

# **TOWN OF MENDON**

# **MASSACHUSETTS**

# **ZONING BY-LAWS**



**Adopted March 10, 1961**  
**As amended through November 18<sup>th</sup>, 2024**  
**MENDON, MASSACHUSETTS**  
**\$10.00**  
***REVISED: 8/6/25***

<b>Major Revisions:</b>
Voted 3/10/1961; AG Approved 5/26/1961; Effective 3/10/1961
Multiple Changes Voted 6/22/1970; AG Approved 1/21/1971; Effective 6/22/1970
Voted 11/16/2009; AG Approved 12/21/2009; 11/16/2009
Multiple Changes Voted 2/24/14; AG Approved 5/1/2014; Effective 2/24/2014 Annotations/Citations added 3/16/2023

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## ARTICLE I. GENERAL

### Section 1.01 Purpose and Authority<sup>1</sup>

This Zoning By-law is enacted for the purpose of regulating the use of land, buildings, and structures and to protect and promote the health, safety, convenience, morals and general welfare of present and future inhabitants. This includes, but is not limited to, encouraging the most appropriate use of land through a balance of residential, business, and commercial designations; securing safety from flooding and other dangers; lessening congestion in the streets; preventing the overcrowding of land; conserving the value of land and buildings; facilitating the adequate provision of transportation, water supply, drainage, sewage disposal, schools, parks, and other public requirements; preserving the environmental resources of the Town; maintaining open spaces by recognizing the concern for the irretrievable loss of farm, wetlands, and woodlands while respecting the rights of landowners; and all other appropriate purposes; all pursuant to the authority conferred by Massachusetts General Laws Chapter 40A, Section 1-17 inclusive and all acts in Amendments thereof. ~~Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010~~

### Section 1.02 Definitions<sup>2</sup>

Terms not defined herein shall have those meanings ascribed to them in the most recent edition of the State Building Code. Where terms are not specifically defined in this Zoning By-Law or in the Code, such terms shall have the ordinarily accepted meanings such as the context implies.

Wherever referred to in these By-Laws the terms listed below are defined as follows:

- (a) Accessory Use or Structure.<sup>3</sup> An accessory use or structure is a subordinate to the principal use of land and/or structure:
  - (i) whose use is customary in connection with the principal use of land and/or structure, and
  - (ii) whose use is clearly incidental to the principal use of land and/or structure, and
  - (iii) which is located on the same lot with the principal use of land and/or structure, and
  - (iv) which does not constitute a conversion of the principal use of land and/or structure to one that is not permitted
  - (v) No use that is prohibited shall be allowed as an accessory use.

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<sup>1</sup> Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010

<sup>2</sup> Voted 5/7/2010; AG Approved 8/19/10; Effective 5/7/2010

Voted 6/26/2012; AG Approved 8/3/2012; Effective 6/26/2012

Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013

Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

Amended 5/8/21; AG approved 8/11/21; Effective 5/8/21

<sup>3</sup> Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

~~Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~

- (b) Dog Kennel: The keeping of more than three (3) dogs that are more than six (6) months old, for sale or boarding purposes.
- (c) Drive-In Establishment:<sup>4</sup> A commercial or mercantile establishment, whose business is transacted solely by window service and does not require entrance thereto. ~~Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002~~
- (d) Drive-Through Window:<sup>5</sup> A drive-through window is any use, whether referred to as a drive-through, drive-up, or take out which provides services directly to customers in an automobile or other vehicle from any window, counter or other appurtenance from the principal or an accessory building. Prior to service, the engine of the automobile or other vehicle customarily remains in operation. This term shall not include drive-in establishments as defined in Section 1.02(c). ~~Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002~~
- (e) Dwelling: Any structure or building used in whole or in part for human habitation.
- (f) Family: Any number of persons living together as a single housekeeping unit.
- (g) Frontage:<sup>6</sup> A continuous line measured along the front line and between the points of intersection of the side lot lines with the front lot line. ~~Voted 5/10/2002; AG Approved 8/26/2002 Effective 5/10/2002/ Deleted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~
- (h) Fur Farm: The keeping of carnivorous fur-bearing animals for commercial purposes.
- (i) Junk Yards: Land or structure used primarily for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material, or for collecting, dismantling, storage and salvaging of machinery or vehicles and for the sale of parts thereof.
- (j) Lot: A single tract of land held in identical ownership throughout and defined by metes and bounds, or lot lines in a deed or conveyance or shown on a duly recorded plan.
- (k) Low Impact Development:<sup>7</sup> Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat. ~~Added 6/29/20; AG Approved 9/3/2020; Effective 6/29/2022~~
- (l) Multi-unit Dwelling: Any structure or building used in whole or in part to contain three or more housekeeping units.
- (m) Non-conforming Use: A legally existing use, which does not conform to the zoning regulations for the district in which it is located.
- (n) One-Family House: A detached dwelling intended and designed to be occupied by a single family.

<sup>4</sup> Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002

<sup>5</sup> Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002

<sup>6</sup> Voted 5/10/2002; AG Approved 8/26/2002 Effective 5/10/2002

<sup>7</sup> Deleted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

<sup>7</sup> Added 6/29/20; AG Approved 9/3/2020; Effective 6/29/2022

(o) ~~Piggeries: The keeping of any number of pigs which are fed collected garbage.~~ ~~Deleted; see footnote.<sup>8</sup> Deleted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~

(p) Race Track: A tract of land which is used for the purpose of auto racing, horse racing, or dog racing.

(q) Power Plants:<sup>9</sup> Any building, structure, machinery, and associated equipment and facilities for the purpose of producing or generating electricity or power. ~~Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~

(r) Streets: Any public way laid out for vehicular traffic or any private way laid out for and used as a public way for such traffic.

(s) Structure: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, but excluding asphalt pavement and fences six (6) feet in height or less.

(t) Subdivision: A tract of land divided into two or more lots and shall include re-subdivision when appropriate to the context, shall relate to the process of subdivision of the land or territory subdivided, provided however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on:

- (i) A public way, or
- (ii) A way shown on a plan theretofore approved in accordance with the subdivision control law, or
- (iii) A way in existence when the subdivision control law became effective in the Town which in the opinion of the Planning Board adequately provided the vehicular traffic needs, and as further defined in Section 81L of Chapter 41, of the General Laws.

(u) Trailer: Any vehicle used for living or sleeping purposes and standing on wheels or on rigid supports.

(v) Trailer Park: The existence of more than one inhabited trailer at a given time on a lot.  
~~Voted 5/7/2010; AG Approved 8/19/10; Effective 5/7/2010~~  
~~Voted 6/26/2012; AG Approved 8/3/2012; Effective 6/26/2012~~  
~~Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013~~  
~~Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~  
~~Amended 5/8/21; AG approved 8/11/21; Effective 5/8/21~~

## Section 1.03 Delineation of Districts<sup>10</sup>

<sup>8</sup> Deleted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

<sup>9</sup> Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

<sup>10</sup> Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002

Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010

Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013

Amended 5/3/2019; AG approved 7/12/2019; Effective 5/3/2019

(a) The following districts are illustrated, defined and bounded on the map entitled Town of Mendon, MA Zoning Map on file with the Town Clerk. The Zoning Map, all amendments thereto, and all explanatory matter thereon is hereby made a part of this Zoning By-law.

- (i) Rural Residential District - The purpose of the Rural Residential District is to preserve and protect the rural character of the Town; to provide for low density single and two family residential uses; and to promote agricultural activities.
- (ii) General Residential District - The purpose of the General Residential District is to provide for a mix of Rural Residential District uses with recreational uses and compatible small-scale, low intensity and impact, municipal and business uses. It is the intent of this district to provide a broad range of low density uses while also limiting the potential negative impact of mixed uses on abutting residential properties. Uses should be developed on one or more lots in a carefully planned manner to meet the residential and small- scale business needs of the Town.
- (iii) General Business District - To provide for the business and retail needs of the residents of the Town in areas where access is acceptable, and where adequate off-street parking can be provided.
- (iv) Highway Business District - The purpose of the Highway Business District is to provide for uses of a business nature which require adequate highway exposure and access. Such uses are likely to generate a significant amount of vehicular traffic in conjunction with their operation and therefore would be inappropriately located along the majority of the Town's streets. A further objective is to provide adequate and appropriate separation and/or buffering of business use and residential areas.

(b) The following provisions shall govern the interpretation of the Zoning Map:

- (i) Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.
- (ii) Where a boundary is indicated as following approximately parallel to a street, water course, or other body of water, it shall be construed as parallel thereto. When dimensions are shown on the map indicating that the district boundary runs parallel to the street, the depth of the district boundary shall be measured from the nearest edge of the right way of line of such street.
- (iii) Where a district boundary is indicated as generally coinciding with a Town property line, it shall coincide.

(c) Lots in Two Districts

- (i) Where a district boundary divides a lot, and the major portion of said lot is in the less restricted district, the regulations applicable to the less restricted portion of such lot may extend not more than 30 feet into the more

~~Voted 5/10/2002; AG Approved 8/26/2002; Effective 5/10/2002~~

~~Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010~~

~~Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013~~

**Amended 5/3/19; AG approved 7/12/19; Effective 5/3/19**

## Section 1.04 Administration<sup>11</sup>

- (a) Applicability: Where the application of this Zoning By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants or agreements, the provisions of this by-law shall control.
- (b) Enforcement: This Zoning By-law shall be enforced by the Building Inspector as provided in Section 7 of Chapter 40A of the General Laws. Henceforth, no building, structure, or part thereof shall be constructed, altered, or moved until the Building Inspector shall have issued a building permit certifying that the plans and intended use of the land, buildings and structures are in conformity with this Zoning By-law.
- (c) When the Building Inspector receives a written request to enforce this Zoning By-law against any alleged violator, the Inspector shall reply in writing within 14 days, stating his action, or non-action, and the reasons therefore.
- (d) Penalty: Any person violating the provision of this Zoning By-Law shall be fined not more than one hundred dollars for each offense. Each day that such violation continues shall constitute a separate offense.
- (e) Amendments: This Zoning By-Law or any part thereof may be amended or repealed as provided by law at the Town Meeting duly called.
- (f) Construction or operations under a building or special permit shall conform to any subsequent amendment of the Zoning By-Law, unless the use or construction is commenced within a period of not more than six (6) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.
- (g) A special permit granted under this Zoning By-Law shall lapse within two (2) years from the grant thereof if substantial use thereof has not sooner commenced or, in the case of permit for construction, if construction has not begun, except for good cause.
- (h) Effective Date: This Zoning By-Law shall take effect as provided by law.
- (i) Severability: The invalidity of any section of this Zoning By-Law shall not invalidate any other section or provision thereof. **Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010**

## Section 1.05 Board of Appeals<sup>12</sup>

- (a) Board of Appeals.
  - (i) There shall be a Board of Appeals of three and two alternate members as approved in Chapter 40A of the General Laws, as amended, which shall act on all matters (as prescribed in Chapter 40A of the General Laws) and as indicated below. The

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<sup>11</sup> Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010

<sup>12</sup> Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014

members shall be appointed by the Select Board for a term of three years, provided that only one term shall expire each year. Where a permit or authorization by the Board of Appeals is required— under this by-law, the Building Commissioner shall withhold the Zoning Permit until written approval of the Board of Appeals is received.

- (ii) The Board of Appeals may grant variances for exceptional uses provided, the Board of Appeals specifically finds that owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance of by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant and that desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
- (iii) Any person including an officer or board of the Town aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of Chapter 40A of the General Laws may appeal in writing to the Board of Appeals.
- (iv) The Board of Appeals shall hold public hearings as may be necessary to carry out the purpose of the by-law as provided in Section 15 of Chapter 40A of the General Law.

**~~Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~**

### **Section 1.06 Provisions for Applying for A Special Permit<sup>13</sup>**

- (a) Size of lots and location of building in Application for Special Permit: In considering applications for special permits, each lot used in part or in whole for a business shall have a minimum frontage on the street of two hundred feet and minimum depth from the street sideline of three hundred feet. No building shall cover an area in excess of one-third of the total area of the lot. No building or structure shall be situated less than twenty feet from the boundary abutting a residence and less than 85 feet from the street center line. No dwelling solely for residence purposes shall be erected on any lot unless the dwelling and lot conform to the requirements set forth in the table of Section 2.01 (b).G
- (b) All applications for Special Permits or Petitions for Variance over which the Board of Appeals exercises original jurisdiction shall be filed by the petitioner with the Town Clerk who shall forthwith transmit a copy thereof to the Board of Appeals. With each application for permission of the Board of Appeals under Section 2.05(c) of this by- law, there shall be submitted to said Board a site plan of the proposed use prepared by a registered professional engineer, architect or landscape architect. Such site plan shall

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<sup>13</sup> *Voted 2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014*

show among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas, and other waste disposal and for surface water drainage and landscape features such as fences, planting areas and walks on the lot. Six copies of the site plan shall be filed with the application, two of which shall be forwarded to the Planning Board for its review recommendations. In reviewing a site plan, the Planning Board and Board of Appeals shall consider among other things, the following:

- (i) Compliance with the requirements for parking, lot size, frontage, yards, and heights and coverage of buildings and all other provisions of this by-law.
- (ii) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets, properties or improvements.
- (iii) Adequacy of arrangement and the number of parking and loading spaces in relation to the proposed use of the premises.
- (iv) Provisions for off-street loading and unloading of vehicles incidental to the servicing of the buildings, and related uses on the lot or tract.
- (v) Arrangement and appearances of proposed buildings, structures, signs, screening and landscaping.
- (vi) Adequacy of methods for waste disposal, surface and subsurface drainage and lighting.
- (vii) Protection of adjoining premises and the general neighborhood from any detrimental use of the lot or tract. A public hearing must be held by the Board of Appeals within sixty-five (65) days after the application is filed with the Town Clerk.

The Planning Board shall make its report and recommendations on the site plan in writing to the Board of Appeals within thirty (30) days after the hearing before the Board of Appeals, and if it should fail to do so, the Board of Appeals may act without such report and recommendations.

- (c) Harmony: For the purpose of promoting and preserving harmony in architectural treatment and avoidance of incongruous or inappropriate character of architectural appearance and arrangement of buildings detrimental to the property values of adjoining owners or the community, no building permit shall be issued for any new buildings or structure or for any addition or alteration to the exterior of any existing structure until plans showing proposed location and exterior appearance shall have been submitted to the Building Commissioner for review, comment, and suggestions, with the advice of the Planning Board, and the Building Commissioner shall have made such comment and suggestions or allowed five (5) weeks to elapse after such submission without action.
- (d) Appeal: As provided for in Section 17, Chapter 40A of General Laws: Any person aggrieved by a decision of the Board of Appeals, whether or not previously a party to the proceeding, or any municipal officer or board, may appeal to the Superior Court for the County in which the land concerned is situated, by filing a Bill in Equity within twenty

(20) days after the decision has been filed in the Office of the City or Town Clerk. **Voted**  
~~2/24/2014; AG Approved 5/1/2014; Effective 2/24/2014~~

## ARTICLE II. ALL DISTRICTS

### Section 2.01 Dimensional Regulations<sup>14</sup>

*Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010*

*Voted 6/26/2012; AG Approved 8/3/2012; Effective 6/26/2012*

- (a) No lot shall be used or occupied and no structure or building shall hereafter be erected, constructed, altered, changed, moved, used, or occupied unless it complies with the Table of Dimensional Regulations set forth at the end of this Section below as Table 1 (which shall include all endnotes).
- (b) Any driveway shall be wholly contained within said lot being serviced and the access shall be contained within the limits of said lot's frontage on an accepted public way in the Town of Mendon. No driveway shall be located closer than 10 feet to any side lot line.
- (c) Any increase in area, frontage, width, yard, or depth requirements of this Zoning By-Law shall not apply to a lot for single and two-family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirement but at least five thousand square feet of area and fifty feet of frontage. The minimum setback for said residential lots shall be at least 10 feet and the maximum building coverage shall not exceed 30 of the lot area.
- (d) All building permit applications shall be accompanied by a plot plan drawn to a prescribed scale evidencing compliance with the dimensional regulations, and no permit shall be issued without the Building Inspector's approval of said plan.

