as designated in G, H, I and J</u>)	<u>Y</u> *
E.1.02	Storage of equipment and products outdoors during non-operating hours (* <u>Except for certain uses as designated in G, H, I and J</u>)	<u>Y</u> *
F.	DEVELOPMENT STANDARDS - - THE FOLLOWING DEVELOPMENT STANDARDS APPLY TO ALL USES IN SECTIONS G TO P, INCLUSIVE, OF THIS TABLE IN ADDITION TO ANY STANDARDS SET FORTH THEREIN	
F.1.01	Uses and structures with less than 10,000 square feet of gross floor area including the area of any existing structures but not including any floor area devoted to off-street parking, on a lot	<u>Y</u>
F.1.02	Uses and structures with 10,000 or more square feet of gross floor area including the area of any existing structures but not including any floor area devoted to off-street parking, on a lot	<u>R</u>
G.	COMMERCIAL OFFICE USES	
G.1.0	AS A PRINCIPAL USE	
G.1.01	Medical, dental, psychiatric office, but not a clinic (* <u>Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>Y</u> *
G.1.02	Medical, dental, psychiatric office, but not a clinic, with related laboratory (* <u>Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>SP</u> *
G.1.03	Business or professional office (* <u>Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>Y</u> *
G.2.0	DEVELOPMENT STANDARDS FOR OFFICE USES	
G.2.01	Office located on street floor level *Not permitted in a center storefront.	<u>Y</u>
G.2.02	Office located on any floor other than street floor level *Permitted in a basement	<u>Y</u> *
G.2.03	Office space of all companies in a building occupies a total of more than 50% of the floor area in a building	<u>Y</u>
G.2.04	Offices in which one company has more than 1,000 square feet of floor area but not more than 2,500 square feet of floor area in a building	<u>Y</u>
G.2.05	Building used for offices without limit as to the amount of floor area one company may occupy or the percentage of floor area occupied by offices (* <u>Maximum 7,500 sf gross floor area per one establishment</u>)	<u>Y</u> *
H.	PERSONAL, BUSINESS, OR GENERAL SERVICE USES	
H.1.0	AS A PRINCIPAL USE	
H.1.01	Beauty parlor, barber shop	<u>Y</u>
H.1.02	Laundry or dry-cleaning pickup station with processing done elsewhere; laundry or dry cleaning with processing on the premises, self-service laundromat or dry cleaning	<u>Y</u>
H.1.03	Tailor, dressmaker, shoe repair	<u>Y</u>

H.1.04	Real estate sales or rental (see § 3.1.6) (* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02)	<u>Y</u> *
H.1.05	Bank or Credit Union (see § 3.1.6)	<u>N</u>
H.1.06	Bank or Credit Union with drive-up window or auto-oriented branch bank	<u>N</u>
H.1.07	Automatic teller machine	<u>Y</u>
H.1.08	Travel agency, insurance agency, ticket agency (* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02)	<u>Y</u> *
H.1.09	Photographic services including commercial photography	<u>Y</u>
H.1.010	Repair of household appliances, small tools or equipment, rental of equipment or tools for use in a home	<u>Y</u>
H.1.011	Funeral parlor	<u>Y</u>
H.1.012	Photocopying, reproduction services but not commercial printing	<u>Y</u>
H.1.013	Medical clinic for outpatient services	<u>N</u>
H.1.014	School not exempt by statute	<u>Y</u>
H.1.014.1	Instruction in music or the arts, not to exceed 3,500 square feet of floor space per establishment	<u>Y</u>
H.1.015	Commercial printing, publishing	<u>Y</u>
H.1.016	Newspaper distribution agency	<u>Y</u>
H.1.017	Office of veterinarian	<u>Y</u>
H.1.018	Kennel, boarding of household pets	<u>Y</u>
H.1.019	Pet grooming service provided that it shall be conducted entirely within the principal building and no pets shall be boarded overnight	<u>Y</u>
H.1.020	Private postal service	<u>Y</u>
H.1.021	Recycling collection store	<u>SP</u>
H.1.022	Museum, art gallery, private library	<u>N</u>
H.1.023	Nonprofit community service center or charitable organization	<u>N</u>
H.1.024	Private, nonprofit club or lodge of social, fraternal, veterans, professional or political association; union hall; not including a recreational club	<u>N</u>
H 2.00	DEVELOPMENT STANDARDS FOR PERSONAL, BUSINESS, OR GENERAL SERVICE USES	
H.2.01	Services with more than 1,500 square feet of floor space per establishment	<u>Y</u>
H.2.02	Services with more than 3,500 square feet of floor space per establishment	<u>Y</u>
I.	SALES OR RENTAL OF GOODS AND EQUIPMENT	
I.1.0	AS PRINCIPAL USE	
I.1.01	Convenience goods often bought on a daily basis such as food, candy, newspapers, tobacco products	<u>Y</u>
I.1.02	General merchandise, department store (* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02)	<u>Y</u> *

