

ARTICLE III. USE REGULATIONS²³

~~Voted 5/11/1979; AG Approved 9/10/1979; Effective 5/11/1979~~

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

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

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

~~Voted 11/27/18; AG Approved 3/14/2019; Effective 11/27/2018~~

Section 3.01 Allowable Land Uses

- (a) No land shall be used and no structure shall be constructed, reconstructed, altered, expanded, erected or used for any purpose except as set forth and in accordance with the Table of Uses, Table A, including the notes to Table A, the provisions of the Town of Mendon Zoning By-Laws and Town of Mendon By-Laws, and all other applicable federal, state, and local rules, laws, statutes, and regulations.
- (b) Prohibited Uses. Any use not specifically or generally listed in the Table of Uses, Table A, shall be deemed prohibited. No use that is prohibited shall be allowed as a principal or an accessory use. In addition, the following uses are specifically prohibited as principal and/or accessory uses in all districts:
 - (i) Airports, heliports, landing strips, and similar uses;
 - (ii) Mobile home, recreational vehicle (RV), camper, or trailer camps or parks. No mobile homes, trailer, RV, or camper shall be used as a permanent residence;
 - (iii) Junk yard, landfills, transfer stations, dumps, and auto graveyards;
 - (iv) Slaughterhouses except if, and only to the extent that, the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3;
 - (v) Race tracks;
 - (vi) Fur Farms, except if, and only to the extent that, the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3;
 - (vii) Piggeries, except if, and only to the extent that the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3; and
 - (viii) Power Plants, except for Large Scale Ground Mounted Solar Photovoltaic Facilities.
- (c) General Regulations Applicable to All Allowed Uses:
 - (i) Site Plan Review may be required under Section 4.02 of this Zoning By-Law whether or not specifically stated in the Table of Uses.
 - (ii) ~~Any findings required by the permit granting authority under this Section, shall be in addition to, and not in place of, the required findings for the issuance of the permit itself (for example, without limitation, for special permits, see Section~~

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~~Voted 11/27/18; AG Approved 3/14/2019; Effective 11/27/2018~~

~~1.06; variances, see Section 1.05 (b) and for Site Plan Review, see Section 4.02).~~

Any requirements established by this Section shall be in addition to, and not in place of, other permitting procedures.

- (iii) Uses legally existing in accordance with the Mendon Zoning By-Laws prior to the enactment of this Section may be allowed in accordance with Section 3.01 (d) and Section 3.02 of this Zoning By-Law.
- (iv) No land or structure shall be used in a manner that is detrimental or offensive, or creates a nuisance by reason of noise, dirt, odor, fumes, waste, sewage, refuse, smoke, gas, chemical contamination, excessive vibration or danger of fire or explosion, except to the extent allowed by M.G.L. Chapter 111, Section 125A and M.G.L. Chapter 243, Section 6.
- (v) Only one principal use shall be permitted on a lot in a residential district, except for exempt agricultural uses which may be permitted on the same lot as a residential dwelling. In non-residential districts, more than one allowed principal use may be permitted by Special Permit issued by the Planning Board.
- (vi) Only one principal building shall be permitted on a lot. In non-residential districts, the Planning Board may grant a special permit authorizing more than one building on a lot if such use customarily requires more than one building and the applicant provides sufficient justification for such necessity.
- (vii) The following buffer and screening requirements shall apply in the Highway Business District in addition to those requirements that may be imposed elsewhere in the Zoning By-Laws:
 - (1) Wherever a non-residential district abuts a residential district for a single or two-family dwelling, a 100 foot buffer from the lot lines and a 200 foot buffer from any residential dwelling shall be maintained. Natural vegetation shall be maintained in these buffer zones, and, in the absence of natural vegetation, the addition of dense, hardy evergreens, deciduous trees, and shrubs, native varieties wherever possible, will be required. The buffer zones shall not be used in any other manner, or for any other purpose, except for natural or required vegetation.
 - (2) An effort should be made to provide a variety of sizes and species. Sizes for deciduous trees should range from a minimum of 1-inch to 3-inch caliper as specified by American Standards for Nursery Stock. Multi-stemmed deciduous trees such as *Betula nigra* (River birch) should be of a comparable height (8' to 10') to a 1"-3" caliper tree. Evergreen trees should be planted at varying heights from five to ten feet at the time of planting.
 - (3) Vegetated landscaped buffer strips at least 15 feet wide shall be installed and maintained between lots. Trees and shrubs for landscaped areas shall be of native and non-invasive varieties. These areas shall be properly

maintained by the lot owner. Any trees, shrubs or other vegetation which dies shall be replaced within one growing season.

