

**SPECIAL TOWN MEETING-FEBRUARY 24, 2014-PROCEEDINGS**

The meeting was opened by the Moderator Jay Byer at 7:00PM. The Moderator noted that the warrant had been duly posted and properly served. The Moderator reviewed the rules and regulations for the meeting. Non Residents were allowed into the meeting:

Mike Gleason-Milford Daily News  
Robert Mangiaratti-Town Counsel  
Jim Huth-Fire Dept.  
Mike Zarella-Fire Dept.  
Duncan Chapman-Northeast  
Steve Marsden-Northeast  
Todd MArting-Sundurance  
Michelle Sanford-Town Crier  
Jean Berthold-Principal Assessor

The Moderator motioned to have Kevin Rudden be appointed as assistant Moderator for the purposes of moderating over Article 2.

**UNANIMOUS VOICE VOTE**

**ARTICLE 1** Voted to transfer \$500 from Finance Committee Salaries (Line item 131A) to Finance Committee Expenses (Line Item 131B).

**UNANIMOUS VOICE VOTE**

**ARTICLE 2** Voted to transfer \$232.95 from Free Cash to Town Collector/Treasurer Salaries (Line Item 145A1).

**UNANIMOUS VOICE VOTE**

**ARTICLE 3** Voted to transfer \$948 from Health Insurance Expenses (Line Item 914B) to Town Hall Services Expenses (Line Item 199B).

**UNANIMOUS VOICE VOTE**

**ARTICLE 4** Voted to transfer \$1,161.77 from Free Cash and \$2,934.45 from Finance Committee Reserve for General Expenses (Line Item 131C) to Town Hall Services Computer Expenses (Line Item 199E).

**UNANIMOUS VOICE VOTE**

**ARTICLE 5** Voted to transfer \$25,000 from Free Cash to Police Department Salaries (Line Item 210A1).

**UNANIMOUS VOICE VOTE**

**ARTICLE 6** Voted to transfer \$25,000 from Free Cash to Police Department Overtime Wages (Line Item 210A2).

**UNANIMOUS VOICE VOTE**

**ARTICLE 7** Voted to transfer a \$2,400 from Health Insurance Expenses (Line Item 914B) to Police Department Quinn Bill Wages (Line Item 210A4).

**UNANIMOUS VOICE VOTE**

**ARTICLE 8** Voted to transfer \$15,000 from Free Cash to Fire Department Overtime Wages (Line Item 220A3).

**UNANIMOUS VOICE VOTE**

**ARTICLE 9** Voted to transfer \$20,000 from Health Insurance Expenses (Line Item 914B) to Fire Department Expenses (Line Item 220A4).

**UNANIMOUS VOICE VOTE**

**ARTICLE 10** Voted to transfer \$8,000 from Finance Committee Reserve for General Expenses (Line Item 131C) and \$8,400 from Health Insurance Expenses (Line Item 914B) to Road Machinery Expenses (Line Item 421B).

**UNANIMOUS VOICE VOTE**

**ARTICLE 11** Voted to transfer \$1,600 from Health Insurance Expenses (Line Item 914B) to Highway Construction & Maintenance Storm Water Management Plan (Line Item 422C).

**UNANIMOUS VOICE VOTE**

**ARTICLE 12** Voted to transfer \$6,000 from the Community Preservation Open Space Account to fund the removal of the non-native invasive water chestnuts weeds in the Inman Pond on the Meadow Brook Woods property in the spring/summer of 2014, contingent on receiving \$12,000 funding from the Trustees of Reservations.

**UNANIMOUS VOICE VOTE**

**ARTICLE 13** Voted to Passover this article.

**UNANIMOUS VOICE VOTE**

**ARTICLE 14** Voted to transfer \$7,000 from the Community Preservation Open Space Account to fund a Conservation Restriction on the 24 acre open space parcel on the former Fino Property located at 20 Milford Street, recorded at the Worcester Registry of Deeds in Book 42983, Page 63.