I.1.03	Food, not intended for consumption on the premises; includes grocery store, but not a takeout or fast-food service (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>Y*</u>
I.1.04	Package liquor store, with no consumption of beverages on the premises (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>SP*</u>
I.1.05	Apparel, fabrics and accessories (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>Y*</u>
I.1.06	Furniture, home furnishings, home appliances and equipment, carpets (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>Y*</u>
I.1.07	Other retail goods such as books, stationery, drugs, sporting goods, jewelry, photographic equipment and supplies, flowers, novelties, cards, footwear, and the like which are typically of a size that a customer can carry by hand (<u>* Maximum 7,500 sf gross floor area per one establishment and SP required for drugs/pharmacy use and SP for E.1.01 and N for E.1.02</u>)	<u>Y*</u>
I.1.08	Hardware, paint, wallpaper	<u>Y</u>
I.1.09	Building materials	<u>Y</u>
I.1.010	Lawn and garden supplies and equipment	<u>Y</u>
I.1.011	Sale or rental of equipment and supplies, such as office furniture, to other businesses	<u>Y</u>
I.1.012	Artisan work (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and N for E.1.02</u>)	<u>SP*</u>
I.1.013	Medical marijuana distribution center	<u>N</u>
I.2.0	DEVELOPMENT STANDARDS FOR SALE OR RENTAL OF GOODS AND EQUIPMENT	
I.2.01	Stores with more than 2,000 square feet of floor area per establishment	<u>Y</u>
I.2.02	Sales or rental conducted in part outdoors with permanent display of products during non-operating hours	<u>Y</u>
J.	EATING AND DRINKING; TRANSIENT ACCOMMODATIONS	
J.1.0	AS A PRINCIPAL USE	
J.1.01	Restaurant (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and SP for E.1.02 with regard to equipment and N for products</u>)	<u>SP*</u>
J.1.02	Fast-food service (<u>* Maximum 7,500 sf gross floor area per one establishment and SP for E.1.01 and SP for E.1.02 with regard to equipment and N for products</u>)	<u>SP*</u>
J.1.03	Takeout food service (* Requires a special permit for service between the hours of 11:00 p.m. and 7:00 a.m)	<u>SP</u>
J.1.04	Caterer or other establishment preparing meals for groups of people (* Only in conjunction with a substantial retail food business)	<u>Y</u>
J.1.05	Drive-in or drive-through food service	<u>N</u>
J.1.06	Hotel, motel	<u>N</u>
K.	COMMERCIAL RECREATION, AMUSEMENT, ENTERTAINMENT	