- (4) Compost or other organic amendments should be mixed into the back-fill soil to increase water-holding capacity where appropriate.
- (5) Large trees may be staked for stability for one growing season.
- (6) All plant materials should conform to American Standards for Nursery Stock, latest edition. Trees and plants species should be selected on the basis of having similar climatic, water, soil, and maintenance requirements.
- (7) A coordinated landscape design for the entire project shall be reviewed by the Planning Board and approved in accordance with Section 4.02, Site Plan Review.²⁴

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

- (viii) Any references to Massachusetts General Law (MGL) shall mean and include any and all amendments thereto.
- (ix) ~~Where more than one category covers a proposed use, the more specific use category shall control. When a proposed use may fall under multiple use categories, the more specific use category shall apply.~~ narrowly defined
- (x) Total impervious area on any given site shall be minimized as possible through the use of natural plantings and construction of Low Impact Development best management practices as described in the Massachusetts Stormwater Handbook.²⁵

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

(d) Non-Conforming Uses and Structures

- (i) Non-conforming uses and structures shall be regulated as provided in Massachusetts General Laws Chapter 40A, Section 6, as may be amended, and as provided in this Zoning By-Law.
- (ii) Any lawful building or structure, or use of a building, structure or land, existing at the time of adoption of this Zoning By-Law, or any amendment thereto, which does not conform to the regulations thereof may be continued. However, except as hereinafter set forth, a non-conforming building or structure, or use thereof, shall not be structurally changed, altered, enlarged, extended, or reconstructed.
- (iii) The Board of Appeals may authorize, under a special permit, a non-conforming use of a building, structure, or land to be extended, or a non-conforming building to be structurally changed, altered, enlarged or reconstructed; provided that such extension, structural change, alteration, enlargement, or reconstruction shall not be substantially more detrimental to the neighborhood than the existing non-conforming use or non-conforming structure.

²⁴ Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20

²⁵ Amended 6/29/20; AG approved 9/3/20; Effective 6/29/20

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- (iv) No building or structure shall be added to, enlarged, or reconstructed to an extent greater than 50% of its area at the time of adoption of this By-Law or such amendment. ~~No nonconforming use may change to a different nonconforming use.~~
- (v) Any change, reconstruction, extension, alteration, or enlargement of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, shall require the issuance of a variance.
- (vi) A nonconforming building or structure damaged or destroyed by fire or other natural disaster, may be repaired or reconstructed within the same portion of the lot, and used in the same manner and to the same extent as used as before, provided that such repair or reconstruction is substantially completed within twenty-four (24) consecutive months of the date of the damage or destruction. The Building Inspector may grant an extension upon a showing of good cause.
- (vii) For the purposes of this section a non-conforming building or structure, or use of a building, structure or land, which has been discontinued or abandoned for twenty-four (24) consecutive months shall not be re-established. Any future building, structure, and/or use shall conform to the regulations of this Zoning By-Law.
- (viii) No non-conforming use shall, if changed to a conforming use, revert to a non-conforming use.

(e) Symbols. Symbols used in the Table of Uses shall have the following meanings:

RR = Rural Residential

GR = General Residential

GB = General Business District

HB = Highway Business District

ARMUD = Age Restricted Multi-Use District (see section 5.05)

Y = Permitted by right (site plan review approval may be required as defined and regulated by Mendon Zoning Bylaws Article IV)

BOS = Special Permit from the Select Board

PB = Special Permit from Planning Board

ZBA= Special Permit from the Zoning Board of Appeals

SPR= Site Plan Review (see Section 3.01(c) (i))

N = Prohibited

* Indicates an explanatory note located at the end of the Table. The number associated with the use will correspond to the number of the explanatory note