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<sup>14</sup> *Voted 5/7/2010; AG Approved 8/19/2010; Effective 5/7/2010*

*Voted 6/26/2012; AG Approved 8/3/2012; Effective 6/26/2012*

**TABLE I – Dimensional Regulations**

**[INSERT SEPARATE DOCUMENT – NO PROPOSED CHANGES \*this note  
not to be included as text in the revised zoning bylaws\*]**

**Section 2.02 Sewage Regulations**

- (a) A subsurface sewage disposal permit will be granted by the Board of Health only when the Board is presented an approved septic system plan determined by percolation and deep hole testing taken by an authorized civil engineer during the testing season December 1 – April 30 at the discretion of the Board of Health.
- (b) No sewage disposal works the effluent from which will discharge into any lake, pond, stream, tidal waters, or any tributary thereof, shall be installed unless plans for such disposal works are first approved by the Mass. Department of Environmental Protection.
- (c) No dwelling place or other building shall be constructed until the Board of Health has approved the proposed lot as suitable from a sanitary point of view. No building on an unsewered street shall be constructed until a permit for sewage disposal installation has been obtained from the Board of Health.
- (d) A permit to build will be issued only when an adequate water supply is assured to provide for the occupancy of the proposed structure.
- (e) All sewage disposal works hereafter constructed shall be in conformance with Title V of State Sanitary Code and Rules and Regulations of Mendon Board of Health.
- (f) No sewage disposal works shall be established within 100 feet of any well used as a source of water supply.
- (g) Should any section, paragraph, sentence, clause or phrase of these rules and regulations be declared unconstitutional or invalid for any reason, the remainder of said rules and regulations shall not be affected hereby.
- (h) All permits must be obtained from the Board of Health before any new or old cesspool is installed and approved.

**Section 2.03 Off Street Parking and Loading**

- (a) Purpose  
It is the intent of this section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with standards hereinafter specified. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.
- (b) Applicability  
Notwithstanding other requirements of these regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Where parking is located on a lot separate from that of the facility, such lot shall also be owned by the applicant or shall be under a lease sufficiently long in term to assure that adequate parking will be available for the probable duration of the use. All parking for an intended use shall be located within 300 feet of the main building entrance and not separated by any streets or ways. The Planning Board may grant a waiver of up to 20% of the parking required provided the applicant can prove that suitable parking will be present for the intended use of the property.

**[TABLE OF OFF STREET PARKING REGULATIONS**

**NOTE: MOVE TABLE TO AFTER 2.03 AND BEFORE 2.04 - it is currently  
between 2.03(b) and (c). No proposed changes to text of the table. \*this note not to  
be included as text in the revised zoning bylaws\***

(c) Design Standards

(i) Loading space standards.

Every non-residential use or addition thereto must maintain at least one paved off-street loading space of not less than 15 feet in width, 40 feet in length and 14 feet vertical clearance. For every nonresidential building there shall be one such off-street leading space for every 40,000 square feet of gross floor area or portion thereof, excluding basements. No such loading space shall be less than 20 feet from any property line or street line.

(ii) Parking Lot (space) Standards:<sup>15</sup>

- (1) No parking lot area shall be located within twenty (20) feet of any property line, street, or road, if abutting property is zoned or used residentially. The parking lot area may be located within ten (10) feet of the property line if the abutting lots are not zoned and/or used for residential purposes.
- (2) No parking lot shall be located less than five (5) feet from any wall of any building to allow for pedestrian walks and/or landscaping.
- (3) Dead-end parking aisle interior drives shall be extended five (5) feet further than the last space to allow movement of a vehicle in and out of a parking space
- (4) Where reasonable alternate access is available, the vehicular access to the lot shall be arranged to avoid traffic use of local residential streets situated in or bordered by residential districts.
- (5) Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided from the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- (6) The street giving access to the lot shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- (7) Where the lot has frontage on an existing street, proper provisions shall be made for grading and improvement of shoulder and sidewalk areas within the right-of-way of the street and for the provision of curbs and sidewalks, as approved by the Board and in accordance with the pattern of development along the street.
- (8) Appropriate provisions shall be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials.
- (9) Adequate lighting shall be provided as required in the Mendon Zoning By-laws, Section 4.02, Site Plan Review.

<sup>15</sup> Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20

- (10) Each parking space for every use, with the exception of single or two family residential dwellings, a minimum of twenty (20) square feet of landscaped area shall be provided within the parking area or along the periphery of the parking area. For the purposes of this section, the parking area shall be defined as that area used for parking, backup space and driveways associated with the parking lot. For those parking lots containing in excess of twenty spaces, a minimum of fifty percent of the required landscaping must be provided within the parking area.
- (11) Parking areas shall be strongly encouraged to be designed to include landscaping to include low impact development techniques.
- (12) Surface parking lots with over 15 parking spaces serving uses located in Highway Business or General Business Districts must have at least one shade tree (minimum two-inch caliper) for every 15 provided parking spaces. The number of trees per 15 parking spaces shall be tabulated for all spaces unless the Planning Board finds that, for the spaces covered by photovoltaic canopies, there is no adequate location on site to meet the requirement for those covered spaces.
- (13) In surface parking lots with more than 75 parking spaces, the expanse of pavement shall be interrupted by separating rows of parking spaces from each other and from driveways by using planting strips which may also contain pedestrian sidewalks at least six feet in width. Provision of these planting strips shall take into account the need to store snow, to locate light poles, to allow safe pedestrian movement, to maximize emergency access, and to separate different traffic movements. In addition, if an existing parking lot is expanded to over 75 spaces, planting strips shall be required for the entire lot. All proposals to construct or modify such parking lots shall be reviewed by the Planning Board in light of the requirements of this section. The Planning Board may waive planting strips if it deems appropriate only for the portion and number of parking spaces that are covered by one or more photovoltaic canopies.
- (14) Each required parking space, exclusive of driveways and aisles, shall be at least 9 feet wide and 18 feet long. The dimensions for parking spaces and drive aisles shall conform to the following table:

*Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20*

	90 deg	60 deg	45 deg
<b>A. Double Parking Bay</b>	60 feet	58 feet	53 feet
<b>B. Depth of Bay</b>	18 feet	20 feet	19 feet
<b>C. Width of Aisle</b>	24 feet	18 feet *	15 feet *
<b>D. Width of Space</b>	9 feet	9 feet	9 feet
<b>E. Depth of Space</b>	18 feet	18 feet	18 feet

*\*provided that if the aisle is a fire lane the width shall be 20 ft.*

Drive Aisles with two-way circulation shall contain 90 deg parking spaces. Drive Aisles with one-way circulation may contain 60 deg or 45 deg parking.

In addition to the requirements set forth in the above table, the Board may require collector drive aisles to be 30 feet in width and may require major entry and exit drive aisles to be of such a width and to contain sufficient lanes as may be necessary.

(iii) Entrances and exits.

Each parking or loading space shall be provided with adequate area for approach, turning and exit of the vehicle for which it was designed without need to use any part of a public street right-of-way. Points of entrance and exit for driveways onto the street shall not be less than 12 feet in width for each lane of traffic using the driveway, but the total width of such entrance or exit shall not exceed 30 feet. No such driveway shall be within 10 feet of any other driveway on the same property or within 10 feet of any property line.

**[NOTE: move interpretive aid to below the text in this section – \*this note not to be included as text in the revised zoning bylaws\*]**

(d) Maintenance of parking facility

Lots shall be maintained in good condition and repair and shall be kept clean and free from rubbish and debris.

(e) Construction<sup>16</sup>

All off-street parking and loading areas shall be suitably improved, graded, stabilized and maintained so as to cause no nuisance or danger from dust or from surface water flow and shall be in compliance with the Town of Mendon By-laws, Chapter XVI, Stormwater Management Bylaw. All such areas shall have a slope of no less than one percent and should in general not exceed a slope of three percent. However, the maximum allowed slope for all such areas shall be five (5) percent. All parking areas, with the exception of single or two family residential uses, shall be constructed of durable materials that will not allow for erosion or the transport of sediment. Parking stalls may be constructed with pervious materials.

*Amended 6/29/21; AG approved 9/3/20; Effective 6/29/20*

(f) Joint use

The Planning Board may permit joint parking areas and loading spaces to be established by the owners of separate contiguous lots in order to provide the total number of off-street parking and loading spaces required for all the users located thereon. In such case the setback requirement may be waived for the common property line.

(g) Hybrid parking<sup>17</sup>

The Planning Board may allow conventional paving for driveways and aisles with permeable paving for stalls. Permeable pavement may also be allowed in other areas where appropriate.

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<sup>16</sup> Amended 6/29/21; AG approved 9/3/20; Effective 6/29/20

<sup>17</sup> Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013

*Voted 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013*

(h) Phased parking development

The Planning Board may, depending on the specific parking needs of a particular use, approve a phased development of the off-street parking area for a proposed or an existing development, in accordance with the following conditions:

- (i) The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards for that particular use, as specified in these regulations.
- (ii) The construction of the parking area and the installation of the spaces may be phased according to term requirements, except that no less than fifty (50) percent of the total spaces required shall be constructed as part of the initial term requirement. If this results in a fractional number, the requirement shall be the next highest whole number.
- (iii) The balance of the spaces not constructed shall be designated as "reserve spaces" on the site plan, laid out as an integral part of the overall parking layout, must be located on land suitable for parking area development and either left in its natural state or suitably landscaped.
- (iv) Under any circumstances, the applicant may construct the total number of parking spaces required as per these regulations; or if the commission determines that additional spaces, identified as reserve spaces on the site plan, may be required, the commission shall notify the owner of the property concerning its findings and the owner shall, construct the required spaces within ninety (90) days of such notification.

(i) Interpretation of off-street parking requirements

- (i) Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.
- (ii) In the case of mixed uses, uses with different parking requirement occupying the same building or premises, the parking spaces required shall equal the sum of the requirement of the various uses computed separately.

**Table of Off-Street Parking Regulations**

**[NOTE: MOVE TABLE HERE, AFTER 2.03 AND BEFORE 2.04 - it is currently between 2.03(b) and (c). No proposed changes to text of the table. \*this note not to be included as text in the revised zoning bylaws\*]**

**Section 2.04 Non-Conforming Uses (Deleted 2/24/2014)<sup>18</sup>**~~Voted 5/1/2000; AG Approved 7/24/2000; Effective 5/1/2000; Deleted 2/24/2014~~*This section has been deleted by Town Meeting vote (see footnote).***Section 2.05 Prohibited Uses (Deleted 2/24/2014)<sup>19</sup>**~~Voted 3/17/1998; AG Approved 5/14/1998; Effective 3/17/1998 Voted 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011; Deleted 2/24/2014~~*This section has been deleted by Town Meeting vote (see footnote).***Section 2.06 Sign Bylaw<sup>GOV</sup>****COVERED IN SEPARATE WARRANT ARTICLE****COVERED IN SEPARATE WARRANT ARTICLE**

<sup>18</sup> Voted 5/1/2000; AG Approved 7/24/2000; Effective 5/1/2000; Deleted 2/24/2014

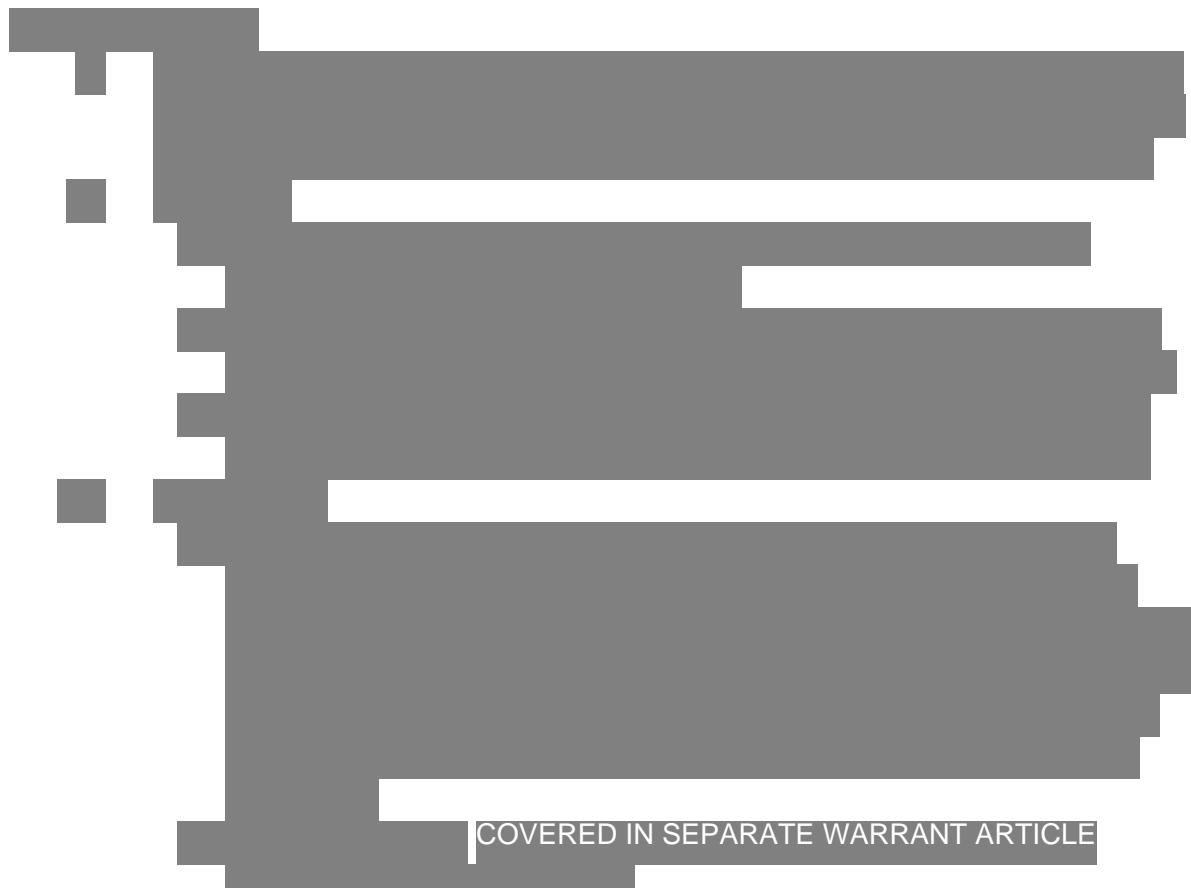
<sup>19</sup> Voted 3/17/1998; AG Approved 5/14/1998; Effective 3/17/1998

*Voted 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011; Deleted 2/24/2014*

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The image is a high-contrast, abstract graphic. It consists of a dark gray or black background with several irregular, white or light gray shapes. These shapes are layered and overlap, creating a complex, textured appearance. The shapes are not perfectly defined, giving the image a raw, organic feel. There is no text or other discernible content.

## COVERED IN SEPARATE WARRANT ARTICLE

A 10x10 grid of 100 dark gray rectangles, each containing a white 'T' character. The rectangles are arranged in a staggered pattern, creating a stepped, mountain-like effect across the grid.





## Section 2.07 Wireless Communications Facilities<sup>21</sup>

- (a) Purpose and Intent. Purpose and Intent. The purpose of this Section is to regulate wireless communications facilities such that these services may be provided with the minimum harm to the public health, safety, and general welfare by:
  - (i) Protecting the general public from hazards associated with wireless communications facilities.
  - (ii) Minimizing visual impact, including views from scenic roads as designated in Mendon By-Laws, Chapter XVI, Section 7, from wireless communications facilities.
  - (iii) Minimizing adverse impact on local property values.
  - (iv) Improving the ability of the carriers to maximize coverage while minimizing adverse impact on the community.
- (b) Definitions.
  - (i) Wireless Communications Facility: All equipment, devices, buildings, structures, fixtures, and appurtenances with which a wireless communications service carrier broadcasts, transmits, and/or receives the radio-frequency waves which carry their services, including any accessory facilities such as sheds, which are related to the operation, maintenance, and use of the wireless communications facility, and all locations of said facilities or any part thereof.
  - (ii) Carrier: Any individual or entity that provides wireless service.
  - (iii) Antenna: A device by which electromagnetic waves are sent and/or received.

<sup>21</sup> Voted 4/10/2012; AG Approved 7/30/2012; Effective 4/10/2012

- (iv) Repeater: A small receiver/relay transmitter designed to provide service to areas which are not able to receive adequate coverage from the primary sending and receiving site in a wireless communications network.
- (v) Tower: A structure, framework, or monopole, that is designed to support wireless communications transmitting, receiving, and/or relaying, antennas and/or equipment.
- (vi) Co-location: The practice of installing the antennas of more than one communications carrier on one structure.
- (vii) Setback: The area on the ground within a prescribed radius from the base of the tower
- (viii) Radio Frequency Emissions: The electromagnetic emissions from wireless communications facilities.

(c) Special Permit. A wireless communications facility may be allowed by a special permit in all zoning districts in accordance with, and subject to, the requirements and regulations of Sections 1.06 and 2.07 of the Town of Mendon Zoning By-Law. The Planning Board shall act as the Special Permit Granting Authority for wireless communications facilities in the Town of Mendon.

(d) Applicability and Exemptions. This Section applies to any wireless communications facility.