**MAJORITY VOICE VOTE**

ARTICLE 15	<p>Voted to Passover this article.</p> <p><b>UNANIMOUS VOICE VOTE</b></p>
ARTICLE 16	<p>Voted to deem an approximately Eleven (11) acre portion, located north of the existing transmission easement, of the property located at 36 Milford Street, which is shown as Parcel 36 on Mendon Assessors’ Map 9, available for disposition, and to authorize the Mendon Board of Selectmen to lease eleven (11) acres of said available land, to Sundurance, LLC, or any other party, for the development of a solar generation facility, on terms and conditions consistent with a proposal submitted in accordance with Chapter 30B of the Massachusetts General Laws, and as otherwise determined by the Mendon Board of Selectmen, for a period of up to thirty (30) years.</p> <p><b>MAJORITY VOICE VOTE</b></p>
ARTICLE 17	<p>Voted to amend the Mendon By-Laws by making the following changes:</p> <p>Change the wording of Chapter XXVIII (Wetlands Protection By-Law), Section 9.0 (b) (v) <b>from:</b></p> <p>A check made out to the Town of Mendon in the amount specified for the project type per the Wetlands Filing Fee Calculation Sheet. This will pay for the public hearing notice that will be placed in the Milford Daily News. Payment is required at the public hearing. The Conservation Commission Administrative Clerk will notify the applicant of the amount once the ad has run in the newspaper.</p> <p><b>to:</b></p> <p>A check made out to the Town of Mendon in the amount specified for the project type per the Wetlands Filing Fee Calculation Sheet. In addition, payment is required at the public hearing for the public hearing notice that will be placed in the Milford Daily News. The Conservation Commission Administrative Clerk will notify the applicant of the amount once the ad has run in the newspaper.</p> <p><b>UNANIMOUS VOICE VOTE</b></p>
ARTICLE 18	<p>Voted to amend the Mendon Zoning By-Laws by deleting Section 3.01, Allowable Land Uses, in its entirety, and replacing it with a new Section 3.01, Uses of Land and Structures, as amended below.</p> <p>Voted to amend Article 18 by striking the words under Notes to Table “A” Section Delete Note #6</p> <p><b>MAJORITY VOICE VOTE</b></p> <p>Voted to Amend Article 18, Section 3.01 (c) (XV) 1 by striking the words “or use” and “or lot used (at the time of filing a permit application) for a single or two family dwelling” in the first sentence.</p> <p><b>UNANIMOUS VOICE VOTE</b></p> <p>Defeated a motion to Amend Article 18 by having Section 3.01 (b)(viii) be deleted in its entirety.</p> <p><b>MAJORITY VOICE VOTE</b></p> <p>Voted to amend Article 18, Note #7 in the last paragraph after the words “insurance offices,” the words “Metals and Wood Working,” shown by underline, italicized and bolding</p> <p><b>HAND COUNT</b></p> <p><b>YES 26</b></p> <p><b>NO 18</b></p> <p>Defeated a motion to amend Article 18 by extending the last sentence of Section 3.01 (c) (xv) 1 by adding the phrase “or passive recreation.” At the end, so that the sentence reads, “The buffer zones shall not be used in any other manner, or for any other purpose, except for natural or required vegetation or passive recreation.”</p> <p><b>MAJORITY VOICE VOTE</b></p> <p>Voted to amend Article 18 Section 3.01 (c) (xv) 2 by adding the word “vegetation” after “shrubs or other” and before “which dies” so that the sentence reads: “Any trees, shrubs or other vegetation which dies shall be replaces within one growing season.” Shown by underline, italicized and bolding</p> <p><b>UNANIMOUS VOICE VOTE</b></p> <p>Defeated a motion to amend Article 18 Section 3.01 (d)(iv) by inserting the word “non-conforming” after “No” and before “building or structure...” so that the sentence reads: “No non-conforming building or structure shall be added to, enlarged, or reconstructed to an extent greater that 50% of its area at the time of adoption of the Bylaw or such amendment.</p> <p><b>MAJORITY VOICE VOTE</b></p> <p>Defeated a motion to amend Article 18 Section 3.01(d)(iv) by removing the last sentence from this subhead and moving it to a new subhead Section 3.01 (d)(ix). “No nonconforming use may change to a different nonconforming use.”</p> <p><b>MAJORITY VOICE VOTE</b></p> <p>Defeated a motion to amend Section 3.01(d)(vii) by deleting the text and replacing with the notation “(reserved)”.</p> <p><b>UNANIMOUS VOICE VOTE</b></p> <p>Defeated a motion to amend Article 18 Section 3.01 Table A by adding a new Residential Use, 2a., Multi-Family Dwelling, with entries of RR:PB, GB:PB, GB:N, HB:N</p> <p><b>MAJORITY VOICE VOTE</b></p>