Table A: Table of Uses

		Districts				
Residential Uses		RR	GR	GB	HB	ARMUD
1	Single family dwelling	Y	Y	N	N	PB
2	Two family dwelling	Y	Y	N	N	PB
<u>3</u>	<u>Multi-family dwelling</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>PB</u>
<u>4a</u>	<u>Protected Use Accessory Dwelling Unit</u>	<u>Y</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>Y</u>
<u>4b</u>	<u>Special Permit Accessory Dwelling Unit</u>	<u>PB</u>	<u>PB</u>	<u>N</u>	<u>N</u>	<u>PB</u>
<u>5</u>	Open Space Communities as defined and in accordance with Mendon Zoning By-Laws, Section 3.04	Y	Y	N	N	N
<u>6</u>	Convalescent or nursing home as defined and in accordance with M.G.L. c. 111, sec. 71 *	PB	PB	Y	Y	PB
Accessory Uses - Residential		RR	GR	GB	HB	ARMUD
<u>7</u>	Customary accessory uses such as private garages for not more than 3 vehicles, storage sheds, private tennis courts, and swimming pools *	Y	Y	PB	PB	PB
<u>8</u>	The keeping of domestic livestock, principally for personal enjoyment or household use ²⁶ *	Y	Y	Y	N	N
<u>9</u>	Home occupations *	Y / PB	Y / PB	PB	PB	PB
<u>10</u>	Bed and Breakfast *	PB	PB	PB	N	PB
<u>11</u>	Non-exempt radio towers, and similar structures *	N	N	N	N	N
<u>12</u>	Portable storage containers*	Y	Y	Y	Y	N
Agricultural Uses		RR	GR	GB	HB	ARMUD

²⁶ Requirements revised by town meeting vote 2/24/14

<u>11</u> <u>13</u>	Exempt commercial agriculture, aquaculture, silviculture, horticulture, floriculture, or viticulture on parcels of 5 acres or more that are either revenue producing or non-revenue producing, all as defined in and subject to the qualifications for exemption set forth in	Y	Y	Y	Y	PB
<u>12</u> <u>14</u>	Exempt commercial agricultural, aquaculture, silviculture, horticulture, floriculture, or viticulture uses on parcels that are 2 acres or more that generate at least \$1,000 per acre annually in revenue, all as defined in and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3	Y	Y	Y	Y	PB
<u>13</u> <u>15</u>	Exempt commercial facilities for the sale of produce, wine and dairy products, including greenhouses and/or farm stands on parcels 5 acres or more with retail sales June thru September, all as defined in and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3	Y	Y	Y	Y	PB
<u>14</u> <u>16</u>	Exempt commercial facilities for the sale of produce, wine and dairy products, including greenhouses and/or farm stands on parcels 2 acres or more that generates at least \$1,000 per acre annually in revenue and with retail sales June thru September, all as defined in and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3	Y	Y	Y	Y	PB
<u>15</u> <u>17</u>	Non-exempt greenhouse or nursery, year round, with retail sales	N	PB	Y	Y	PB
<u>16</u> <u>18</u>	Farmer's Market *	Y	Y	Y	Y	PB
<u>17</u> <u>19</u>	Farm Stand, non-exempt	PB	PB	Y	Y	PB

<u>18</u> <u>20</u>	Exempt commercial riding stable on parcels more than 5 acres pursuant to, and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3; also subject and pursuant to	Y	Y	Y	Y	PB
<u>19</u> <u>21</u>	Exempt commercial riding stable for commercial purposes on parcels 2 acres or more that generates at least \$1,000 per acre annually in revenue, pursuant to and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3; also subject and	Y	Y	Y	Y	PB
<u>20</u> <u>22</u>	Kennel, <u>owner lives on premises</u> *	N	PB	PB	N	N
<u>23</u>	<u>Kennel, owner does not live on premises</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>N</u>
<u>21</u> <u>24</u>	Exempt commercial kennel on parcels five acres or more or two acres or more if the parcel generates at least \$1,000 per acre annually in revenue, pursuant to and subject to the qualifications for exemption set forth in M.G.L. c.40A, sec. 3 *	Y	Y	Y	Y	PB
Institutional, Educational, and Municipal		RR	GR	GB	HB	ARMUD
<u>22</u> <u>25</u>	Municipal administration	PB	Y	Y	Y	PB
<u>23</u> <u>26</u>	Exempt religious or educational purposes on land owned or leased by the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by a nonprofit educational corporation as defined and subject to the	Y	Y	Y	Y	PB
<u>24</u> <u>27</u>	Exempt child care facility, as defined, and subject to the qualifications for exemption set forth in M.G.L. c. 40A,	Y	Y	Y	Y	PB
<u>25</u> <u>28</u>	Family child care home as defined and in accordance with M.G.L. c. 15D, sec. 1A *	PB	PB	PB	PB	PB