- (i) The following specific uses are exempt from this Wireless Communication Facilities By-Law:
  - (1) Satellite dishes or antennas used exclusively for residential use;
  - (2) Police, fire, ambulance, and other public emergency dispatch;
  - (3) Citizen band radio; and
  - (4) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the FCC provided that the tower is not used or licensed for any other purpose and the tower is removed upon loss or termination of said FCC license. Notwithstanding the foregoing, any structure for federally licensed amateur radio operators in excess of the height limitations set forth in Section 2.01 of this Zoning By-Law may be permitted subject to site plan review by the Planning Board and must be set back from all property lines a distance no less than one and a quarter times the height of the structure. No such structure may exceed seventy (70) feet in height.
- (ii) A non-exempt wireless communications facility or repeater facility that shares a tower or other structure with any exempt facility listed above shall not be considered exempt from this by-law for any reason.
- (iii) Legally pre-existing wireless communications facilities may be reconstructed, expanded and/or altered in all zoning districts subject to a special permit granted

by the Planning Board, provided that they conform to all of the requirements set forth in Section 2.07 of this Zoning By-Law.

- (e) Consistency with Federal Law. These regulations are intended to be consistent with the Telecommunications Act of 1996 in that:
  - (i) They do not prohibit or have the effect of prohibiting the provision of personal wireless services
  - (ii) They are not intended to be used to discriminate unreasonably among providers of functionally equivalent services.
  - (iii) They do not regulate personal wireless services on the basis of environmental effect of radio frequency emissions to the extent that the regulated services and facilities comply with the FCC's regulations concerning emissions.
- (f) Design Requirements and Performance Standards. All wireless communication facilities erected, installed and/or used shall comply with the following design requirements and performance standards:
  - (i) Shared Use: Shared use of towers by wireless communication carriers is required unless such shared use is shown by substantial evidence to not be feasible
  - (ii) Height: The maximum allowed height of a tower shall be 150 feet.
  - (iii) Wireless communication facilities located on a structure shall not exceed ten feet in height above the roof-line of the structure, unless the Planning Board finds that a greater height is essential to the proper functioning of the wireless communication services to be provided by the applicant at such location. For structures where it is difficult to determine the roof line, such as water tanks, the height of the wireless communication facilities shall not exceed ten feet above the highest point of the structure.
  - (iv) Co-Location: In the event that the Planning Board finds that co-location is preferable in order to conform to the intent and purpose of this By-Law, then towers shall be designed to accommodate the maximum number of presently interested users that is technologically practical. In addition, if the number of proposed users is less than four, the applicant shall provide a plan showing how the proposed tower can be expanded to accommodate up to four users. In the event that the Planning Board finds that co-location is preferable, the applicant must agree to allow co-location pursuant to commercially reasonable terms to additional users.
  - (v) Proximity to Existing Residence: Towers shall be located a minimum of five hundred (500) feet from all existing residential dwellings and any proposed dwelling for which a building permit or subdivision approval has issued. This regulation is not intended to prohibit the later development of residential

dwellings within 500 feet of a tower, provided that no such development shall be permitted within the setback.

(vi) Setback: A tower shall be set back from the property lines of the lot on which it is located by a distance equal to one and a half times the overall vertical height of the tower and any attachments. With the exception of wireless communications facilities related to the operation, maintenance, or use of said tower, no construction shall be permitted within the setback. In the case of any questions concerning lot lines, the Planning Board may make the setback determinations.

(vii) Screening Requirements: All exterior wireless communication facilities shall be painted, colored, molded, installed or otherwise screened to minimize their visibility to abutters, adjacent streets, views from scenic roads, and residential neighborhoods. Wireless communications facilities visible against a building or structure shall be colored to blend with such building or structure. Wireless communications facilities visible against the sky or other background shall be colored or screened to minimize visibility against such background. A different coloring scheme shall be used to blend the structure with the landscape below and above the tree or *building line*. Existing on-site vegetation shall be preserved to the maximum extent feasible.

(viii) Fencing: The area around the base of the Tower shall be enclosed within a fence with a locked gate, and a key to such gate shall be provided to emergency response personnel. Fencing shall be compatible with the scenic character of the Town and shall not be of razor wire and shall be subject to the approval of the Planning Board.

(ix) Lighting: Lighting shall be limited to that required by the Federal Aviation Administration.

(x) Parking: There shall be a minimum of one parking space provided for each wireless communication facility, to be used for parking in connection with the maintenance of the site, and not for the permanent storage of vehicles or other equipment, or any other purpose. To the extent said wireless communication facility includes any building(s) then, in addition to the parking required above, parking shall be required in accordance with Section 2.03 of the Zoning By-Law

(xi) Access: For proposed tower sites, the width, grade, and construction of the access road shall be designed so that emergency response vehicles can get to the tower and wireless communications facility accessory buildings, and shall be designed to provide proper storm drainage.

(g) General Requirements

(i) No wireless communications facility may be erected, installed, used, reconstructed, altered and/or expanded except upon the issuance of a special permit by the Planning Board and approval under Site Plan Review as set forth in Section 4.02 of the Zoning By-Law and subject to all of the provisions of this

Zoning By-Law. It is recommended to the applicant to undertake both the Special Permit and Site Plan Review procedures concurrently in order to expedite the permitting process. Multiple applicants for the same site/facility are also encouraged provided there is one lead applicant responsible for all submissions and further provided that no application shall be considered complete and filed until all the applicants have complied with all of the submission requirements.

- (ii) All owners and operators of land used in whole or in part for a wireless communications facility and all owners and operators of such wireless communications facility shall, as a continuing condition of installing, constructing, erecting and using a wireless communications facility, permit other Federal Communications Commission licensed entities seeking to operate a wireless communications facility, to install, erect, mount and use compatible wireless communication equipment and fixtures on the equipment mounting structure on reasonable commercial terms provided that such co-location does not materially interfere with the transmission and/or reception of communication signals to or from the existing wireless communication facility, and provided that there are no structural or other physical limitations that make it impractical to accommodate the proposed additional wireless communication equipment or fixtures.
- (iii) New facilities shall be considered by the Planning Board only upon a finding by the Planning Board that:
  - (1) The use of repeaters to provide adequate coverage without requiring new towers is not feasible;
  - (2) The applicant has used reasonable efforts to locate or co-locate its proposed wireless communication facilities on existing or approved facilities; and
  - (3) That the applicant either was unable to negotiate commercially reasonable lease terms with the owner of any existing or approved facility that could accommodate the proposed facilities from both structural engineering (i.e. the height, structural integrity, weight bearing and wind-resistant capacity of the existing or approved facility), and radio frequency engineering (i.e. height, coverage area etc.) perspectives; or there neither exists nor is there currently proposed any facility that could accommodate the proposed facilities from structural and radio frequency engineering perspectives. A report discussing this information entitled "New Wireless Data Transfer Feasibility Study" is to be submitted to the Planning Board as part of any special permit submission.
- (iv) The Planning Board may require the applicant to pay reasonable fees for professional review of the applicant's proposal by a professional or radio

frequency engineer, attorney and/or other qualified professional to assist the Board in its deliberations.

(v) A wireless communications facility may be located on the same lot by special permit with any other structures or uses lawfully in existence and/or lawfully undertaken pursuant to this By-Law.

(h) Criteria for Granting Special Permit: Applications for special permits may be denied if the Planning Board finds that the petitioner does not meet or address the requirements of this Zoning By-Law, including Section 2.07 and Section 1.06, and M.G.L. c.40A, §9.

(i) When considering an application for a wireless communications facility, the Planning Board shall take into consideration the proximity of the facility to residential dwellings and its impact on these residences.

(ii) Conditions: The Planning Board shall impose, in addition to any reasonable conditions supporting the objectives of Section 1.06 of the Zoning By-Law, such applicable conditions as it finds appropriate to safeguard the neighborhood or otherwise serve the purpose of Section 2.07 herein, including, but not limited to screening, buffering, lighting, fencing, modification of the external appearance of the structures, limitation upon the size, method of access or traffic features, parking, removal or cessation of use, or other requirements. Such conditions shall be imposed in writing with the granting of a special permit. As a minimum, the following conditions shall apply to all grants of special permit issued pursuant to this Section:

(1) The WCF's and the site shall be designed compatible with the surrounding area, and, without limitation, shall be subject to the provisions of Section 4.02, Site Plan Review. The WCF's and the site (which shall include without limitation all driveways and access roads) shall be maintained in good condition and repair at all times, and in compliance with all applicable local, state, and federal rules, standards, bylaws, regulations and laws, including those promulgated by the Federal Communications Commission and Federal Aviation Administration. The Planning Board and/or Building Inspector may require evidence of such compliance, at the applicants/owner's sole cost and expense, at any time.

(2) Removal of Abandoned Towers and Facilities. Any wireless communications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such tower and facility shall remove same within ninety (90) days of receipt of notice from the Planning Board notifying the owner of such abandonment. If such tower or facility is not removed within said ninety (90) days, the Planning Board may cause such tower or facility to be removed at the

owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

- (3) For all towers, the applicant shall provide a performance bond or other security from a surety authorized to do business in Massachusetts and satisfactory to the Planning Board, in an amount equal to the cost of removal of any and all wireless communications facilities from the premises and for the repair of such premises and restoration to the condition that the premises were in at the onset of the lease, said amount to be determined at the discretion of the Planning Board by either the applicant's engineer or professional hired by the Planning Board at the applicant's expense. The amount of the bond shall be the total estimate of restoration costs and anticipated fees (in today's dollars) by the applicant's engineer, plus an annual increase of three percent for the term of the lease. The term of the bond shall be for the full term of any lease plus twelve months. The Town must be notified of any cancellation or change in the terms or conditions in the bond.
- (4) For all towers, an Agreement must be executed whereby the user will allow the installation of the Town of Mendon wireless communications devices, equipment, fixtures, and related appurtenances, on the tower at the most advantageous location reasonably necessary to promote public health, safety or welfare, as determined by the Town, at no cost to the Town, and which will allow other carriers to lease space on the tower so long as such use does not interfere with the user's use of the tower, or with any Town controlled wireless communications facilities.
- (5) For all towers located on non-municipal property, a clause must be inserted in any lease that unconditionally permits the Town or contractors hired by the Town to enter the premises, at any time, where upon towers are located, if any Town-wide or Town-controlled wireless communications are located thereon.
- (6) For all towers located on municipal property, a Certificate of Insurance for liability coverage in amounts determined by the Select Board must be provided naming the Town as an additional insured.
- (7) For all towers located on municipal property, an agreement must be executed whereby the user indemnifies and holds the Town harmless against all claims for injury or damage resulting from or arising out of the use or occupancy of the Town owned property by the user.
- (8) All applicants shall be required to file annually on or before February 1st with the Mendon Planning Board a complete list of all wireless communication facility locations in the Town then used by the applicant, including any facilities mounted on the interior of a building or structure.

- (iii) The special permit shall lapse in two years unless substantial use or construction has commenced by such date, unless for good cause shown a written request for an extension of time is made to the Planning Board before the two years has expired. Such construction, once begun, shall be actively and continuously pursued to completion within a reasonable time. This two-year period does not include such time as required to pursue or await the determination of an appeal from the granting of this special permit.
- (iv) Any extension, replacement, addition, erection, installation, reconstruction, alteration and/or expansion of a wireless communications facility, or any portion thereof, or any change, extension, or expansion of use, shall be subject to an amendment of the existing special permit, following the same review and procedure, and subject to the same conditions and requirements, as for an original grant of a special permit.
- (v) Prior to the commencement of any construction, or construction related activities such as clearing, the applicant shall provide a recorded copy of a restrictive covenant in form satisfactory to and approved by the Planning Board, prohibiting any construction (with the exception of construction related to the approved wireless communications facilities) within or on any area of land contained in the setback for so long as the lot continues to be used for wireless communications facilities.
- (vi) Severability: If any Section of this by-law is ruled invalid by any authority or a court of competent jurisdiction, such ruling will not affect the validity of the remainder of the By-Law.

## Section 2.08 Marijuana Establishments (Deleted 5/3/2019)<sup>22</sup>

This section has been deleted by Town Meeting vote (see footnote). See Section 6.03 for Regulations on marijuana establishments and medical marijuana treatment centers can be found in Section 6.03.

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<sup>22</sup> Moratorium Added 5/4/18; AG approved 8/1/18; Effective 5/4/18  
Deleted 5/3/2019; AG Approved 7/12/2019; Effective 5/3/2019

## ARTICLE III. USE REGULATIONS<sup>COV</sup>

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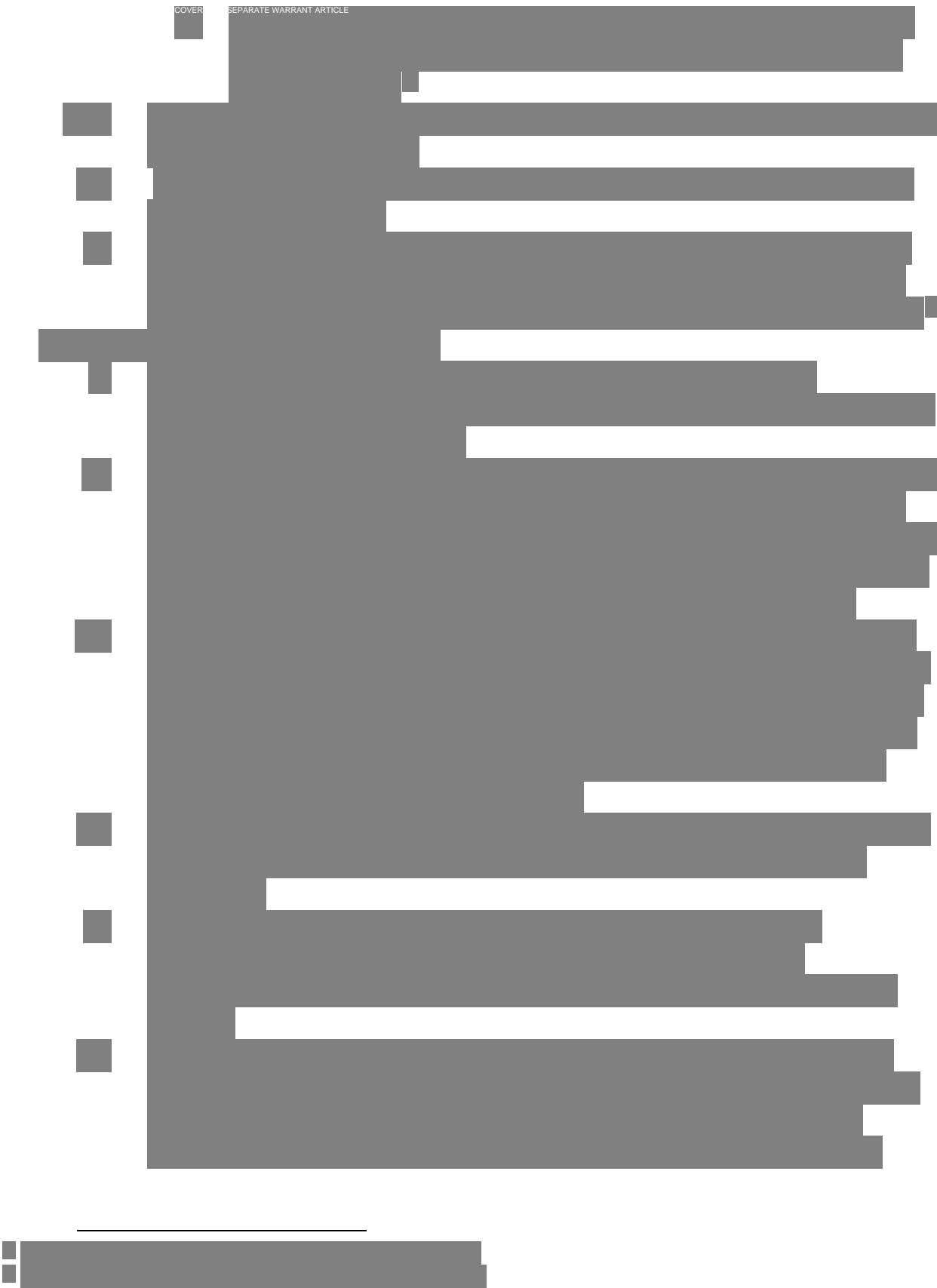


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For more information, contact the Office of the Vice President for Research and Economic Development at 515-294-6450 or [research@iastate.edu](mailto:research@iastate.edu).

For more information, contact the Office of the Vice President for Research and Economic Development at 319-335-1111 or [research@uiowa.edu](mailto:research@uiowa.edu).

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A large, dark gray rectangular area with a small white square in the top-left corner and a small white rectangle in the bottom-right corner.