K.1.0	AS A PRINCIPAL USE	
K.1.01	Movie theater (indoor)	<u>N</u>
K.1.02	Indoor athletic and exercise facilities, weight reduction salon	<u>Y</u>
K.1.03	Recreational facilities such as golf course, tennis or swimming club	<u>SP</u>
K.1.04	Private nonprofit recreational facility such as golf course, tennis or swimming club	<u>Y</u>
L.	MOTOR VEHICLE RELATED SALES AND SERVICE USES	
L.1.0	AS A PRINCIPAL USE	
L.1.01	Motor vehicle sales or rental; includes automobiles, trucks, campers, vans, recreational vehicles, boats, or trailers	<u>SP</u>
L.1.02	Service station, sale of fuel and other motor oil products and accessories such as batteries, tires	<u>SP</u>
L.1.03	Sales and installation of automotive parts such as tires, mufflers, brakes and motor vehicle accessories	<u>SP</u>
L.1.04	Motor vehicle maintenance and minor repairs limited to engine tune-up, lubrication and installation of replacement parts, adjustment or replacement of brakes or tires, washing and polishing, but not including engine overhaul, body work or painting	<u>SP</u>
L.1.05	Substantial motor vehicle repair including engine overhaul, body work and painting	<u>SP</u>
L.1.06	Car wash conducted entirely within a building	<u>SP</u>
L.1.07	Automobile parking lot where the parking spaces do not serve a principal use on the same lot and where no sales or service takes place	<u>SP</u>
L.1.08	Storage of automobiles or trucks	<u>SP</u>
M.	CONSTRUCTION, STORAGE, DISTRIBUTION AND INDUSTRIAL USES	
M.1.0	AS A PRINCIPAL USE	
M.1.01	Bakery	<u>Y</u>
M.1.02	Industrial services such as machine shop, welding	<u>SP</u>
M.1.03	Commercial mover, associated storage facilities	<u>SP</u>
M.1.04	Distribution center, parcel delivery, commercial mail delivery center	<u>N</u>
M.1.05	Office, display or sales space of a wholesale or distributing establishment, provided that not more than 25% of the floor area is used for assembly of products	<u>Y</u>
M.1.06	Trade shop	<u>Y</u>
M.1.07	Office, yard and storage facilities for construction company such as a general contractor, landscape contractor	<u>SP</u>
M.1.08	Fuel oil dealer including sale and repair of heating equipment but not including bulk storage of fuel oil	<u>SP</u>
N.	MANUFACTURING USES	
N.1.0	AS A PRINCIPAL USE	
N.1.01	Light manufacturing	<u>N</u>
N.1.02	Laboratory engaged in research, experimental and testing activities, which may include the development of mockups and prototypes but not the manufacture of finished products	<u>N</u>

N.1.03	Medical marijuana processing center	<u>N</u>
N.1.04	Biotech manufacturing	<u>N</u>
O.	UTILITY, COMMUNICATIONS, AND TRANSPORTATION USES	
O.1.0	AS A PRINCIPAL USE	
O.1.01	Radio, television studio, but without transmitting or receiving towers	<u>Y</u>
O.1.02	Transmitting or receiving tower or antenna for commercial activities other than those which are used exclusively for wireless communication facilities	<u>N</u>
O.1.03	Commercial ambulance service	<u>SP</u>
O.1.04	Taxicab garage, parking area	<u>SP</u>
O.1.05	Bus garage or storage facility	<u>SP</u>
O.1.06	Parking maintenance facilities for commercial vehicles	<u>SP</u>
O.1.07	Landing place for helicopters not including storage or maintenance facilities	<u>N</u>
O.1.08	Wireless communication facility *Yes if concealed as per § 6.4.4	<u>SP*</u>
O.1.09	Essential services	<u>Y</u>
O.1.10	Ground mounted solar energy systems	<u>N</u>
P.	OPEN AIR, SEASONAL AND SPECIAL EVENTS	
P.1.0	AS A PRINCIPAL USE	
P.1.01	Flea market	<u>SP</u>
P.1.02	Seasonal sale of Christmas trees and wreaths	<u>Y</u>
Q.	ACCESSORY USES FOR COMMERCIAL USES	
Q.1.01	Parking of trucks or other equipment to be used for the maintenance of the buildings and grounds only; shall be parked only in a garage or in an outdoor area not within the minimum yard for the principal building and shall be screened from the view of abutting lots and the street	<u>Y</u>
Q.1.02	Temporary overnight outdoor parking of freight carrying or material handling equipment	<u>Y</u>
Q.1.03	Convenience business use	<u>Y</u>
Q.1.04	Cafeteria, dining room, conference rooms, function rooms, recreational facilities; the use shall be conducted primarily for the employees or clientele of the principal use and not for the general public and shall be conducted entirely within the principal building with no evidence of the existence of the use from the street or from any lot line	<u>Y</u>
Q.1.05	Processing, storage and limited manufacturing of goods and materials related solely to research, experimental and testing activities	<u>N</u>
Q.1.06	Light manufacturing	<u>N</u>
Q.1.07	Outdoor storage of inoperable or unregistered motor vehicles	<u>SP</u>