<u>26</u> <u>29</u>	Large family child care home as defined and in accordance with M.G.L. c. 15D, sec. 1A*	N	PB	PB	PB	PB
<u>27</u> <u>30</u>	Cemetery	PB	PB	N	N	N
<u>28</u> <u>31</u>	Non-profit civic organizations, clubs, library, or museums	PB	PB	PB	N	PB
Business and Retail		RR	GR	GB	HB	ARMUD
<u>29</u> <u>32</u>	Retail stores, indoor sales only	N	N	Y	Y	PB
<u>30</u> <u>33</u>	Retail stores that may include fabrication and assembly Retail stores which include outdoor sales	N	N	PB Y	PB Y	PB
<u>31</u> <u>34</u>	Wholesale business and storage provided there is no manufacturing or processing of materials	N	N	Y	Y	N
<u>32</u>	Building Materials Sales Room	N	N	Y	Y	N
<u>33</u> <u>35</u>	Shopping center <u>consisting of at least three buildings, provided that the building(s) are designed as an architectural unit *</u>	N	N	PB	PB	PB
<u>34</u> <u>36</u>	Craft Shop of artist, potter, sculptor, wood carver, or similar craftsman Craft shop, excluding home occupations	N	PB	Y	N	PB
<u>35</u> <u>37</u>	Business and professional offices	N	PB	Y	Y	PB
<u>36</u> <u>38</u>	Bank or financial institution	N	N	Y	Y	PB
<u>37</u> <u>39</u>	Trade, professional or other school conducted as a private business	N	PB	Y	Y	PB
<u>38</u> <u>40</u>	Personal care services such as barber shops, beauty parlors and nail salons	N	N	Y	Y	PB
<u>39</u> <u>41</u>	Dry cleaning establishments limited to pick-up service	N	N	Y	Y	PB

<u>40</u> <u>42</u>	Restaurant or other establishment providing food and/or beverages <u>on the premises within the building</u>	N	N	Y	Y	PB
<u>41</u> <u>43</u>	Catering establishment	N	N	Y	Y	PB
<u>42</u> <u>44</u>	Motor vehicle service stations as defined and in accordance with Mendon Zoning By-Laws, Section 6.01	N	N	PB	PB	N
<u>43</u> <u>45</u>	Motor vehicle repair, provided that all work is conducted within a completely enclosed building	N	N	PB	PB	N
<u>44</u> <u>46</u>	Auto body shop, provided that all work is conducted within a completely enclosed building	N	N	PB	PB	N
<u>45</u> <u>47</u>	Automobile dealership for sale, leasing and servicing of new and used automobiles	N	N	PB	PB	N
<u>46</u> <u>48</u>	Automobile dealership, Class II License, as defined and in accordance with the Town of Mendon By-Laws, Chapter XI Section 10	N	N	PB	PB	N
<u>47</u> <u>49</u>	Sale and rental of recreational vehicles	N	N	PB	PB	N
<u>48</u> <u>50</u>	Boat sales and rental including storage, maintenance and repair of boats	N	N	PB	PB	N
<u>49</u> <u>51</u>	Heating oil sales and service	N	N	PB	PB	N
<u>50</u> <u>52</u>	Funeral or undertaking establishment	N	N	PB	PB	N
<u>51</u> <u>53</u>	Large Animal Hospital, <u>minimum five acres*</u>	PB	PB	PB	PB	N
<u>52</u> <u>54</u>	Veterinary hospital	<u>PB N</u>	PB	PB	PB	PB
<u>53</u> <u>55</u>	Hotel	N	N	PB	PB	N