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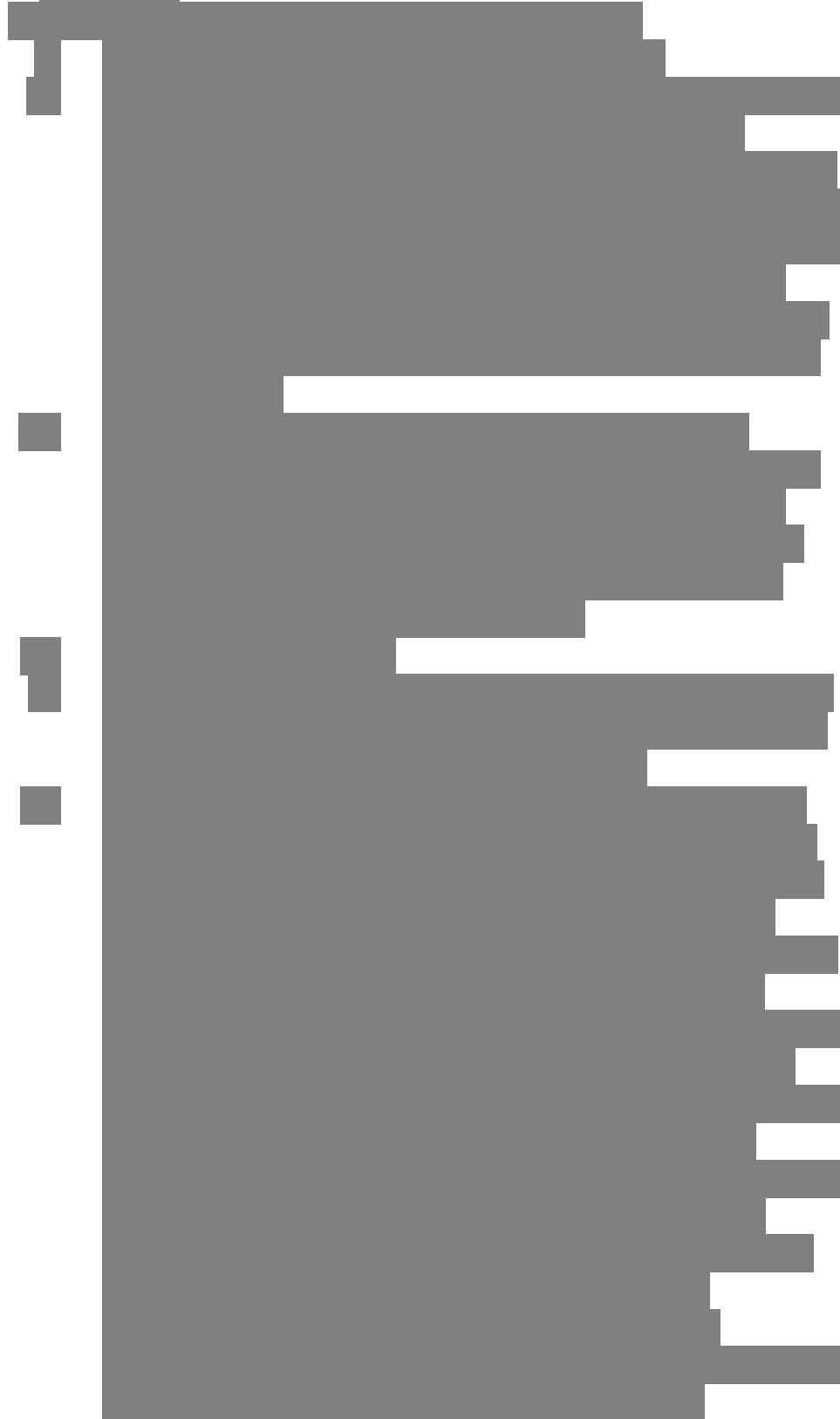


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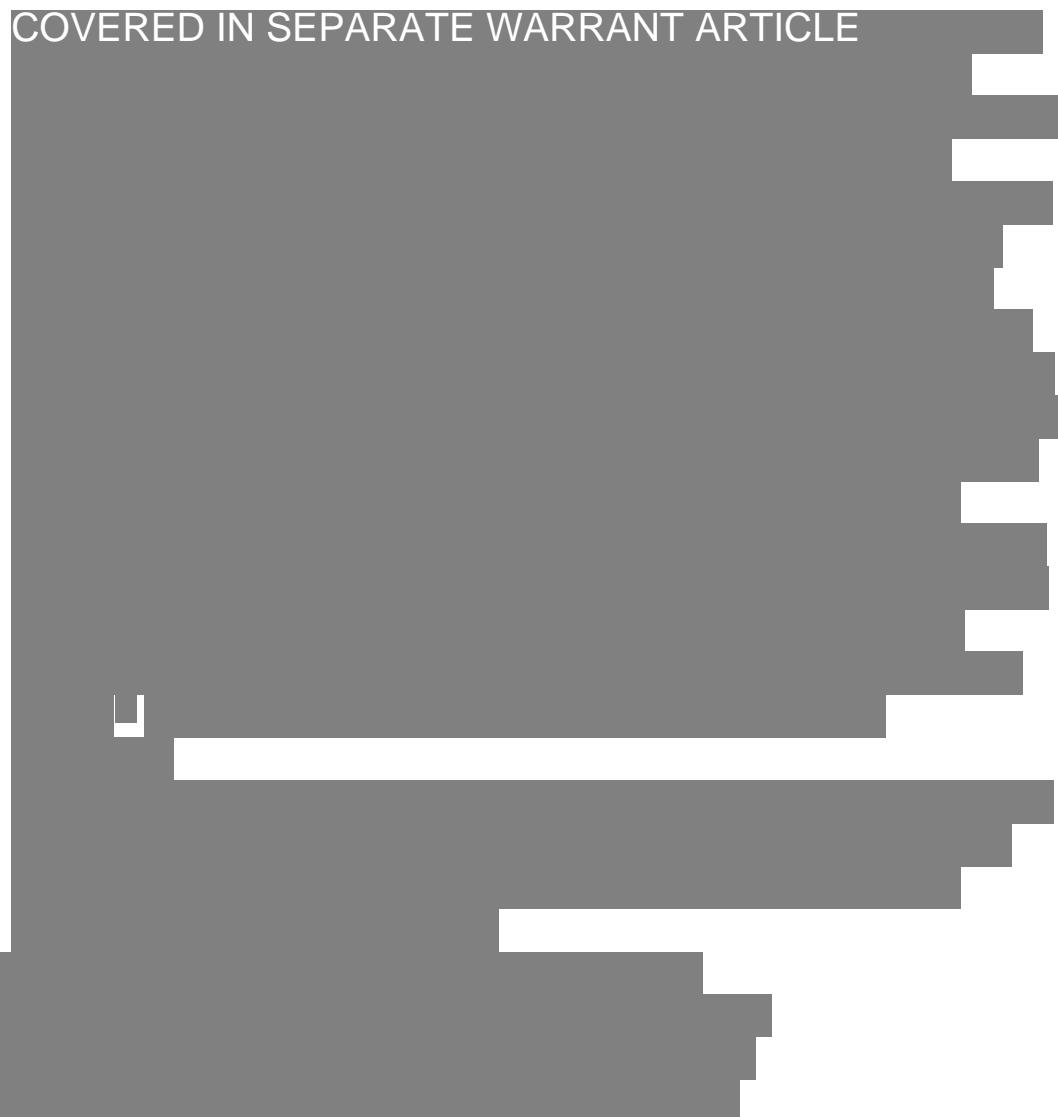


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## **ARTICLE IV. SITE PLAN REVIEW**

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A 3D bar chart illustrating the distribution of a variable across 12 categories. The x-axis is labeled with categories 1 through 12. The y-axis represents values from 0 to 100. The z-axis represents frequency. The bars are dark grey with white outlines. Category 1 has the highest frequency, peaking at approximately 95. Category 12 has the lowest frequency, around 10. The distribution is skewed to the right.

Category	Frequency
1	95
2	85
3	75
4	65
5	55
6	45
7	35
8	25
9	15
10	10
11	10
12	10

1. **What is the primary purpose of the study?** (Please check all that apply)

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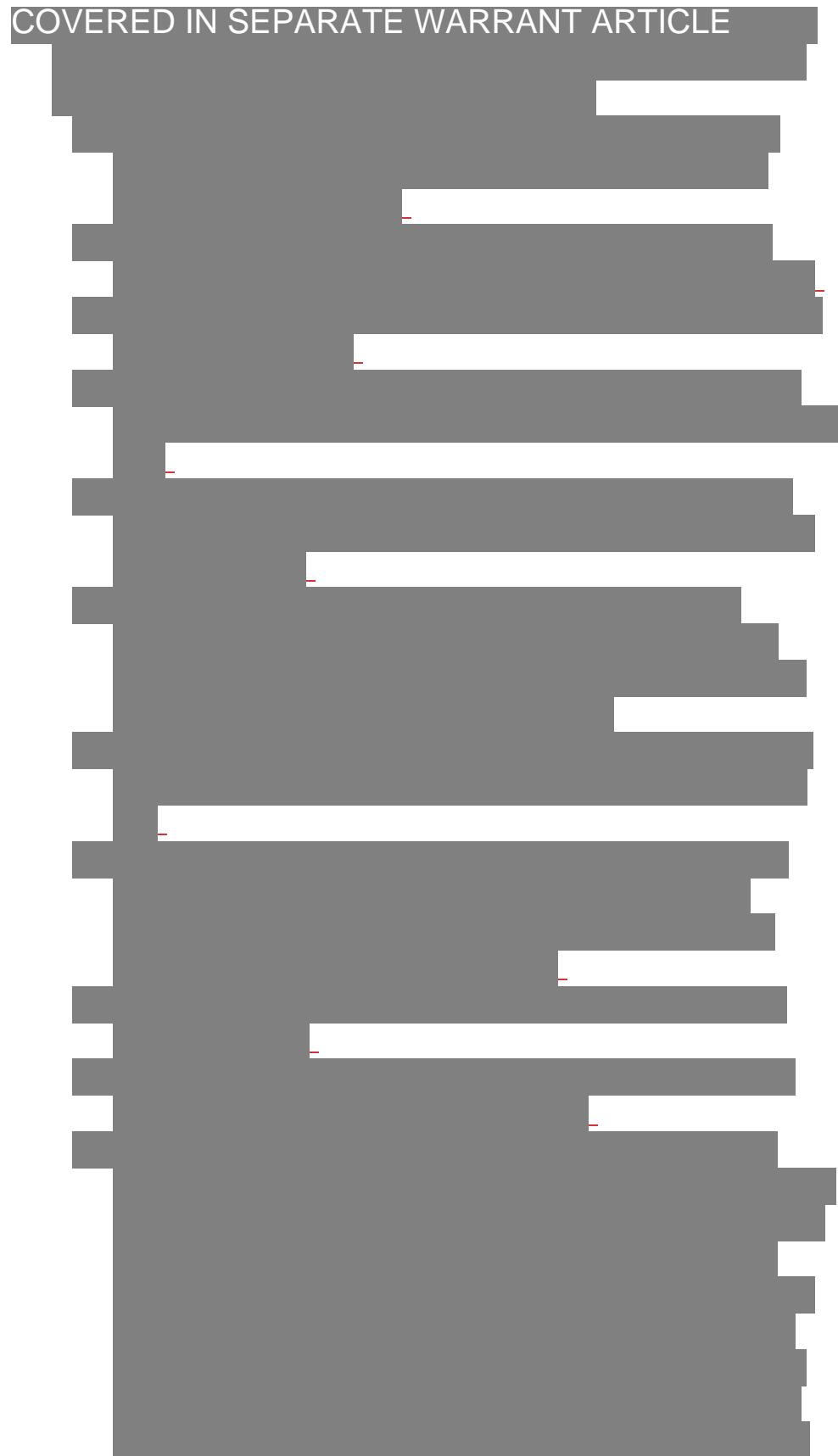
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A 3D bar chart showing the distribution of a variable across three categories (A, B, C) for four different groups (1, 2, 3, 4). The Y-axis represents the variable's value, ranging from 0 to 100. The X-axis represents the groups, and the Z-axis represents the categories A, B, and C. Category A is represented by blue bars, Category B by orange bars, and Category C by green bars. Group 1 has a total value of approximately 100. Group 2 has a total value of approximately 100. Group 3 has a total value of approximately 100. Group 4 has a total value of approximately 100. The chart shows a general decrease in values from Group 1 to Group 4 across all categories.

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disposal containers shall also be shown. A landscape plan showing  
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sodium, incandescent) of all external lighting fixtures. The

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and materials shall match or complement the style and materials of  
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natural drainage courses, permeable soils, floodplains, woodlands and

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cases, M.G.L c. 40A, §§ 9 & 11 shall govern the time frames and  
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A high-contrast, black and white image showing a large, dark, irregular shape against a white background. The dark shape has jagged, stepped edges, resembling a puzzle piece or a digital scan of a physical object. It is positioned in the upper half of the frame, with a large, solid dark rectangle at the bottom.

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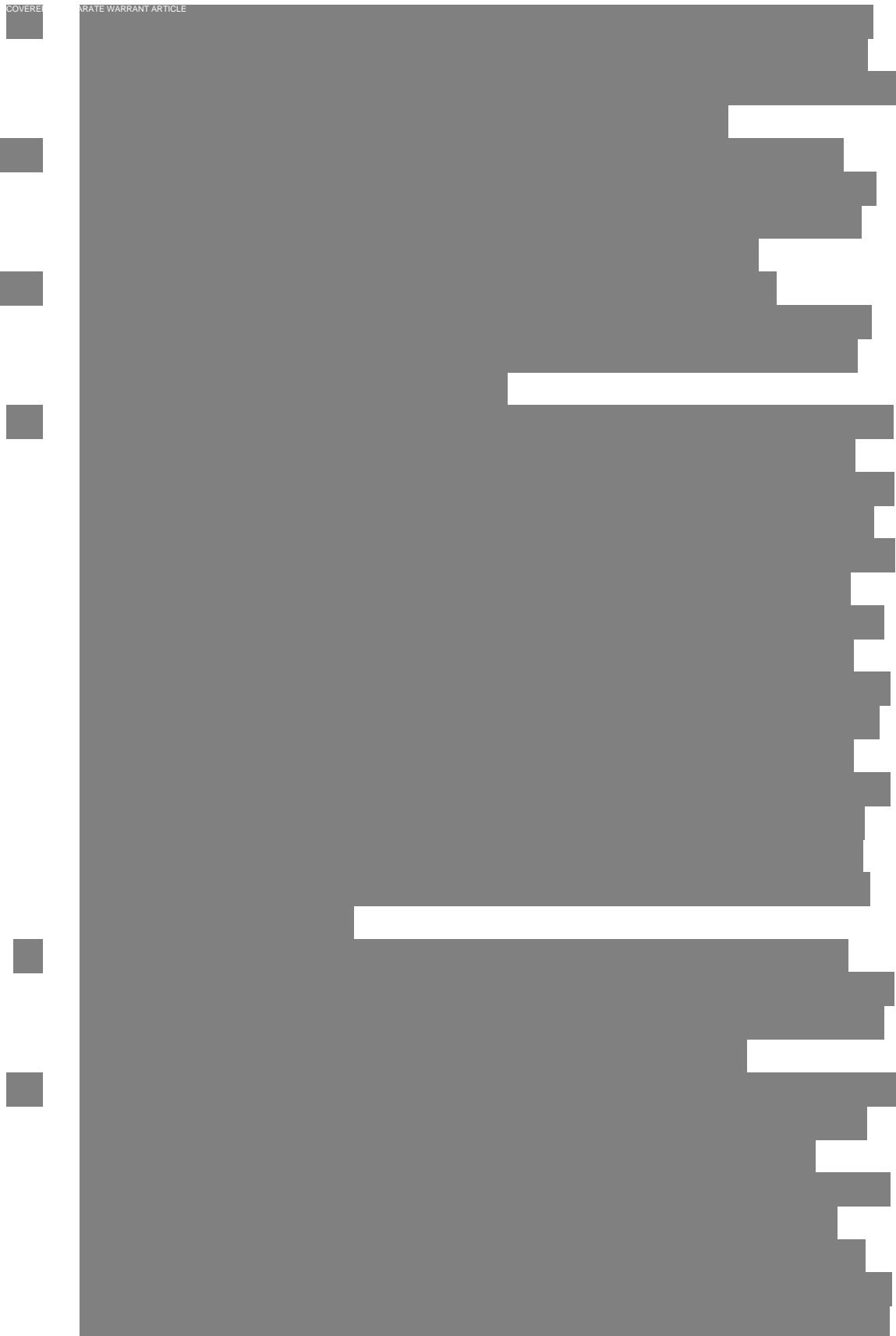
The figure consists of a 10x10 grid of 100 dark gray rectangles. Each rectangle contains a white horizontal bar. The bars are positioned at different heights within each rectangle, creating a stepped or layered effect. The rectangles are arranged in a grid pattern with varying widths and heights.