Defeated a motion to amend Article 18 Section 3.01 Table A by adding a new Residential Use, 2b., Mixed Use dwelling residence, with entries of RR:PB, GR:PB, GB:PB, HB:N.

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A use number 5 explanatory note by replacing it with:

“Any lighting used in connection with such accessory uses shall result in a luminous flux of less than 0.01 lumens per square foot (0.1076 lumens per square meter) directed toward abutting properties when measured at the lot line.”

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 9 Non-exempt radio towers and similar structures, so that the use of such towers and similar structures are allowed in all districts subject only to safety considerations (such as guying, fall radius, maximum height, tower lighting). RR:Y, GR:Y,GB:Y, HB:Y.

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 16 explanatory note, last bullet Farm fresh eggs by deleting the material in parentheses.

**MAJORITY VOICE VOTE**

Voted to amend Article 18 Section 3.01 Table A Use number 16 explanatory note, remove +/-.

**UNANIMOUS VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 33 Shopping Center explanatory note by changing the wording to, “Provided that the building (s) consists of at least three separate businesses and is designed as a architectural unit.

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 58 Hazardous Waste Facility, Districts by changing to RR:N, GR:N, GB:BOS, HB, BOS.

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 63 Driving Range not accessory to a golf course or country club to read:

“ Driving Ranges or miniature Golf course not accessory to a golf course or country club”, and changing Districts by changing to RR:N, GR:N, GB:PB, HB:PB

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01 Table A Use number 64 Playing Fields, (etc.) by removing the phrase “on municipal land” from the end of the uses description.

**MAJORITY VOICE VOTE**

Defeated a motion to amend Article 18 Section 3.01Table A by adding a new Recreational use 66a., Zoos and similar uses, for profit or not for profit, with entries of RR:PB, GR:PB, GB:PB, HB:N.

**MAJORITY VOICE VOTE**

Voted to amend Article 18 Section 3.01 Table A Use number 73 Drive thru windows for other businesses subject by removing the word “subject” at the end of the description.

**UNANIMOUS VOICE VOTE**

Section 3.01 Uses of Land and Structures

- (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:

- (ix) 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.
- (x) 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 1.06; variances, see Section 1.05 (b) and for Site Plan Review, see Section 4.02).
- (xi) 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.
- (xii) 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.
- (xiii) 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.
- (xiv) 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.
- (xv) 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 ~~or use~~ abuts a residential district ~~or lot used (at the time of filing the permit application)~~ 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 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) 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 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.
  - 3) 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.
- (xvi) Any references to Massachusetts General Law (MGL) shall mean and include any and all amendments thereto.
- (xvii) Where more than one category covers a proposed use, the more specific use category shall control.

(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.
- (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
- Y = Permitted by right
- BOS = Special Permit from the Board of Selectmen
- 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			
Uses		RR	GR	GB	HB
Residential Uses					
1	Single family dwelling	Y	Y	N	N
2	Two family dwelling	Y	Y	N	N
3	Open Space Communities as defined and in accordance with Mendon Zoning By-Laws, Section 3.04	Y	Y	N	N
4	Convalescent or nursing home as defined and in accordance with M.G.L. c. 111, sec. 71*	PB	PB	Y	Y
Accessory Uses – Residential					
5	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
6	The keeping of domestic livestock, principally for personal enjoyment or household use *	Y	Y	Y	N
7	Home occupations *	Y /PB	Y /PB	PB	PB
8	Bed and Breakfast *	PB	PB	PB	N
9	Non-exempt radio towers, and similar structures *	N	N	N	N
10	Portable storage containers*	Y	Y	Y	Y
Agricultural Uses					
11	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 M.G.L. c. 40A, sec. 3	Y	Y	Y	Y
12	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
13	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