<u>54</u> <u>56</u>	Medical center for medical, dental, or clinical	N	N	PB	PB	PB
<u>55</u> <u>57</u>	Marina, only on land having direct access to open water	PB	PB	PB	PB	N
<u>58</u>	<u>Marijuana establishments, and medical marijuana treatment centers as defined and in accordance with Section 6.03</u> ¹ Use 56-1 inserted PB in HB zone 11/27/18 A21, ² amended from N to PB in GB zone 11/20/19 A19	<u>N</u>	<u>N</u>	<u>PB²</u>	<u>PB¹</u>	<u>PB</u>
<u>56</u> <u>59</u>	Any business and/or retail use permitted above by right in excess of 10,000 square feet of building area	N	N	PB	PB	PB
<u>56</u> <u>+</u>	<u>Marijuana establishments, and medical marijuana treatment centers as defined and in accordance with Section 6.03</u> ¹ Use 56-1 inserted PB in HB zone 11/27/18 A21, ² amended from N to PB in GB zone 11/20/19 A19	<u>N</u>	<u>N</u>	<u>PB²</u>	<u>PB¹</u>	<u>PB</u>
Industrial		RR	GR	GB	HB	ARMUD
<u>57</u> <u>60</u>	<u>Light manufacturing or light assembly facility which may include the indoor display and sales of products manufactured or assembled</u> <u>Industrial or manufacturing, light</u>	N	N	Y	Y	N
<u>61</u>	<u>Industrial or manufacturing, heavy</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>58</u> <u>62</u>	Hazardous Waste Facility *	N	N	N	N	N
<u>63</u>	<u>Self-Storage Facility</u>	<u>N</u>	<u>N</u>	<u>PB</u>	<u>PB</u>	<u>N</u>
<u>59</u> <u>64</u>	Any industrial use permitted above by right in excess of 10,000 square feet building area	N	N	PB	PB	N
Recreational		RR	GR	GB	HB	ARMUD

<u>60</u> <u>65</u>	<u>Indoor commercial entertainment such as theater, motion picture house, bowling alley, or other indoor amusement</u> <u>Indoor commercial entertainment</u>	N	N	PB	Y	PB
<u>61</u> <u>66</u>	Drive-in theater	N	N	Y	N	N
<u>62</u> <u>67</u>	Golf course and /or country club	PB	PB	N	N	PB
<u>63</u> <u>68</u>	Golf driving range not accessory to golf course or country club					
<u>64</u> <u>69</u>	<u>Playing fields, playground, swimming pool, tennis and basketball courts on municipal land</u> <u>Commercial or municipal outdoor recreation</u>	PB	PB	PB	PB	PB
<u>65</u> <u>70</u>	Adult Entertainment, as defined and in accordance with Mendon Zoning By-Laws Section 5.01; in the Adult Entertainment District Only	N	See Section 5.01 for permissible locations for this use, and permits required			
<u>66</u> <u>71</u>	Any recreational use permitted above by right in excess of 10,000 square feet building area	N	PB	PB	PB	PB
Utility		RR	GR	GB	HB	ARMUD
<u>67</u>	<u>Use 67 Deleted and replaced with uses 67a-e below on 6/24/2016</u>	-	-	-	-	-
<u>67a</u> <u>72</u>	Roof-mounted Accessory Residential and Accessory Non-Residential Solar Photovoltaic Facilities as defined and in accordance with the Mendon Zoning By-Laws, Section 6.02	Y	Y	Y	Y	PB
<u>67b</u> <u>73</u>	Ground-mounted Accessory Non-Residential and Accessory Residential Solar Photovoltaic Facilities as defined and in accordance with the Mendon Zoning By-Laws, Section 6.02	SPR	SPR	SPR	SPR	SPR
<u>67c</u> <u>74</u>	Non-Accessory Solar Photovoltaic Facilities as defined and in accordance with the Mendon Zoning By-Laws, Section 6.02	SPR / PB	SPR / PB	SPR / PB	SPR / PB	SPR / PB