Add a new column “CSX” to Table 2 to the Town’s Zoning Bylaw, Schedule of Dimensional Controls, as follows:

TABLE 2, SCHEDULE OF DIMENSIONAL CONTROLS	
	<u>CSX</u>
Minimum lot area	<u>20,000</u>
Minimum lot frontage in feet	<u>125</u>
Minimum front yard in feet (a), (b), (h)	<u>30</u>
Minimum side yard in feet	<u>15</u>
Minimum rear yard in feet	<u>20</u>
Minimum side and rear yard adjacent to, or front yard across the street from a residential district in feet	<u>30</u>
Maximum nonresidential floor area ratio (FAR)	<u>0.20</u>
Maximum site coverage	<u>25%</u>
Institutional buildings, maximum height:	
In stories:	<u>3</u>
In feet:	<u>45</u>
Other buildings, maximum height:	
In stories:	<u>2</u>
In feet:	<u>25</u>

C. Add a new row “CSX” to the table in § 135-5.1.11.3 of the Town’s Zoning Bylaw as follows:

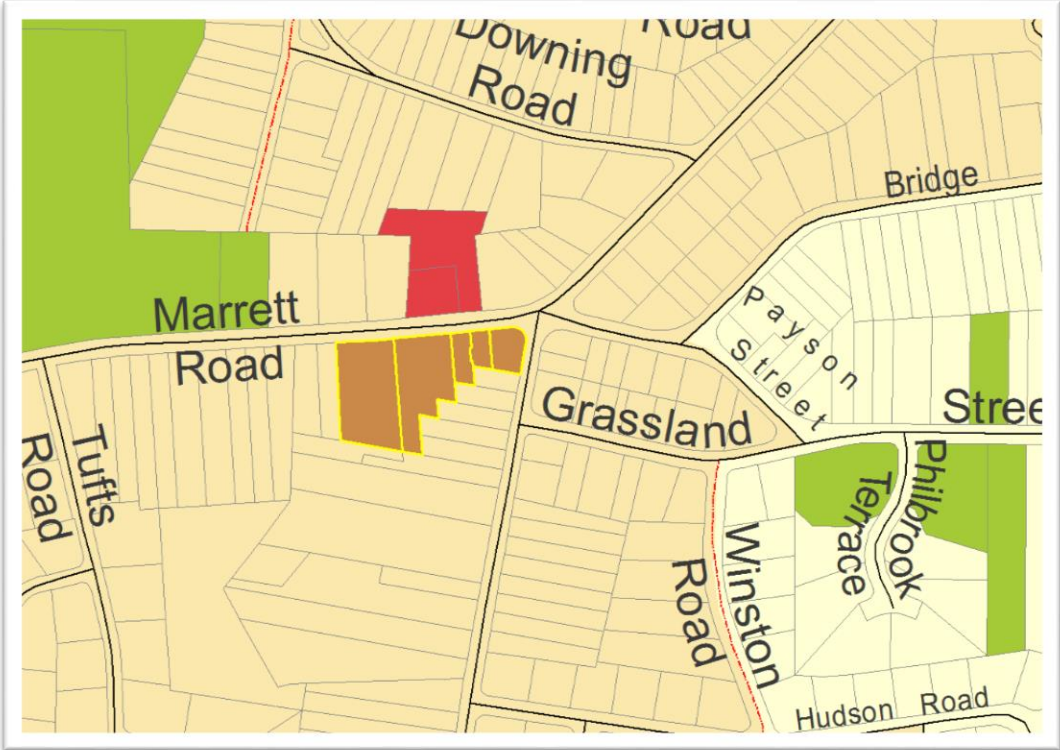
District	Residential District Line (feet)	Street Line (feet)	All Other Lot Lines (feet)	Wall of a Principal Building (feet)
CSX	<u>20*</u>	<u>10</u>	<u>N/A</u>	<u>5</u>