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## COVERED IN SEPARATE WARRANT ARTICLE

This figure is a 2D grayscale heatmap representing a complex, multi-peaked structure. The main body of the image is a large, dark gray region with several bright white horizontal bands. To the left, there are several smaller, dark gray rectangular blocks. The overall pattern is highly irregular and suggests a complex physical or biological process.

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## ARTICLE V. OVERLAY DISTRICTS

### Section 5.01 Adult Entertainment Overlay District<sup>44</sup>

#### (a) AUTHORITY.

This section is enacted pursuant to M.G.L. Chapter 40A, Section 9A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution.

#### (b) PURPOSE AND INTENT.

The purpose of this Adult Entertainment Overlay District section of the Town of Mendon Zoning Bylaws is to address and mitigate the secondary effects of adult entertainment establishments. Secondary effects impact the health, safety, and general welfare of the Town of Mendon and its inhabitants. These effects include increased crime, and adverse impacts on public health, the business climate, the property values of residential and commercial property and the quality of life.

The provisions of this section have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this Section (Overlay District) to restrict or deny access to adult entertainment establishments or to sexually oriented matter or materials that is protected by the Constitutions of the United States and 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, as described in M.G.L. Chapter 272, inclusive, and Chapter 119, Section 63.

#### (c) DEFINITIONS.

Adult Entertainment Establishment shall include any of the following: an Adult Bookstore, an Adult Motion Picture Theater, an Adult Video Store, and an Establishment which displays live nudity for its patrons.

For the purposes of this By-Law, the terms Adult Bookstore, Adult Motion Picture Theater, Adult Paraphernalia Store, Adult Video Store and Establishment which displays live nudity are as defined in M.G.L. Chapter 40A, Section 9A.

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<sup>44</sup> Voted 5/2/2008; AG Approved 9/23/2008; Effective 5/2/2008  
Amended 10/7/2008; AG Approved 1/20/2009; Effective 10/7/2008  
Amended 6/24/2015; AG Approved 2/1/2016; Effective 6/24/2015

*Substantial or significant portion of its stock:* Greater than 10% of the subject establishments' inventory stock, or 10% of the subject premise's gross floor area, or 300 square feet, whichever is less.

**(d) APPLICABILITY.**

This Overlay District zoning applies to all Adult Entertainment Establishments, as defined in this section. Any existing Adult Entertainment Establishment located outside of the overlay district, as described in this Section, may continue to operate in the same location until the next expiration of their license/permit. Existing Adult Entertainment Establishments located within the overlay district, as defined in this Section, shall apply for a special permit within 90 days of the effect of this section.

**(e) ESTABLISHMENT OF ADULT ENTERTAINMENT OVERLAY DISTRICT & RELATIONSHIP TO UNDERLYING DISTRICTS.**

The Adult Entertainment Overlay District is described as follows: Lots number 41, 43, 47 and 49 Milford Street, as shown on the Assessors Tax Map, Town of Mendon, Map 9, revised January 2008. The Adult Entertainment Overlay District is established as a district that overlays the underlying districts, so that any parcel of land lying in an Adult Entertainment Overlay District shall also lie in one or more of the other zoning districts. All requirements of the underlying zoning districts remain in full force and effect, except as superseded by the specific overlay district regulations.

**(f) SPECIAL PERMIT STANDARDS FOR ADULT USES**

Adult entertainment enterprises may be allowed in the Overlay District only by Special Permit granted by the Board of Appeals. No Special Permit may be granted by the Board of Appeals for an Adult Bookstore, Adult Video Store, Adult Paraphernalia Store, Adult Motion Picture Theater, or Adult Live Entertainment Establishment unless the following conditions and limitations are satisfied in addition to all other zoning conditions:

- (i) No Adult Entertainment Establishment shall be located less than 500 feet from a child care facility, park, playground, recreational areas, another Adult Use, or any establishment licensed under the provisions of M.G.L. Chapter 138, Section 12, nor less than 300 feet from any residential building. The distances shall be measured by a straight line from the closest exterior wall of the building or establishment premises on which the Adult Use is to be located to the nearest exterior wall of any residence building.
- (ii) A minimum 50 foot vegetated buffer containing adequate screening shall be provided between an adult entertainment establishment and other abutters of any designation, including public and private ways. Structures associated with the proposed use shall be located a minimum of 100 feet from any street line.

- (iii) No material depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G. L. Chapter 272, Section 31, shall be displayed in the windows of, or on the building of, any Adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such establishments.
- (iv) In addition to complying with any Mendon by-laws concerning signs, sign content shall identify the name of the establishment only and shall contain no advertisement in addition to the identification of the use. Only one identification sign to be mounted on the building wall face shall be allowed for an adult use, with maximum 16 square feet of sign area. All other signs, whether on the exterior of the building, or visible from the exterior of the building are prohibited.
- (v) No merchandise or services prohibited as obscene or indecent under any federal or Massachusetts law or regulation or found to be obscene by any superior or higher federal or state court shall be disseminated or available therein.
- (vi) Appearance of buildings for adult entertainment shall be consistent with the appearance of buildings in similar (but not specifically "adult") use in Mendon, not employing unusual color or building design, which would attract attention to the premises. All building openings, entries, and windows shall be screened in such a way as to prevent visual access of the public to the business area of the Adult Entertainment Establishment. A six (6) foot high solid fence or a landscaped buffer of evergreen trees or shrubs six (6) feet high at the time of planting shall be provided and maintained along the side and rear property lines.
- (vii) No more than one structure to be used for adult entertainment shall be located on any one lot.
- (viii) No Adult Entertainment special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 63 or Chapter 272, Section 28.

**(g) SPECIAL PERMIT SUBMISSIONS AND APPROVAL**

In addition to any requirements as required by the Town of Mendon by-laws, zoning by-laws, building regulations or licensing requirements, Special Permit applications for approval in the overlay district shall contain the following information:

- (i) A site plan showing appropriate distances between the proposed or existing Adult Entertainment Establishment and any residential zoning district, public or private school, public park or recreation area, group day care center, family day-care center, or any other Adult Entertainment Establishment(s). The site plan shall also show locations and sizes of buildings, setbacks, signage, landscape design and buffers.
- (ii) In addition to the site plan requirements, all applicants for a Special Permit for Adult Entertainment shall submit the following additional information:

- (1) Name and address of all legal owners of the establishment and the property, as well as the manager of the proposed establishment.
- (2) In the event a corporation, partnership, trust or other entity is listed, the names and addresses of all persons having a fee, equity and/or security interest, ownership interest and/or beneficial interest in such establishment must be listed. The applicant/owner must disclose if they have been convicted of violating the provisions of M.G.L. Chapter 119, Section 63 or Chapter 272, Section 28.
- (3) The total number of employees, or proposed number of employees.
- (4) Proposed security precautions.
- (5) Full description of the intended nature of the business.
- (6) In the case of live adult entertainment, submission and approval of the nature of the live entertainment, proximity of entertainers to patrons, behavioral restrictions, and security plans must be obtained.

(iii) *Section iii has been deleted as it was disapproved by the Attorney General's Office on 2/1/16.*

(h) EXPIRATION OR LAPSE OF SPECIAL PERMIT:

- (i) A Special Permit issued under this section shall lapse upon any one of the following occurrences:
  - (1) There is a change in the location of the adult use.
  - (2) There is a sale, transfer or assignment of the business or the license.
  - (3) There is any change in legal or beneficial ownership or management of the applicant.
  - (4) Special permit granted under this section shall lapse within two years, and including such time required to pursue or await the determination of an appeal referred to in M.G.L. Chapter 40A, Section 17, from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause or, in the case of a permit for construction, if construction has not begun by such date except for good cause.

- (i) The following provisions apply to all Adult Entertainment Establishments located within the Town of Mendon:
  - (i) No Adult Entertainment or Use facility shall exceed 2,000 square feet in footprint in keeping with the historically rural atmosphere of the town and in consideration of traffic safety.
  - (ii) No Adult Entertainment or Use facility shall not exceed 14' in structural height. Basement areas shall not be accessed by patrons for any purpose and shall not be furnished for retail or entertainment purposes.

- (iii) Any pre-existing Adult Entertainment of Use facility exceeding 2,000 square feet must comply with clauses (i) and (ii) above, upon re-issuance of the annual adult entertainment license to operate in accordance with Section 5(G) of the Town of Mendon Regulations Governing Adult Entertainment Establishments Pursuant to M.G.L. Chapter 140, Section 183A. In order to comply, the pre-existing Adult Entertainment or Use facility shall either erect fully opaque interior partitioning walls to reduce the size of the Adult Entertainment or Use facility (including ancillary supporting areas such as storage, kitchens, restrooms, meeting rooms, office rooms, and dressing rooms) to an area measuring not to exceed 2,000 square feet or shall demolish any portion of the facility exceeding 2,000 square feet in area. In determining compliance, the Building Department of the Town of Mendon shall conduct an inspection of the premises to determine that the Adult Entertainment and Use area does not exceed 2,000 square feet prior to the re-issuance of the adult entertainment license.
- (iv) No Adult Entertainment or use facility shall open for business prior to 4:30pm in on days in which school is in session in order to provide an opportunity for all elementary school buses to finish student bus routes.

**(j) SEVERABILITY**

If any section or portion of this bylaw is ruled invalid, such ruling shall not affect the validity of the remainder of the bylaw, which provisions shall remain in full force and effect.

~~Voted 5/2/2008; AG Approved 9/23/2008; Effective 5/2/2008~~

~~Amended 10/7/2008; AG Approved 1/20/2009; Effective 10/7/2008~~

~~Amended 6/24/2015; AG Approved 2/1/2016; Effective 6/24/2015~~

**Section 5.02 Affordable Housing Overlay District (deleted 4/10/12)<sup>45</sup>**

*~~This section has been deleted by Town Meeting vote (see footnote).~~*

*~~Added 5/7/204; AG Approved 6/9/2004; Effective 5/7/2004~~*

*~~Deleted 4/10/2012; AG Approved 8/6/2012; Effective 5/7/2004~~*

**COVERED IN SEPARATE WARRANT ARTICLE**



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<sup>45</sup> *~~Added 5/7/204; AG Approved 6/9/2004; Effective 5/7/2004~~*  
*~~Deleted 4/10/2012; AG Approved 8/6/2012; Effective 5/7/2004~~*

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**Section 5.04 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District  
(deleted 6/24/15)<sup>47</sup>**

*This section was deleted by Town Meeting vote (see footnote).*

*Voted 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011*

*Deleted 6/24/2015; AG Approved 2/1/2016; Effective 6/24/2015*

**Section 5.05 Age Restricted Mixed Use Overlay District (ARMUD)<sup>48</sup>****(a) Purpose.**

The purpose of this Age Restricted Mixed Use Overlay District (ARMUD) By-Law is to promote mixed-use development in order to:

- (i) Increase the availability of "Over 55" housing to meet local needs;
- (ii) Promote walkable neighborhoods by taking advantage of compact design, fostering distinctive and attractive village settings, and encouraging vibrant public and publicly-oriented private Open Space that enhances the district by reinforcing pedestrian activity;
- (iii) Preserve critical environmental assets including clean air and drinking water, accessible groundwater, and thoughtful wetlands preservation;
- (iv) Provide additional planning flexibility regarding density and site design, while remaining consistent with the Mendon Design Guidelines where possible, as well as environmental and public health regulations;
- (v) Encourage a diverse mix of commercial, office, and residential uses for residents, workers, and visitors at an appropriate scale for the Town;
- (vi) Permit uses that promote expansion and conversion of existing buildings in a manner that maintains the prevailing development patterns, scale, architectural character, pedestrian orientation, and visual attributes of historic buildings and sites within the Town;
- (vii) Minimize functional conflicts between residential and non-residential uses within the district and with abutting districts;
- (viii) Permit the use of new development standards which will promote economic revitalization while preserving the character of the Town of Mendon; and
- (ix) Execute all of the above consistent with the Mendon Master Plan.

The Age Restricted Mixed Use Overlay District (ARMUD) shall not restrict an owner's use and development of the property in accordance with the underlying zoning district. However, if an owner elects to use the ARMUD for mixed-use development, all such development must conform to the regulations set forth in this section, as well as any other relevant provisions of the Mendon Zoning By-Law.

<sup>47</sup> Voted 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011

*Deleted 6/24/2015; AG Approved 2/1/2016; Effective 6/24/2015*

<sup>48</sup> Section 5.05 ARMUD added at 5/5/2023 atm; AG Approved 7/19/23; Effective 5/5/23

**(b) Definitions.**

The following definitions shall be applicable to the terms used in this Section. Terms used herein that are Mendon Zoning By-Laws Revised: 5/3/24 52 not defined shall have those meanings ascribed to them in Section 1.02.

- (i) **Age Restricted Mixed Use Development:** A planned development of land consisting of multiple structures on a common lot constructed for business and retail uses for the general public as well as residency by persons who have achieved the minimum age requirement for residency of fifty-five (55) years or older, as permitted by M.G.L. Chapter 151B, Section 4, Subsection 6 (as amended), and 42 U.S.C. § 3601 et seq, which states that at least 80% of the dwelling units must be occupied by at least one person who is 55 or older. The development shall consist of any combination of residential and business/retail uses as set forth in the Table of Uses in the Mendon Zoning By-Law, Section 3.01, Table A.
- (ii) **Dwelling Unit:** a permanent building or structurally separated part thereof, such as a detached house or unit of an apartment building that has been built or altered and is intended for habitation by one household.
- (iii) **Low Impact Development:** Development practices that protect water quality and preserve the natural hydrology of the land using a wide range of environmentally-friendly techniques. Examples include rain gardens, swales, shared driveways, driveways constructed of permeable paving, bio-retention, and alternative landscaping.
- (iv) **Mixed Use:** A combination of residential and commercial uses, arranged vertically (in multiple stories of a structure) or horizontally (adjacent to one another in one or more buildings on a lot). Uses shall be limited to those allowed in the underlying zoning district and those uses allowed in the ARMUD.
- (v) **Multi-Family:** A structure on one lot, containing separate dwelling units for three or more families, having separate or joint entrances, and including apartments, row houses, and condominiums.
- (vi) **Potentially Developable Area:** Area of land outside of the Primary Conservation Area and Primary Habitat Area that may be used for building the Proposed Housing Site and the Proposed Commercial/Retail Site.
- (vii) **Primary Conservation Area:** Areas such as wetlands, stream and riverfront areas, and flood plains regulated by state or federal law.
- (viii) **Priority Habitat Area:** The geographic extent of Habitat for State-listed Endangered Species as delineated by the Massachusetts Division of Fisheries and Wildlife. If the proposed project falls in any area so designated, the applicant must file directly with the Natural Heritage and Endangered Species Program pursuant to 321 CMR 10.12.

- (ix) Proposed Commercial/Retail Site: Area of land in the Mixed Use Development designated for commerce and retail purposes, as well as commercial amenities.
- (x) Proposed Housing Site: Area of land in the Mixed Use Development designated for residential dwellings, yards, and residential amenities.

(c) Applicability.

The Age Restricted Mixed Use Overlay District (ARMUD) comprising the land as shown on the plan entitled "Town of Mendon Proposed Age Restricted Mixed Use Overlay Districts," dated March 15, 2023, a copy of which is on file in the office of the Town Clerk.

[see Appendix B ARMUD Map]

(d) Allowed Uses.

If a particular proposed use is not listed in the Mendon Zoning By-Law Table of Uses, the Planning Board may allow such use if it meets the intent and the objectives of this ARMUD By-Law as set forth in Section 5.05(g).

[see Section 3.01 Table A: Table of Uses]

(e) Approval Process.

- (i) ARMUD Plan. Prior to the application for a building permit for a mixed-use project under the ARMUD, the applicant must file an ARMUD Plan Special Permit Application with the Planning Board for approval. This Special Permit shall be in lieu of Site Plan Review. The ARMUD Plan shall generally define the proposed character, uses, site layout, and public amenities of the proposed mixed-use project and include the Submittal Requirements as set forth in Section 5.05(f). The Planning Board shall determine whether the ARMUD Plan substantially conforms with the provisions of this By-Law. Where Special Permits, other than the ARMUD Plan Special Permit, are sought under this By-Law, such Special Permits may be applied for concurrently with, or at any time after, the application for the ARMUD Plan Special Permit. Any pending Special Permit applications shall be considered concurrently with the ARMUD Plan Special Permit application, where doing so would promote efficiency and timeliness.