Communication, Transportation		RR	GR	GB	HB	ARMUD
<u>68</u> <u>75</u>	Wireless Communications Facilities as defined and in accordance with Mendon Zoning By-Laws, Section 2.07	PB	PB	PB	PB	N
<u>69</u> <u>76</u>	Exempt amateur radio towers as defined and in accordance with M.G.L. c.40A, sec.3 and Mendon Zoning By-Laws, Section 2.07 (d) (i) 4)	SPR	SPR	SPR	SPR	N
Accessory Uses - Non-Residential		RR	GR	GB	HB	ARMUD
<u>70</u>	Retail uses such as cafeterias, snack bars, gift shops, and vending machines, for employee use only provided that any such use shall be wholly within the building and shall not be advertised or marketed by outside display, sign or otherwise.	PB	PB	Y	Y	N
<u>71</u> <u>77</u>	Activities necessary in connection with scientific research or scientific development or related production accessory to activities permitted as a matter of right as specified in M.G.L. c. 40A, sec. 9	N	N	PB	PB	N
<u>72</u> <u>78</u>	Drive thru windows for restaurants and food service establishments	N	N	PB	PB	PB
<u>73</u>	Drive thru windows for other businesses	N	N	PB	PB	PB
Miscellaneous Uses		RR	GR	GB	HB	ARMUD
<u>74</u> <u>79</u>	Earth removal as defined and in accordance with the Town of Mendon By-Laws, Chapter XIV	BOS	BOS	BOS	BOS	N

Table of Uses - Notes to Table A²⁷

4.6 In the Rural Residential and General Residential Districts, convalescent or nursing homes shall be limited to 10 beds.

5.7 Any lighting used in connection with such accessory uses shall be directed away from abutting properties.

²⁷ Amended 11/20/19; AG approved 3/2/20; effective 11/20/19

6 *Deleted by Town Meeting vote on 2/24/14*

7.9 Home occupations are permitted only if conforming to the following:

- (i) No more than twenty-five percent (25%) of the floor area to a maximum of four hundred (400) square feet of the principal residence shall be used for the purpose of the home occupation.
- (ii) Not more than one person who is not a member of the household shall be employed on the premises in the home occupation.
- (iii) There shall be no display, no exterior storage of material and no other variation from the residential character other than an unlighted sign not to exceed two (2) square feet in area.
- (iv) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- (v) The parking generated shall be accommodated off street, other than in a required front yard, and shall not have more than 5 parking spaces.

The following home occupations, and no other, are permitted in the residential districts without the necessity of a special permit: The profession of medicine, dentistry, law, architecture, accounting and engineering, real estate and insurance offices, Metals and Wood Working, art and photo shop, domestic work, such as dressmaking, teaching of music, dramatics, arts and crafts, and academic pursuits. Home occupations other than the above specified, but having similar attributes, may be allowed on a special permit granted by the Planning Board.²⁸

Old citation, pre 2013 revisions, Section 2, paragraph B Clause 5

Voted 11/8/1977; AG Approved 2/2/1978; Effective 11/8/1978

8.10 Bed and Breakfast; Private, owner occupied building with no more than 5 guest rooms which includes a breakfast in the room rate and which serves meals to overnight guests only. The use must not change the single family character of the dwelling.

9.11 This category is not intended to include Wireless Telecommunication Facilities as defined in Section 2.07 of the Town of Mendon Zoning By-Laws.

10.12 Portable storage containers are allowed as a temporary emergency solution during construction, reconstruction, or renovation of a residential or commercial property or for moving purposes for 90 consecutive days. In the case where a temporary use exceeds 90 days, the Building Inspector may authorize the use of portable storage containers by a

²⁸ *Old citation, pre 2013 revisions, Section 2, paragraph B Clause 5*

Voted 11/8/1977; AG Approved 2/2/1978; Effective 11/8/1978

building permit. In no event shall the temporary use exceed 12 consecutive months after the issuance of the permit. The Planning Board may grant a waiver from this requirement if the storage container is not within public view. Any storage container in excess of 120 square feet shall require a building permit. No portable storage container shall be located closer than 20 feet to any property line. To the extent possible, a portable storage container shall be placed to the side or rear of the property.

46.18 Farmer's Market: A Farmer's Market consists of a group of local farmers who have come together collectively to market products, grown and raised by participating farmers, directly to the consumer. The Massachusetts Department of Public Health Food Protection Program interpretation of farm products that do not currently require a food permit includes:

- Fresh Produce (fresh uncut fruits and vegetables)
- Unprocessed honey (Raw honey as defined by the National Honey Board: Honey as it exists in the beehive or as obtained by extraction, settling or straining without added heat.)
- Maple syrup
- Farm fresh eggs (must be stored and maintained at a maximum of 45°F (7.2°C).