14	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
15	Non-exempt greenhouse or nursery, year round, with retail sales	N	PB	Y	Y
16	Farmer's Market *	Y	Y	Y	Y
17	Farm Stand, non-exempt	PB	PB	Y	Y
18	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 M.G.L. c.111	Y	Y	Y	Y
19	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 pursuant to M.G.L. c.111	Y	Y	Y	Y
20	Kennel *	N	PB	PB	N
21	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
<b>Institutional, Educational, and Municipal</b>					
22	Municipal administration	PB	Y	Y	Y
23	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 qualifications for exemption set forth in M.G.L. c. 40A, sec. 3	Y	Y	Y	Y
24	Exempt child care facility, as defined, and subject to the qualifications for exemption set forth in M.G.L. c. 40A, sec. 3	Y	Y	Y	Y
25	Family child care home as defined and in accordance with M.G.L. c. 15D, sec. 1A *	PB	PB	PB	PB
26	Large family child care home as defined and in accordance with M.G.L. c. 15D, sec. 1A*	N	PB	PB	PB
27	Cemetery	PB	PB	N	N
28	Non-profit civic organizations, clubs, library, or museums	PB	PB	PB	N
<b>Business and Retail</b>					
29	Retail stores, indoor sales only	N	N	Y	Y
30	Retail stores that may include fabrication and assembly	N	N	Y	Y
31	Wholesale business and storage provided there is no manufacturing or processing of materials	N	N	Y	Y
32	Building Materials Sales Room	N	N	Y	Y
33	Shopping center *	N	N	PB	PB

34	Craft Shop of artist, potter, sculptor, wood carver, or similar craftsman	N	PB	Y	N
35	Business and professional offices	N	PB	Y	Y
36	Bank or financial institution	N	N	Y	Y
37	Trade, professional or other school conducted as a private business	N	PB	Y	Y
38	Personal care services such as barber shops, beauty parlors and nail salons	N	N	Y	Y
39	Dry cleaning establishments limited to pick-up service	N	N	Y	Y
40	Restaurant or other establishment providing food and/or beverages within the building	N	N	Y	Y
41	Catering establishment	N	N	Y	Y
42	Motor vehicle service stations as defined and in accordance with Mendon Zoning By-Laws, Section 6.01	N	N	PB	PB
43	Motor vehicle repair, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
44	Auto body shop, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
45	Automobile dealership for sale, leasing and servicing of new and used automobiles	N	N	PB	PB
46	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
47	Sale and rental of recreational vehicles	N	N	PB	PB
48	Boat sales and rental including storage, maintenance and repair of boats	N	N	PB	PB
49	Heating oil sales and service	N	N	PB	PB
50	Funeral or undertaking establishment	N	N	PB	PB
51	Large Animal Hospital*	PB	PB	PB	PB
52	Veterinary hospital	N	PB	PB	PB
53	Hotel	N	N	PB	PB
54	Medical center for medical, dental, or clinical	N	N	PB	PB
55	Marina, only on land having direct access to open water	PB	PB	PB	PB
56	Any business and/or retail use permitted above by right in excess of 10,000 square feet of building area	N	N	PB	PB
<b>Industrial</b>					
57	Light manufacturing or light assembly facility which may include the indoor display and sales of products manufactured or assembled on the premises	N	N	Y	Y
58	Hazardous Waste Facility*	N	N	N	N
59	Any industrial use permitted above by right in excess of 10,000 square feet building area	N	N	PB	PB
	<b>Recreational</b>				