(f) Submittal Requirements.

- (i) General Requirements. The applicant shall supply the Planning Board with eight (8) copies of the ARMUD Plan Special Permit Application, and all supporting documents and plans, as are necessary to provide to other local boards, agencies, and officials, as designated in the Planning Board's rules and regulations for the ARMUD, for their review and comment. An application shall also include a detailed statement describing the project and how the project meets the purposes

of the ARMUD. An application shall also include an anticipated build-out schedule, including near-term, mid-term, and long-term phasing of the project.

The ARMUD Plan shall consist of the following information:

- (1) The existing and proposed topography of the land;
- (2) The location of existing landscape features, including forests, farm fields, meadows, wetlands, riverfront areas, water bodies, archeological and historic structures or points of interest, rock outcrops, stone walls, cliffs, high points, major land views, major tree groupings, noteworthy tree specimens, and habitats of endangered or threatened wildlife. Proposals for all features to be preserved, demolished or altered shall be noted on the ARMUD Plan;
- (3) A coordinated landscape design for the entire project area including landscaping of structures, parking areas, driveways and walkways, and buffer strips;
- (4) The existing and proposed lines of streets, ways, common driveways, easements and any parcel of land intended for public use or to be reserved by deed or covenant for use by all property owners in the ARMUD, or parcels of land to be used for any purpose, other than private residential, shall be so designated within the plan;
- (5) Proposed roadway grades;
- (6) Soil percolation tests for the purpose of siting wastewater treatment shall be required as determined by the Planning Board, Board of Health, and Conservation Commission;
- (7) A stormwater drainage system narrative prepared by a Massachusetts Certified Professional Engineer describing likely impacts on site and abutting parcels of land. The Planning Board shall encourage the use of non-structural, Low Impact Development Stormwater Management Techniques where appropriate. Use of best management practices for Low Impact Development (LID) as defined by the Massachusetts Stormwater Handbook and included in the Mendon Zoning By-Laws are strongly encouraged. The narrative shall specify, for example, whether “traditional” stormwater management techniques or Low Impact Development techniques will be used, the number and location of stormwater management structures (e.g., detention/retention basins, infiltrating catch basins, water quality swales), specific pipe sizes, and any additional information in support of the project. The structures and techniques described in the narrative shall also be shown on the plan;
- (8) A narrative explanation of the proposed quality, quantity, use, and ownership of any proposed common areas. If proposed, common area parcels shall be clearly shown on the plan;

- (9) All proposed landscape and buffer areas should be noted on the plan and generally explained in a narrative;
- (10) A rendering of the proposed development and its immediate surroundings.

(ii) Additional Requirements. The Planning Board may also require a Development Impact Assessment which may include the following:

- (1) Traffic impact assessment. The assessment shall document existing traffic conditions in the vicinity of the proposed project, describe the volume and effect of projected traffic generated by the proposed project and identify measures proposed to mitigate any adverse impacts on traffic. The assessment shall include at a minimum:
  - (a) Existing traffic conditions; average daily and peak hour volumes, average and peak speeds, sight distance, accident data and levels of service (LOS) of intersections and streets likely to be affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1,000 feet of the project property boundaries.
  - (b) Projected impact of proposed development: project peak hour and daily traffic generated by the proposed project on roads and ways in the vicinity of the development; sight lines at the intersections, driveways and streets; existing and proposed traffic controls in the vicinity of the proposed development.
  - (c) The projected traffic flow pattern, including vehicular movements at all streets and intersections likely to be affected by the project.
  - (d) The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities.
  - (e) Traffic assessment data shall be no more than 2 years earlier than the Submission date unless, in the Planning Board's determination, an updated study is required due to substantial development in the area.
- (2) Environmental impact assessment. Describe the impacts of the proposed project with respect to on-site and off-site environmental quality. This assessment shall include at a minimum:
  - (a) Description and evaluation of potential quality of air, surface water and groundwater adjacent to or directly affected by the proposed development; onsite or off-site flooding, erosion and/or sedimentation resulting from alterations to the project site, including grading changes and increases in impervious areas; on-site or off-site hazards, radiological emissions or other hazardous materials; adverse impacts on temperature and wind conditions on

the site and adjacent properties; impacts on solar access of adjacent properties; and off-site noise or light impacts.

- (b) Soil logs, percolation tests and storm runoff calculations.
- (c) Evaluation of the adequacy of existing or proposed systems and services for water supply and disposal of liquid and solid wastes.
- (d) Description of proposed measures for mitigation of any potential adverse impacts identified above.

(3) Fiscal impact assessment. Describe the fiscal and economic impacts of the proposed project to the Town. This assessment shall include at a minimum:

- (a) Projections of costs arising from increased demands on public services and infrastructure.
- (b) Projections of the impacts from increased tax revenue, employment (construction and permanent), and value of the public infrastructure to be provided.
- (c) Projections of the impacts of the proposed development on the values of adjoining properties.
- (d) Five-year projections of Town revenues and costs resulting from the proposed development.

(4) Community impact assessment. Describe the proposed project's consistency and compatibility with the surrounding neighborhood, the character of the Town, and existing local and regional plans. This assessment shall include at a minimum:

- (a) Evaluation of the relation of the proposed new or altered structure to the surrounding community in terms of character and intensity of the use (e.g., scale, materials, colors, setbacks, roof and cornice lines and other major design elements); and the location and configuration of proposed structures, parking areas and open space with respect to neighboring properties.
- (b) Identification of impacts on significant historical properties, and districts or areas of archaeological resources (if any) in the vicinity of the proposed development.
- (c) Evaluation of the proposed project's compatibility with existing local and regional plans.

(iii) Design Process. Applicants are required to demonstrate to the Planning Board that the following design process was performed by a multidisciplinary team of which one member must be a certified Landscape Architect:

- (1) Identifying Conservation Areas: First, identify and delineate Primary Conservation Areas such as wetlands, stream and riverfront areas, and flood plains regulated by state or federal law. The Potentially Developable

Area should consist of land outside of these identified Primary Conservation Areas. In the case of a Priority Habitat Area all necessary permits must be obtained prior to the issuance of a building permit.

- (2) Locating Housing and Commercial/Retail Sites: From the Potentially Developable Area, (as defined in Section (b) Definitions) the applicant must delineate the approximate area of The Proposed Housing Site and The Proposed Commercial/Retail Site within the ARMUD site so as to reflect an integrated community. The “Proposed Housing Site” and the “Proposed Commercial/Retail Site” shall be considered the developable area of which the commercial development area cannot be less than 20% or exceed more than 60% of said developable area.
- (3) Aligning the Streets, Ways, and Trails: Applicant must align streets/ways in order to access the house lots or dwelling units. New trails should be laid out to create internal and external connections to existing streets, ways, sidewalks, and trails. Wetland crossings on land officially designated in the latest edition of the Massachusetts Natural Heritage Atlas as Priority Habitat for Rare Species and Estimated Habitat for Rare Wildlife and streets traversing existing slopes over fifteen percent (15%) shall be strongly discouraged.

(iv) Design Standards. The following generic and site-specific design standards shall apply to all ARMUD Plans for the ARMUD and shall govern the development and design process. Each applicant under the ARMUD is strongly encouraged to utilize the Mendon “Design Guidelines Handbook” as adopted by the Mendon Planning Board under their Rules and Regulations. In addition, the following guidelines and regulations shall be adhered to where applicable:

- (1) Dimensional Requirements.
  - (a) Minimum Tract Area: The minimum tract area shall consist of ten (10) contiguous acres. All individual / separate lots in the proposed ARMUD development, if under contiguous ownership or control, shall be considered as one lot for the purposes of this By-Law.
  - (b) Affordable Units: Ten percent (10%) of the total number of dwelling units shall meet the State’s affordable housing requirements including the Department of Housing and Community Development guidelines for Local Initiative Program (LIP) / Local Action Units (LAU), for low to moderate income. These affordable dwelling units shall be marketed through, and homebuyers or renters selected by, a housing organization approved by the Planning Board with resale restrictions to assure continued affordability in perpetuity. Such restrictions shall be made known to the homebuyer or renter prior to the purchase /

occupancy of dwelling units. Dwelling units reserved for occupancy by persons or families of low to moderate income, or for occupancy by a single individual, shall not be segregated from market rate or larger dwelling units within the development.

- (c) Residential Density: The maximum number of residential dwelling units shall be limited to 3 units per acre of the designated "Proposed Housing Site."
- (d) Frontage: The minimum frontage shall be a minimum of 100 feet on a road with an underlying zoning district of either Highway Business (HB) or General Business (GB).
- (e) Height: No structure (residential or commercial) may exceed 35 feet.
- (f) Access/Egress: Access/Egress must be located through the commercial portion of the development, and cannot be through a secondary road or rural residential road.

(2) Parking.

- (a) A minimum of 1.5 spaces per dwelling unit shall be provided.
- (b) A minimum of 1 space of visitor parking per three (3) dwelling units shall be required.
- (c) No parking spaces or parking areas shall be located within the required minimum front, side or rear yard setback requirements for principal structures from property lines.
- (d) No parking areas, parking lots or access drives shall be located within the minimum separation area between dedicated residential structures.
- (e) All parking lots shall be screened from abutting properties and streets through the use of landscaped berms and evergreen shrubs and trees a minimum of four feet in height and five feet in width, unless, in the judgment of the Planning Board, the same is either impossible or reasonably cost-prohibitive.
- (f) Parking for retail, professional office and business services uses shall be in accordance with Section 2.03 Off-Street Parking/Loading of the Mendon Zoning By-Law.
- (g) For any and all uses or structures not specifically provided for in the foregoing provisions, the parking design shall provide such parking spaces as the Planning Board shall determine to be necessary, considering the activities involved, to provide a maximum of safety and a minimum of congestion on the adjacent roadways.

(3) Lighting. The lighting design should accommodate public safety and welfare, and protect the night sky from unnecessary ambient light. Any lighting plan submitted under this by-law shall, comply with Section 4.02 (j) ii of the Mendon Zoning By-Laws and must be:

- (a) integrated into the architectural style of the development designed to improve visibility, safety, and a sense of security while minimizing energy use, operating costs, glare, and light pollution;
- (b) appropriately shielded and designed to minimize misdirected or excessive artificial light and glare from creating a nuisance to abutting properties and street;
- (c) designed so building areas shall not be floodlit; and
- (d) designed so access drives, parking areas, walkways and other public areas shall be illuminated only by properly positioned, high-efficiency, "full cutoff shielded" lighting fixtures not higher than fifteen (15) feet in height.

(4) Landscaping.

- (a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Topography, tree cover, surface water buffers, and natural drainage ways shall, insofar as practicable, be treated as fixed determinants of road and lot configuration rather than as malleable elements that can be changed to follow a development scheme.
- (b) Wherever possible, existing trees and vegetative cover shall be conserved and integrated into the landscape design.
- (c) Any grade changes shall be in keeping with the general appearance of the neighboring developed areas.
- (d) The orientation of individual building sites shall be such as to maintain maximum natural topography and cover.
- (e) Landscaped screening and buffering should create visual barriers between features of the mixed-use project from public streets and abutting properties. Such features shall include, but are not limited to, dumpsters and trash handling areas, mechanical equipment at ground level or rooftop, service entrances, and utility facilities for building operation, loading docks and spaces, above-ground backflow preventers, and other components of the mixed-use project as may be reasonably determined by the Planning Board to require screening and buffering. Landscaped or naturalized buffers along parcel property lines shall consist of the retention of natural vegetation supplemented with the planting of evergreen trees and shrubs. Additional buffering may be required in sensitive areas at

the discretion of the Planning Board. The Planning Board may modify or waive the buffering requirement where variations in topography, natural features and vegetation, or compatible land uses obviate the need for such a buffer.

- (f) Proper maintenance of the landscaping, including the buffer strip, shall be the responsibility of the owner, and shall be a condition of conformance with the Zoning By-Laws.
- (g) Streets/Ways shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- (h) Designs shall include Low Impact Development techniques when feasible.

(5) **Signage.** All proposed signage within the ARMUD should comply with Section 2.06 of the Mendon Zoning By-Laws and should also include the following:

- (a) The Planning Board may permit a sign to be permanently affixed at each entrance to the development which:
  - (i) displays the project name;
  - (ii) displays the project's street number sufficient for identification by emergency services;
  - (iii) is designed to be compatible with the character of the development and the surrounding neighborhood;
  - (iv) shall not exceed twenty-four (24) square feet in size (for each sign);
  - (v) shall not be more than five (5) feet in height; and
  - (vi) may be illuminated with projected lighting, but shall not be backlit or internally illuminated.
- (b) The Planning Board may permit the naming of individual access drives. If so permitted, all access drives shall be posted with standard street signs and all drive names shall be approved by the Planning Board.
- (c) All access drives shall be posted with a standard street sign stating that this is a private drive.
- (d) All residential and commercial units must display street numbers.

(6) **Historic Preservation.** The removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable on site. The applicant must take measures to appropriately buffer all development from any existing Historic District, Historical Structure or scenic road as approved by the Town of Mendon.

(g) Planning Board Waivers. The Planning Board may waive any of the submittal requirements in order to achieve the purpose and intent of this By-Law. Additionally, the Planning Board may grant waivers from the design or dimensional requirements of the ARMUD By-Law upon finding that the applicant has shown good cause for requesting such waiver, that the request is minor in nature, is not structurally significant, and that granting such waiver(s) will not derogate from the intent of this By-Law or be detrimental or injurious to the public health, safety, and welfare concerns that the regulations are intended to protect. Such waivers shall require a majority vote from the Planning Board. Under no circumstances will the Planning Board waive the minimum lot size, the minimum and maximum commercial percentages, or any design or dimensional requirement that has a direct impact on abutters.

(h) ARMUD Plan Modifications.

- (i) Any application for revisions or amendments to the ARMUD Plan Special Permit shall be submitted in writing to the Planning Board, which shall determine and notify the applicant in writing whether such revisions or amendments are minor or major.
- (ii) If the Planning Board does not notify the applicant in writing within 30 days after such submittal that such revisions or amendments are major, the revisions or amendments shall be deemed minor.
- (iii) Revisions or amendments proposing only changes that (i) do not significantly affect major exterior elements; (ii) do not significantly impact the public interest, as determined by the Planning Board in writing; and (iii) are consistent with the purposes of this Zoning By-Law, shall be considered minor.
- (iv) Revisions or amendments to the ARMUD Plan Special Permit may be made by the Planning Board in accordance with the same procedures as are applicable hereunder to the initial approval of the ARMUD Plan Special Permit, except that the submittal materials, together with an explanatory statement, shall be limited to those affected by the proposed revisions or amendments; and in the case of revisions or amendments that are minor, a public hearing in accordance with the provisions of MGL Chapter 40A need not be held, and the final decision deadline shall be forty-five (45) days from the date of the complete application submittal.
- (v) Where Special Permits issued under this By-Law allow modifications to project elements from those previously approved in the ARMUD Plan Special Permit, such Special Permits shall constitute revisions or amendments of the ARMUD Plan Special Permit to the extent of such allowed modified project elements, without the need for a separate application and approval of such modifications as revisions or amendments to the ARMUD Plan Special Permit.

- (i) Enforcement.
  - (i) It shall be the duty of the Building Inspector to enforce the conditions of the approved plan. However, the Planning Board may require, as a condition of approval, that its consulting engineer oversee construction of certain aspects of the development to ensure compliance with the approved plan and decision.
  - (ii) Any approval issued under this section shall lapse within three (3) years if a substantial use or construction thereof has not commenced and continued through to completion expeditiously, except for good cause; provided, however, that the Planning Board in its discretion and upon written application by the applicant of such rights may extend the time for an additional period not to exceed three (3) years; and provided, further, that the application for such extension is filed with the Planning Board at least ninety (90) days prior to the expiration of the initial three (3) year period. If the permit granting authority does not grant such extension within thirty (30) days of the date of application therefor, and upon the expiration of the initial three (3) year period, such rights may be reestablished only after notice and a new hearing pursuant to the provisions of this section. The time required to pursue and await determination of a judicial appeal pursuant to M.G.L. c. 40A shall not be included within the initial three (3) year time limit.
  - (iii) Planning Board Rules and Regulations. The Planning Board may periodically adopt and from time to time amend the Planning Board Rules and Regulations to include reasonable rules and regulations for the administration of the ARMUD. The Planning Board may also adopt reasonable administrative fees and technical review fees for the ARMUD.

(j) Severability.

If any section or portion of this By-Law is ruled invalid, such ruling shall not affect the validity of the remainder of the By-Law, which provisions shall remain in full force and effect. If any provision of this By-Law is held invalid by a court of competent jurisdiction, the remainder of the By-Law shall not be affected thereby. The invalidity of any section or sections or parts of this By-Law shall not affect the validity of the remainder of the Town's Zoning By-Law.