Farmer's Market Vendors that Require a Retail Food Permit: Farmer's Market vendors that sell food products and processed foods other than those farm products listed above, shall be licensed as a retail food operation and inspected by the Mendon Board of Health in accordance with Massachusetts Regulation 105 CMR 590.000, Minimum Sanitation Standards for Food Establishments - Chapter X. A Farmer's Market in the Rural Residential District shall be limited to 5 hours a week, one day a week, during the months of June through October. All signs, trash and debris shall be removed from the site upon the termination of the activity. Farmer's Markets must be located on a site with adequate ingress and egress and sufficient off street parking as determined by the Zoning Enforcement Officer.

20-21 In residential districts, the owner of the kennel must live on the same property where the kennel is located. The breeding, training, and the raising of dogs is considered an agricultural use if it meets the requirements of M.G.L. Chapter 40A, Section 3. However, if the dogs are not owned by the kennel owner, the breeding, training and the raising of dogs is not considered an agricultural use. All kennels shall be licensed by the Select Board.

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28-2925-26 Family child care and large family child care homes: a private residence which, on a regular basis, receives for temporary custody and care during part or all of the day, children under 7 years of age, or children under 16 years of age if those children have special needs. The total number of children in a family child care home shall not exceed 6 and the total number of children in a large family child care home shall not exceed 10,

including participating children living in the residence.

~~33 Consisting of at least 3 buildings and provided that the buildings are designed as an architectural unit~~

Commented [DL1]: Text moved to table

~~51 A minimum of five acres shall be required for a large animal hospital.~~

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~~58.59~~ To the extent permitted by law, no new building or facility or part thereof shall be constructed or used, and no premises shall be used, and no building or facility or part thereof shall be altered, enlarged, reconstructed or used for any purpose to include processing, storing or staging of solid waste, hazardous waste, or infectious waste as defined by the Department of Environmental Protection or the Commonwealth of Massachusetts or as defined herein. If at any point the Town is required by law to permit these facilities in any manner, the Town shall be permitted to perform the highest level of review (which shall include associated permits) on such facilities as is allowed by law, and may impose such conditions and restrictions as are also permissible.

~~7177~~ Provided, in addition to the special permit requirements set forth in Section 1.06, the Planning Board finds that the proposed accessory use does not substantially derogate from the public good.

Amended 11/20/19; AG approved 3/2/20; effective 11/20/19

Section 3.02 Alterations to Single and Two Family Structures

- (a) In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to a single or two family residential structure shall not be considered an increase in the nonconforming nature of the structure and shall be permitted as of right:
 - (i) Alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient area. Where the alteration will also comply with all of said current requirements.
 - (ii) Alteration to a structure which complies with all current setbacks, open space, lot coverage and building height requirements but is located on a lot with insufficient frontage. Where the alteration will also comply with all of said current requirements.
 - (iii) Alteration to a structure which encroaches upon one or more required setbacks, where the alteration will comply with all current setbacks, open space, lot coverage and building height requirements (the provisions of this clause (iii)) shall apply regardless of whether the lot complies with the current area and frontage requirements.

- (iv) Alteration to the side or face of a structure which encroaches upon a required setback area, where the alteration will not encroach upon such to a distance greater than the existing structure (the provisions of this clause (iv)) shall apply regardless of whether the lot complies with current area and frontage requirements.
- (v) Alteration to a non-conforming structure, which will not increase the footprint of the existing structure provided that existing height restrictions, shall not be exceeded.

Section 3.03 Rate of Development²⁹

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

Voted 5/11/2001; AG Approved 8/27/2001; Effective 5/11/2001

Voted 5/6/2006; AG Approved 6/6/2006; Effective 5/6/2006

Deleted at 6/29/2020 ATM; AG approved 9/3/2020; Effective 6/29/2020

[REDACTED]

²⁹ *Voted 5/11/2001; AG Approved 8/27/2001; Effective 5/11/2001*
Voted 5/6/2006; AG Approved 6/6/2006; Effective 5/6/2006
Deleted at 6/29/2020 ATM; AG approved 9/3/2020; Effective 6/29/2020

[REDACTED]