60	Indoor commercial entertainment such as theater, motion picture house, bowling alley, or other indoor amusement	N	N	PB	Y
61	Drive-in theater	N	N	Y	N
62	Golf course and /or country club	PB	PB	N	N
63	Golf driving range not accessory to golf course or country club	N	N	N	N
64	Playing fields, playground, swimming pool, tennis and basketball courts on municipal land	PB	PB	PB	PB
65	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.		
66	Any recreational use permitted above by right in excess of 10,000 square feet building area	N	PB	PB	PB
Utility					
67	Large Ground-Mounted Solar Photovoltaic Facilities in the Solar Photovoltaic Overlay District all as defined and in accordance with the Mendon Zoning By-Laws, Section 5.04	See Section 5.04 for permissible locations for this use, and permits required.			
Communication, Transportation					
68	Wireless Communications Facilities as defined and in accordance with Mendon Zoning By-Laws, Section 2.07	PB	PB	PB	PB
69	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
Accessory Uses – Non-Residential					
70	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
71	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
72	Drive thru windows for restaurants and food service establishments	N	N	PB	PB
73	Drive thru windows for other businesses subject	N	N	PB	PB
Miscellaneous Uses					
74	Earth removal as defined and in accordance with the Town of Mendon By-Laws, Chapter XIV	BOS	BOS	BOS	BOS

**Notes to Table A**

- 4
In the Rural Residential and General Residential Districts, convalescent or nursing homes shall be limited to 10 beds.
- 5
Any lighting used in connection with such accessory uses shall be directed away from abutting properties.
- 6
~~No person shall keep or allow to be kept on any premises any domestic animals, except ordinary household pets, without first securing a permit from the Mendon Board of Health. The maximum number of animals that may be kept shall be as determined by the Board of Health Animal Inspector, and shall be specifically stated in the permit along with the type(s) of animal(s) permitted. The Board of Health or its agent shall notify abutters of the pending permit request at least 14 days prior to making any determination on the issuance of any permit and provide a contact for such abutters to address any questions or concerns, and shall provide an opportunity for such abutters to address any questions or concerns with the board during its scheduled open meeting on~~



the permit request.

~~The Board of Health may deny or approve the permit request and may impose conditions and limitations upon the issuance of any permit including with respect to the size, type, number and location of any shelters/pens for the keeping of such animals, the storage and disposal of wastes, and the control of pests. The Board of Health shall take into consideration site specific hydrology, i.e. the direction of groundwater flow and the location of any groundwater discharge to a surface water body when imposing distances of barnyards and manure storage from a private well.~~

- 7 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.

- 8 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 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 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 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.
- 16 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 Board of Selectmen.

- 25-26    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
  
- 51       A minimum of five acres shall be required for a large animal hospital.
  
- 58       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.
  
- 71       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.

**UNANIMOUS VOICE VOTE**

**ARTICLE 19**       Voted to amend the Mendon Zoning By-Laws by making the following changes:

- 1.    Rename Article III, Residential District, as Article III, Use Regulations.
- 2.    Rename Article IV, Business District as Article IV, Site Plan Review.
- 3.    Delete Section 4.01.
- 4.    Delete Section 1.02 (a) in its entirety, and replace it with the following definition:  
      Accessory Use or Structure. An accessory use or structure is a subordinate to the principal use of land and/or structure:
  - 1)    whose use is customary in connection with the principal use of land and/or structure, and
  - 2)    whose use is clearly incidental to the principal use of land and/or structure, and
  - 3)    which is located on the same lot with the principal use of land and/or structure, and
  - 4)    which does not constitute a conversion of the principal use of land and/or structure to one that is not permitted.
  - 5)    No use that is prohibited shall be allowed as an accessory use.
- 5.    Delete existing Section 1.02 (g) in its entirety.
- 6.    Delete Section 1.02 (o) in its entirety.
- 7.    Add Section 1.02 (p) Power Plants: Any building, structure, machinery, and associated equipment and facilities for the purpose of producing or generating electricity or power.
- 8.    Delete Sections 1.05 (c), and (d) in their entirety.
- 9.    Delete Sections 1.06, (e), (f) and (g) in their entirety.
- 10.   Delete Section 2.04 in its entirety.
- 11.   Delete Section 2.05 in its entirety.

**UNANIMOUS VOICE VOTE**

The warrant was dissolved at 10:35. There were 76 voters in attendance. The tellers for the meeting were Nancy Fleury and Kathryn Rich. The officer on duty was Matthew Hoar.

A true copy. Attest:

Margaret Bonderenko  
Town Clerk