~~Section 5.05 ARMUD added at 5/5/2023 atm; AG Approved 7/19/23; Effective 5/5/23~~

## Section 5.06 Groundwater Protection District<sup>49</sup>

(a) Purpose.

The purpose of this Groundwater Protection District is to:

- (i) promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the Town of Mendon;

<sup>49</sup> Voted 5/3/2024; AG Approved 8/23/2024; Effective 5/3/2024

- (ii) preserve and protect existing and potential sources of drinking water;
- (iii) conserve natural resources in the Town of Mendon; and
- (iv) prevent temporary and permanent contamination of the environment.

**(b) 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 and uses in a portion of one of the underlying zoning districts that fall within the Groundwater Protection District must additionally comply with the requirements of this by-law. Uses prohibited in the underlying zoning districts shall not be permitted in the Groundwater Protection District.

**(c) Definitions.**

- (i) **Automobile Graveyard:** An establishment that is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or motor vehicle parts as defined in MGL c.140B, s.1.
- (ii) **Aquifer:** A geologic formation composed of rock, sand or gravel that contains significant amounts of potentially recoverable water.
- (iii) **CMR:** Code of Massachusetts Regulations.
- (iv) **Commercial Fertilizer:** Any substance containing one or more recognized plant nutrients which is used for its plant nutrient content and which is designed for use, or claimed to have value in promoting plant growth, except un-manipulated animal and vegetable manures, marl, lime, limestone, wood ashes, and gypsum, and other products exempted by state regulations.
- (v) **Discharge:** The accidental or intentional disposal, deposit, injection, dumping, spilling, leaking, pouring, or placing of toxic or hazardous material or hazardous waste upon or into any land or water such that it may enter the surface or ground waters.
- (vi) **Dry Well:** A subsurface pit with open-jointed lining or holes through which storm-water drainage from roofs, basement floors, foundations or other areas seep into the surrounding soil.
- (vii) **Groundwater Protection District:** The land area consisting of aquifers and Zone II recharge areas as identified on a map and adopted pursuant to this by-law.
- (viii) **Hazardous Material:** Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without

limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as toxic or hazardous under MGL c. 21E. This term shall not include hazardous waste or oil.

- (ix) Historical High Groundwater Table Elevation: A groundwater elevation determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey.
- (x) Hazardous Waste: A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. This term shall include all substances identified as hazardous pursuant to the Hazardous Waste Regulations, 310 CMR 30.000.
- (xi) Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water runoff to penetrate into the soil.
- (xii) Interim Wellhead Protection Area (IWPA): The MassDEP designated protection radius around a public water well that lacks a Zone II.
- (xiii) Junkyard: An establishment that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, as defined in MGL c.140B, s.1.
- (xiv) Landfill: A facility established in accordance with a valid site assignment for the purposes of disposing solid waste into or on the land, pursuant to the Solid Waste Regulations, 310 CMR 19.006.
- (xv) MassDEP: Massachusetts Department of Environmental Protection.
- (xvi) MGL: Massachusetts General Law.
- (xvii) Petroleum Product: Includes, but not limited to, fuel oil; gasoline; diesel; kerosene; aviation jet fuel; aviation gasoline; lubricating oils; oily sludge; oil refuse; oil mixed with other wastes; crude oils; or other liquid hydrocarbons regardless of specific gravity. Petroleum product shall not include liquefied petroleum gas including, but not limited to, liquefied natural gas, propane or butane.
- (xviii) Non-Sanitary Wastewater: Wastewater discharges from industrial and commercial facilities containing wastes from any activity other than collection of sanitary sewage including, but not limited to, activities specified in 310 CMR 15.004(6).
- (xix) Open Dump: A facility operated or maintained in violation of the Resource Conservation and Recovery Act 42 U.S.C. 4004(a)(b), or state regulations and criteria for solid waste disposal.

- (xx) Recharge Areas: Land areas, such as a Zone II or Interim Wellhead Protection Area, where precipitation and surface water infiltrates into the ground to replenish groundwater and aquifers used for public drinking water supplies.
- (xxi) Septage: The liquid, solid, and semi-solid contents of privies, chemical toilets, cesspools, holding tanks, or other sewage waste receptacles. This term shall not include any material that is a hazardous waste, as defined by 310 CMR 30.000.
- (xxii) Sludge: The solid, semi-solid, and liquid residue that results from a process of wastewater treatment or drinking water treatment including wastewater residuals. This term shall not include grit, screening, or grease and oil which are removed at the head-works of a facility
- (xxiii) Treatment Works: Any and all devices, processes and properties, real or personal, used in the collection, pumping, transmission, storage, treatment, disposal, recycling, reclamation, or reuse of waterborne pollutants, but not including any works receiving a hazardous waste from off the site of the works for the purpose of treatment, storage, or disposal.
- (xxiv) Utility Works: Regulated activities providing for public services, including roads, water, sewer, electricity, gas, telephone, transportation and their associated maintenance activities. This term shall include the installation of detention and retention basins for the purpose of controlling stormwater.
- (xxv) Very Small Quantity Generator: Any public or private entity, other than residential, which produces less than 27 gallons (100 kilograms) a month of hazardous waste or waste oil, but not including any acutely hazardous waste as defined in 310 CMR 30.136.
- (xxvi) Waste Oil Retention Facility: A waste oil collection facility for automobile service stations, retail outlets, and marinas which is sheltered and has adequate protection to contain a spill, seepage, or discharge of petroleum waste products in accordance with MGL c.21. s.52A.
- (xxvii) Zone II: The delineated recharge area to a public drinking water well as approved by MassDEP and defined under the Massachusetts Drinking Water Regulations 310 CMR 22.00.

(d) Establishment and Delineation of Groundwater Protection District.

For the purposes of this by-law, there are hereby established within the Town of Mendon certain groundwater protection areas consisting of aquifers or recharge areas. These areas are delineated on a map entitled Groundwater Protection District, dated May 2024 (*adopted at 5/3/24 ATM*) **Appendix C** which is hereby made part of the Groundwater Protection District By-law and is on file in the office of the Town Clerk.

(e) District Boundary Disputes.

- (i) If the location of the Groundwater Protection District in relation to a particular parcel is in doubt, resolution of the boundary dispute shall be through a Special Permit application to the Special Permit Granting Authority. Any application for a special permit for this purpose shall be accompanied by adequate documentation.
- (ii) Burden of proof shall be upon the land owner to demonstrate that the location of the Groundwater Protection District with respect to a particular parcel(s) of land is uncertain. At the request of the land owner, the Town may engage a professional engineer, hydrologist, geologist, or soil scientist to determine more accurately the boundaries of the Groundwater Protection District with respect to a particular parcel(s) of land, and may charge the owner for the cost of the investigation. Changes to the Groundwater Protection District require town meeting approval.
- (iii) Where the boundary line of the Groundwater Protection District divides a lot or parcel, the requirements established by this by-law shall apply to the entire lot or parcel.

(f) Permitted Uses.

- (i) 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, supply and conservation devices;
  - (5) maintenance, repair, and enlargement of any existing structure, subject to Section G and Section H of this by-law;
  - (6) residential development, subject to Sections G and H of this by-law;
  - (7) farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section G and Section H of this by-law;
  - (8) construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels; and
  - (9) any use permitted in the underlying zoning except for those uses specifically prohibited in Sections G and H of this bylaw.

(g) Prohibited Uses.

- (i) The following land uses and activities are prohibited unless designed in accordance with the specified performance standards:
  - (1) landfills and open dumps;

- (2) automobile graveyards and junkyards;
- (3) landfills receiving only wastewater residuals and/or septage, including those approved by MassDEP pursuant to MGL c. 21 s.26 through s.53, MGL c.111 s.17, and MGL c.83 s.6 and s.7;
- (4) facilities that generate, treat, store, or dispose of hazardous waste that are subject to MGL c.21C and 310CMR 30.000, except for:
  - (a) very small quantity generators as defined under 310 CMR 30.000;
  - (b) household hazardous waste centers and events under 310 CMR 30.390;
  - (c) waste oil retention facilities required by MGL c. 21, s.52A;
  - (d) water remediation treatment works approved by MassDEP for the treatment of contaminated waters.
- (5) petroleum, fuel oil, and heating oil bulk stations and terminals including, but not limited to, those listed under North American Industry Classification System (NAICS) Codes 424710 and 454311, except for liquefied petroleum gas.
- (6) storage of liquid hazardous materials and/or liquid petroleum products unless such storage is above ground level and on an impervious surface and either:
  - (a) in container(s) or above ground tank(s) within a building; or
  - (b) outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either; 10% of the total possible storage capacity of all containers or 110% of the largest container's storage capacity, whichever is greater.however, these storage requirements shall not apply to the replacement of existing tanks or systems for the keeping, dispensing or storing of gasoline provided the replacement is performed in a manner consistent with state and local requirements;
- (7) storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
- (8) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (9) storage of animal manure unless contained within a structure designed to prevent the generation and escape of contaminated runoff or leachate;
- (10) storage of commercial fertilizers unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate;

- (11) stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Groundwater Protection District;
- (12) earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material to within 4 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, utility works or wetland restoration work conducted in accordance with a valid Order of Condition issued pursuant to MGL c. 131, s.40; and
- (13) treatment or disposal works subject to 314 CMR 5.00, for non-sanitary wastewater, including those activities listed under 310 CMR 15.004(6), except for:
  - (a) treatment works approved by MassDEP designed for the treatment of contaminated ground or surface water and operating in compliance with 314 CMR 5.05(3) or 5.05(13); and
  - (b) publicly owned treatment works.

(h) Uses and Activities Requiring a Special Permit.

- (i) The following uses and activities are permitted only upon the issuance of a Special Permit by the Special Permit Granting Authority (SPGA) under such conditions as they may require:
  - (1) Enlargement or alteration of existing uses that do not conform to the Groundwater Protection District;
  - (2) except as prohibited under Section G of this by-law, activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use and which are permitted in the underlying zoning district;
  - (3) rendering impervious any lot or parcel more than 15% or 2,500 square feet, whichever is greater; unless artificial recharge, that will not degrade water quality, is provided using methods demonstrated to be capable of removing contaminants from storm water and which are consistent with methods described in MassDEP's Stormwater Handbook, Vol. I, II and III, as amended.
- (i) Procedures for Issuance of a Special Permit.
  - (i) The Special Permit Granting Authority (SPGA) under this by-law shall be the Mendon Planning Board. A special permit shall be granted if the SPGA determines, in conjunction with the Select Board, Highway Department, Building Department, Police and Fire Departments, the Town Engineer, Board of Health, and such other departments, agencies, committees, boards, and town officials

(collectively “Town Officials”) as the Planning Board may determine necessary, that the intent of this by-law, as well as its specific criteria, is met. The SPGA shall not grant a special permit under this section unless the petitioner's application materials include, in the SPGA's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The SPGA shall document the basis for any departures from the recommendations of the other municipal boards, departments or commissions in its decision.

- (ii) Upon receipt of the special permit application, the SPGA shall transmit one copy to the Town Officials.
- (iii) Failure to respond in writing within 35 days of receipt shall indicate approval, or no desire to comment. The necessary number of copies of the application shall be furnished by the applicant.
- (iv) The SPGA may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Section G of this by-law, and any regulations or guidelines adopted by the SPGA. The proposed use must:
  - (1) in no way, during construction or thereafter, adversely affect the quality or quantity of the water supplies protected by the Groundwater Protection District; and
  - (2) be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (v) The SPGA may adopt controls to govern design features of projects. Such controls shall be consistent with the Town's subdivision regulations.
- (vi) The applicant shall file eight (8) copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the SPGA 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, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use; and
  - (2) for activities using or storing hazardous materials or wastes, a management plan shall be prepared and filed with the Fire Chief and Board of Health. The plan will be consistent with the requirements of Section G and shall include:
    - (a) provisions to protect against the discharge of hazardous materials or wastes to the 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 or wastes with impervious floor surfaces;
- (c) evidence of compliance with the Massachusetts Hazardous Waste Regulations 310 CMR 30.000; and
- (d) proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

(3) The SPGA shall hold a hearing, in conformity with the provision of MGL c.40A s. 9, within 65 days after the filing of the application. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c.40A s.11. The decision of the SPGA and any extension, modification, or renewal thereof shall be filed with the SPGA and Town Clerk within 90 days following the closing of the public hearing. Failure of the SPGA to act within 90 days shall be deemed as a granting of the permit.

(j) Enforcement.

- (i) Written notice of any violations of this by-law 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 a schedule of compliance.
- (ii) A copy of such notice shall be submitted to the Town Officials. The cost of containment, clean-up, or other action of compliance shall be borne by the owner/operator of the premises.

(k) Severability.

If any provision of this by-law is held invalid by a court of competent jurisdiction, the remainder of the by-law shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections of this by-law shall not affect the validity of the remainder of this by-law.

## ARTICLE VI. SPECIAL PROVISIONS

### Section 6.01 Motor Vehicle Service Station<sup>50</sup>

- (a) Purpose.
  - (i) To provide for public safety;
  - (ii) To mitigate adverse effects on surrounding properties, including the visual impact; and
  - (iii) To protect the environment.
- (b) Definitions: The following definitions shall be applicable to the terms used in this Section. Terms used herein that are not defined shall have those meanings ascribed to them in Section 1.02.
  - (i) Motor Vehicle Service Station: Premises or any portion thereof devoted to retail sales and on-premises dispensing of fuels, oils and lubricants.
  - (ii) Gas Pump: A pump in a service station that draws gasoline from storage tanks. A gas pump may service up to two vehicles, one on each side of the pump.
  - (iii) Canopy: The structure covering the pump islands.
  - (iv) Convenience Store: A retail store used accessory to the Motor Vehicle Service Station that primarily sells staple groceries and snacks and may include other items of necessity and convenience.
- (c) All Motor Vehicle Service Stations shall require a Special Permit issued in accordance with Section 1.06 and shall be subject to Site Plan Review in accordance with Section 4.02. No Special Permit shall be granted by the Planning Board unless all of the following conditions are also met:
  - (i) There shall be no more than four (4) Gas Pumps.
- (d) The following shall apply to any proposed Canopies:
  - (i) The aggregate size of the canopies shall not be more than 2,200 square feet.
  - (ii) No Canopy shall exceed 60 feet in length unless a greater length is authorized by the planning board.
  - (iii) Striping, neon, and illuminated panels are not permitted on buildings or on any Canopy.
- (e) The design elements of the building and Canopy shall be aesthetically compatible and shall incorporate New England style architectural design.

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<sup>50</sup> Voted 4/10/2012; AG Approved 7/30/2012; Effective 4/10/2012

(f) No building or structure shall be located closer than fifty (50) feet to any residentially zoned lot or any lot used for residential purposes.

(g) No Motor Vehicle Service Station shall be allowed in a Residential District

(h) Motor vehicle service stations meeting requirements of Article VI, Special Provisions, Section 6.01 entitled, Motor Vehicle Service Stations, shall be exempt from CHAPTER XI, Section 9 of the town of Mendon General Bylaws. *Voted 4/10/2012; AG Approved 7/30/2012; Effective 4/10/2012*

## Section 6.02 Solar Photovoltaic Facilities<sup>51</sup>

(a) Purpose. The purpose of this By-Law is to promote solar photovoltaic facilities in a manner that protects public health, safety, and welfare, and consistent with this purpose, minimizes their impacts on the character of surrounding neighborhoods, property values, and on the scenic, natural, and historic resources of the Town, by providing standards for the design, construction, operation, monitoring, alteration, modification, maintenance, repair, and removal of such facilities. This By-Law also provides adequate financial assurance for the eventual decommissioning of such facilities.

(b) Definitions.

- (i) As-Of-Right: As-Of-Right shall mean that development may proceed without the need for a special permit, variance, amendment, waiver, or other discretionary approval, provided, however, that such development may be subject to site plan review. As-Of Right developments shall be subject to and in compliance with all applicable local, state, and federal statutes, rules, regulations, bylaws and requirements.
- (ii) Designated Location: The following location shall be referred to as a Designated Location:
  - Lot 4, an area of 31.87 acres with frontage of 969.19 feet on Milford Street on a plan entitled "Plan of Property Owned by the Town of Mendon, Milford Street and North Avenue, Mendon Massachusetts," made by Cullinan Engineering, dated October 18, 2006.
- (iii) Ground-mounted Solar Photovoltaic Facility: Ground-mounted SPF shall mean any SPF that is structurally mounted on the ground or, with Planning Board approval, on a structure(s) that is used for an alternate purpose.
- (iv) Large-Scale Ground-Mounted Solar Photovoltaic Facility ("LSGM SPF"): A solar photovoltaic facility that has a Rated Nameplate Capacity of 250 kW DC or more.