D. Add a new row and column “CSX” to the table in § 135-5.3.5 of the Town’s Zoning Bylaw as follows:

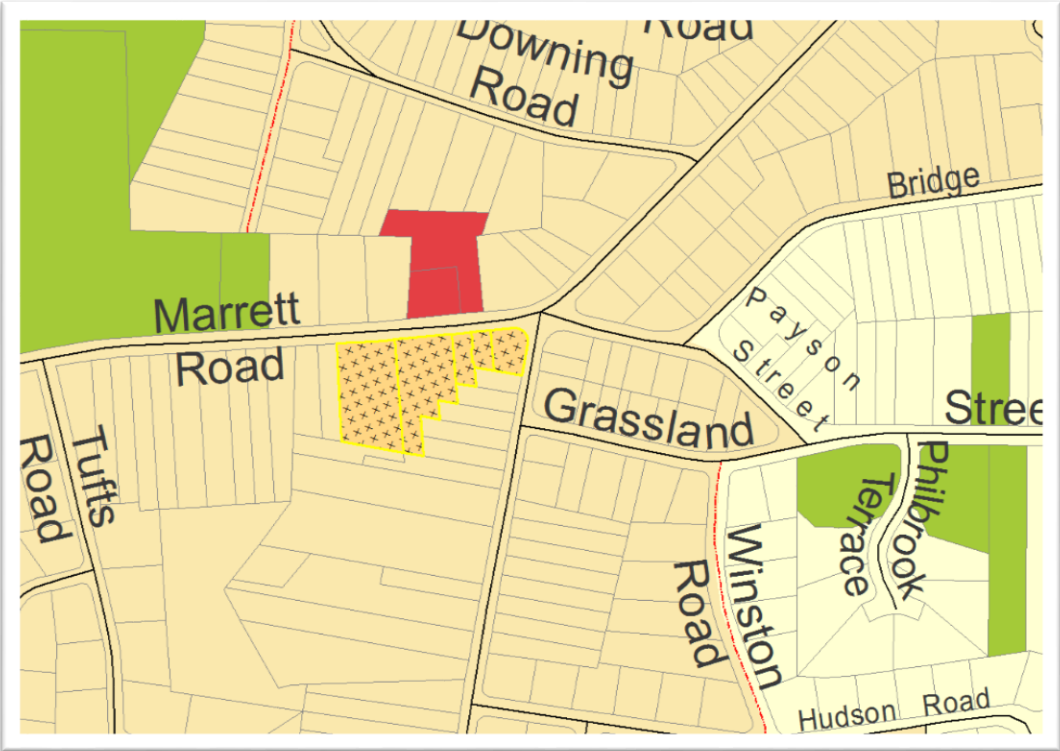
	Adjacent District													
District in Which Lot is Located	GC	RO	RS	RT	RD	CN	CRS	CS	<u>CSX</u>	CB	CLO	CRO	CM	Street Line
GC									==					
RO									==					
RS									==					
RT									==					
RD									==					
CN									==					
CRS									==					
CS									==					
<u>CSX</u>	==	<u>20</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>15</u>	<u>15</u>	==	==	==	==	==	==	<u>20</u>
CB									==					
CLO									==					
CRO									==					
CM									==					

E. Rezone lots 78, 79, 80, 81, 82, as shown on Assessor’s Map 33 into the CSX District.
(see attached maps)

CURRENT ZONING (CS)



PROPOSED ZONING (CSX)



(Revised 03/28/2018)