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<sup>51</sup> Voted 6/24/2015; AG Approved 1/15/2016; Effective 6/24/2015

- (v) Rated Nameplate Capacity: The maximum rated output of electric power production of the photovoltaic system in direct current (DC). Such capacity shall mean and include the aggregate capacity of all SPF's located on any lot.
- (vi) Roof-mounted SPF: Roof-mounted SPF shall mean any SPF affixed to the roof of a building.
- (vii) Solar Photovoltaic Facility ("SPF"): Shall mean and include all devices, equipment, structures, and structural design features, used for, as part of, or in connection with, the collection, storage, generation, and/or distribution of solar energy, and all appurtenant facilities, structures and equipment thereto.
- (viii) Solar Photovoltaic Facility Footprint ("SPF Footprint"): The entire ground-surface area covered by the Solar Photovoltaic Facility.
- (ix) Solar Photovoltaic Facility, Non-Residential Accessory ("Non-Residential Accessory SPF"): A Non-Residential Accessory SPF is an SPF that is:
  - (1) incidental and subordinate to a non-residential use located on the same lot,
  - (2) constructed and used solely to serve the electrical load of such use located on the same lot,
  - (3) sized no greater than what is required to serve such on-site load, as evidenced by the past three year electrical load consumption by the use; and
  - (4) roof-mounted or ground mounted having an SPF Footprint of less than 10,000 s.f..Provided all of the above requirements are met, arrangements where the electricity generated is sold or net-metered may still fall within the definition of a Non-Residential Accessory SPF provided that such arrangement directly and primarily benefits the on-site use by a reduction in the cost of on-site electrical consumption.
- (x) Solar Photovoltaic Facility, Residential Accessory ("Residential Accessory SPF"): A Residential Accessory SPF is an SPF that is
  - (1) incidental and subordinate to the residential use of the lot,
  - (2) constructed and used solely to serve the electrical load of residential dwelling(s) located on the same lot, and
  - (3) sized no greater than what is required to serve such on-site load, and in all cases less than or equal to a total Rated Nameplate Capacity of 10kW.Provided all of the above requirements are met, arrangements where the electricity generated is sold or net-metered may still fall within the definition of a Residential Accessory SPF provided that such arrangement directly and primarily benefits the on-site use by a reduction in the cost of on-site electrical consumption.

- (c) Applicability. This Section 6.02 applies to all Solar Photovoltaic Facilities proposed to be constructed or modified (in size, configuration, or any other material way) after the effective date of this By-Law.
- (d) Compliance with Applicable Laws and Regulations. The construction, operation, use, maintenance, repair, modification and removal of all SPF's shall be subject to and comply with all applicable local, state, and federal statutes, rules, regulations, bylaws and requirements, including, without limitation, all Town of Mendon General and Zoning By-Laws, including those concerning design criteria, the bulk and height of buildings and structures, lot area, setbacks, open space, parking and building coverage requirements as applicable, whether or not specifically stated in, and in addition to, this Section 6.02.
- (e) Use Regulations:
  - Solar Photovoltaic Facilities may only be constructed or modified (in size, configuration, or any other material way) upon the issuance of the following required permits and approvals:
    - (i) All SPF's shall either be roof-mounted or ground-mounted. No SPF shall be constructed without a building permit. Except for off-grid systems, no building or other permit or approval for an SPF shall be issued unless the applicant has provided satisfactory evidence that the utility company has been informed of the owner or operator's intent to install the SPF and that the utility company has agreed to interconnect the SPF to the electric power grid.
    - (ii) All SPF's, except for roof-mounted Accessory (Residential and Non-Residential) SPF's, shall require site plan review and approval.
    - (iii) The following SPF's shall be permitted As-Of-Right provided they meet the requirements of this Section 6.02:
      - (1) Residential Accessory SPF's in all districts;
      - (2) Non-Residential Accessory SPF's in all districts; and
      - (3) any SPF having a total Rated Nameplate Capacity of less than 1250 kW in the Designated Location.
    - (iv) All other SPF's may be permitted upon the issuance of a Special Permit from the Planning Board subject to the conditions and limitations herein.
  - The permits and approvals required shall be determined based on the aggregate Rated Nameplate Capacity of all SPF's authorized or proposed to be located on any lot.
- (f) Accessory Solar Photovoltaic Facilities. Accessory Solar Photovoltaic Facilities, Residential and Non-Residential, shall be subject to the following restrictions:

- (i) Roof-mounted Residential and Non-Residential Accessory SPF's may not protrude higher than the highest point of the roofline. The Planning Board may, by special permit, authorize a protrusion of up to six (6) feet upon a finding by the Board that the waiver is in the public interest and is consistent with the purpose and intent of the Town of Mendon Zoning By-laws. No waiver shall be granted if the height of the structure measured to the highest point of the SPF will exceed thirty-five (35) feet.
- (ii) Ground-mounted Residential and Non-Residential Accessory SPF's may not exceed a height of twenty feet (20') and shall have front, side, and rear yard setbacks of at least fifty (50) feet.
- (iii) The SPF Footprint of a ground-mounted Non-Residential Accessory SPF, including any accessory buildings and structures, shall not exceed thirty percent (30%) of the lot area. The SPF Footprint shall be included in any calculation of the maximum building coverage (%) requirement (if applicable) set forth in Article II, Section 2.01, Table 1 of the Town of Mendon Zoning By-Laws.
- (iv) The SPF Footprint of a ground-mounted Residential Accessory SPF shall not exceed 1,750 square feet.

(g) Solar Photovoltaic Facilities. All Solar Photovoltaic Facilities, except for Residential and Non-Residential Accessory Solar Photovoltaic Facilities, shall be subject to the following requirements:

- (i) Design and Dimensional Requirements. Except as otherwise specifically set forth herein, SPF's, including all accessory structures and buildings, shall be subject to the dimensional regulations set forth in Section 2.01 of the Town of Mendon Zoning Bylaw.
  - (1) Height. No ground-mounted SPF shall exceed 20 feet in height. Roof-mounted SPF's may not protrude higher than the highest point of the roofline. The Planning Board may, by special permit, authorize a protrusion of up to six (6) feet upon a finding by the Planning Board that the waiver is in the public interest and is consistent with the purpose and intent of the Town of Mendon Zoning By-Laws. No waiver shall be granted if the height of the structure measured to the highest point of the SPF will exceed thirty-five (35) feet.
  - (2) Lot Size. The minimum lot size required for an ground mounted SPF in any residential district shall be five (5) acres; the minimum lot size required for an ground mounted SPF in any nonresidential district shall be three (3) acres. No more than one (1) SPF shall be permitted on any lot.

- (3) Setbacks. All ground-mounted SPF's, including any accessory buildings and structures, shall have minimum front, side, and rear yard setbacks of at least fifty (50) feet.
- (4) Maximum % Lot Coverage. The SPF Footprint of a ground-mounted SPF, including any accessory buildings and structures, shall not exceed thirty percent (30%) of the lot. The SPF Footprint shall be included in any calculation of the maximum building coverage % requirement (if applicable) set forth in Article II, Section 2.01, Table 1 of the Town of Mendon Zoning By-laws.
- (5) Maximum Lot Coverage. No SPF Footprint of a ground-mounted SPF shall exceed twenty (20) acres. For the purposes of determining compliance with this provision, the SPF Footprint of SPF's located on contiguous lots held in common ownership shall be included in the determination of area.
- (6) Commercial uses are generally discouraged in the residential districts. In lieu of prohibiting such uses all together, the following restrictions shall apply:
  - (a) no non-accessory SPF shall be permitted on any parcel of land located within a residential subdivision approved in accordance with the Subdivision Control Laws by the Planning Board; and
  - (b) no Large Scale Ground Mounted Solar Photovoltaic Facility, shall be located within one (1) radius mile of another LSGM SPF in the Residential Rural District .
- (7) Lighting. Lighting shall be limited to that required for safety and operational purposes.
- (8) Signage. A sign shall be required to identify the owner and operator of the SPF and provide a 24-hour emergency contact phone number.

Where an SPF is located in a residential district or abuts residential uses, there must be increased consideration for mitigating impacts to the residential use. For example, the Planning Board may require items such as, but not limited to, increased setbacks, visual screening or sound buffering as part of site plan review. Additional screening or other public safety measures may also be considered to mitigate sun glare to abutting properties or roadways.

- (ii) Operation & Maintenance. The owner or operator shall maintain the SPF in good condition and repair at all times. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the Mendon Police and Fire Chiefs.
- (iii) Emergency Services. The SPF owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon

request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the SPF shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the SPF.

- (iv) Liability Insurance. Proof of liability insurance in an amount and form acceptable to the Planning Board shall be maintained until the SPF has been removed in accordance with Section 6.02 (k) below. Proof of liability insurance in the form and amount approved by the Planning Board shall be provided to the Building Inspector prior to the operation of the SPF and thereafter on an annual basis.
- (v) Financial Surety. Applicants proposing SPFs shall provide a form of financial surety satisfactory to the Planning Board to cover the cost of removal in the event the Town must remove the facility and restore the landscape. This surety shall be in an amount determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal (including, without limitation, the work specified under section (k) below) and compliance with the additional requirements set forth herein, as determined by satisfactory evidence submitted by the applicant. Such surety may be waived by the Planning Board for municipal or state-owned facilities. The applicant shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

(h) Site Plan Review. Site Plan Review shall be subject to and in accordance with Section 4.02 of the Town of Mendon Zoning By-laws. In addition to the requirements of Section 4.02, the following materials must also be included in any site plan review application for SPFs:

- (i) Detailed layout of the proposed SPF, including but not limited to panel mounts, foundations, appurtenant equipment and fencing.
- (ii) Detailed layout of the electric infrastructure to connect the SPF to the electric grid.
- (iii) Blueprints or drawings of the SPF showing the proposed layout of the system and any potential shading from nearby structures.
- (iv) One (1) or three (3) line electrical diagram detailing the SPF, associated components, and electrical interconnection methods, with all Massachusetts Electrical Code, 527 CMR 12.00 (or its successor provision) compliant disconnects and overcurrent devices.
- (v) Documentation of the major system components to be used, including the PV panels, mounting system, and inverters.
- (vi) Name, address, and contact information for proposed system installer.
- (vii) Operation, maintenance and emergency services plans;

- (viii) Proof of liability insurance in an amount and form acceptable to the Planning Board.
- (ix) Description of financial surety in an amount and form acceptable to the Planning Board, if required under Section 6.02 (g).

(i) Technical Review. Upon receipt of an application for a SPF, the Planning Board may engage professional and technical consultants, at the applicant's expense, pursuant to M.G.L. Chapter 44 § 53G to assist the Planning Board with its review of application materials. The Planning Board may direct the applicant to deposit funds with the Planning Board for such review at the time the application is accepted and to add additional funds as needed upon notice. Failure to comply with this section shall be good grounds for denying site plan approval and/or the special permit application. Upon the approval or denial of the application, any excess amounts in the account attributable to the application process, including any interest accrued shall be refunded to the applicant.

(j) Special Permit Approval Criteria. In reviewing any application for a special permit pursuant to this Section 6.02, the Planning Board shall give due consideration to promoting the public health, safety, and welfare; shall encourage the most appropriate use of land and shall permit no building, structure, or use that is injurious, noxious, offensive or detrimental to its neighborhood. Before the Planning Board may issue such a special permit, it shall consider, in addition to the special permit approval criteria set forth in Section 1.06, the protection of Town resources and abutting properties by minimizing any undue disturbance from noise, traffic, lighting, hazardous materials, signage, glare or stormwater runoff for purposes of protecting the public health, safety and welfare.. The Planning Board may request a study if any of these disturbances appear to pose a particularly significant risk.

(k) Decommissioning, Abandonment & Removal.

(i) Any SPF which the owner or operator is required or intends to decommission, or which has been abandoned, as defined in sub-paragraph (ii) below, shall be removed by the owner or operator within one hundred fifty (150) days. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Removal shall include:

- (1) Physical removal of all large- scale ground-mounted SPFs, structures, equipment, security barriers and transmission lines from the site.
- (2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave

landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation

- (ii) Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the SPF shall be considered abandoned when it fails to operate for more than one (1) year without the written consent of the Planning Board.
- (iii) If the owner or operator of the SPF fails to remove the installation in accordance with the requirements of this section within one hundred fifty (150) days of abandonment or the proposed date of decommissioning, it shall be a condition to any Special Permit or site plan approval issued that the applicant and owner shall be deemed to have consented in advance to the Town entering the property and being authorized to physically remove the facility at the sole cost of the owner or operator, which may include, without limitation, the Town's use, in accordance with all applicable laws, of any financial surety provided by the owner or operator. Any special permit or site plan approval issued shall automatically lapse upon the removal of the SPF required under this Section 6.02(k) and/or abandonment (whether or not the SPF has been removed).

- (l) Planning Board Waivers. The Planning Board may grant requested waivers from the design or dimensional requirements of this Section 6.02 upon a special permit finding that the applicant has shown good cause for requesting such waiver, and granting such waiver(s) will not derogate from the intent of this bylaw or be detrimental or injurious to the public health, safety and welfare concerns that the regulations are intended to protect. No waiver may be granted to reduce the lot size requirements. Such waivers shall require a unanimous vote of the Planning Board.
- (m) Severability. If any section, subsection, sentence, clause, phrase or any portion of this article is for any reason held to be invalid, unenforceable or unconstitutional by any reviewing agency or by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Section 6.02.

*Voted 6/24/2015; AG Approved 1/15/2016; Effective 6/24/2015*

COVERED IN SEPARATE WARRANT ARTICLE



**COVERED IN SEPARATE WARRANT ARTICLE**



**COVERED IN SEPARATE WARRANT ARTICLE**



**COVERED IN SEPARATE WARRANT ARTICLE**



## ARTICLE VII. ACCESSORY DWELLING UNIT

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**COVERED IN SEPARATE WARRANT ARTICLE**



**COVERED IN SEPARATE WARRANT ARTICLE**



COVERED IN SEPARATE WARRANT ARTICLE

**APPENDICES**

**Appendix A Zoning Map**

**INSERT SEPARATE DOCUMENT (MAP) – PROPOSED CHANGES ONLY TO  
RELOCATING THE TEXT OUTLINGING DATES OF REVISIONS \*this note  
not to be included as text in the revised zoning bylaws\*]**

**Appendix B Age Restricted Mixed Use Overlay District (ARMUD) Map**

**INSERT SEPARATE DOCUMENT (MAP) – PROPOSED CHANGES ONLY TO  
RELOCATING THE TEXT OUTLINGING DATES OF REVISIONS \*this note  
not to be included as text in the revised zoning bylaws\*]**

**Appendix C Groundwater Protection District Map**

**INSERT SEPARATE DOCUMENT (MAP) – PROPOSED CHANGES ONLY TO  
RELOCATING THE TEXT OUTLINGING DATES OF REVISIONS \*this note  
not to be included as text in the revised zoning bylaws\*]**

**Dates of Appendix Adoptions and Revisions****Appendix A: Zoning Map Revisions**

*Established Business Districts 3/30/1973; AG Approved 8/27/1973; Effective 3/30/1973  
Amended 3/6/1974; AG Approved 4/8/1974; Effective 3/6/1974  
Amended 8/19/1974; AG Approved 9/23/1974; Effective 8/19/1974  
Amended 11/8/1977; AG Approved 2/2/1978; Effective 11/8/1977  
Amended 5/15/1981; AG Approved 9/10/1981; Effective 5/15/1981  
Amended 5/2/2008; AG Approved 9/23/2008; Effective 5/2/2008  
Amended 5/1/2009; AG Approved 8/11/2009; Effective 5/1/2009  
Amended 6/6/2011; AG Approved 10/26/2011; Effective 6/6/2011  
Amended 3/19/2013; AG Approved 5/2/2013; Effective 3/19/2013  
Voted 5/3/19, approved 7/12/19, Effective 5/3/19  
2019 Map digitized by CMRPC in 2022  
Amended 5/3/20024; AG Approved 8/23/2024; Effective 5/3/2024 – changed 3 Bates from partly in Highway Business District to fully in Rural Residential District*

**Appendix B: Age Restricted Multi-Use Overlay District (ARMUD) Map Revisions**

*Established ARMUD 5/5/23; AG Approved 7/19/23; Effective 5/5/23*

**Appendix C: Groundwater Protection District Map Revisions**

*Established Groundwater Protection District and adopted map at 5/3/24 ATM; AG Approved 8/23/24; Effective 5/3/24*