

- THE COMMONWEALTH OF MASSACHUSETTS
- WORCESTER SS.

TO EITHER OF THE CONSTABLES OF THE TOWN OF **MENDON**
IN THE COUNTY OF **WORCESTER** GREETING.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS YOU are hereby directed to notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to meet at the **Miscoe Hill School** in said MENDON on the **twenty sixth** day of **June** next, at 7:00 o'clock in the afternoon, then and there to act on the following articles:

- | | |
|---------------------------------------|--|
| ARTICLE 1
(Selectmen
) | <p>To see if the Town will vote to amend the Town of Mendon Bylaws, Chapter XIX Delinquent License & Permit holders by making the following changes:</p> <p>Chapter XIX, Section 1, Statutory Provisions: add all words and punctuation as shown below highlighted in bold and underlined text.</p> <p>Section 1. Statutory Provisions – In accordance with M.G.L.A Chapter 40, Section 57, the Town of Mendon may deny any application for, or revoke or suspend a <u>building permit, or</u> any local license or permit, including renewals and transfers, issued by any board, officer, department for any person, corporation or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges, <u>including amounts assessed under the provisions of section M.G.L.A Chapter 40, Section 21D</u> or with respect to any activity, event, or other matter <u>which is the subject of such license or permit and which activity, event, or matter is carried out or exercised or is to be carried out or exercised</u> on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges.</p> <p>For reference, herewith the original wording:</p> <p>Section 1. Statutory Provisions – In accordance with M.G.L.A Chapter 40, Section 57, the Town of Mendon may deny any application for, or revoke or suspend any local license or permit, including renewals and transfers, issued by any board, officer, or department for any person, corporation, or business enterprise who has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges or with respect to any activity, event, or other matter is subject of such license or permit and which activity, event or matter is carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges.</p> |
| ARTICLE 2
(Fincom) | <p>To see if the Town will vote to transfer a sum of money from available funds to pay for the acquisition of a Hot Box for the use of the Highway Department or act or do anything in relation to.</p> |
| ARTICLE 3
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Town Hall Services Computer Expense (line 199F) or act or do anything in relation thereto.</p> |
| ARTICLE 4
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Town Counsel (line151B) or act or do anything in relation thereto.</p> |
| ARTICLE 5
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Conservation Commission Salaries (line171A) or act or do anything in relation thereto.</p> |
| ARTICLE 6
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Dispatching Salaries (line 299A1) or act or do anything in relation thereto.</p> |
| ARTICLE 7
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Police Dept. Expense (210B) or act or do anything in relation thereto.</p> |
| ARTICLE 8
(Fincom) | <p>To see if the town will vote to transfer a sum of money from available funds to Fire Department Expenses (line 220B) or act or do anything in relation thereto.</p> |

- ARTICLE 9
(Fincom)** To see if the town will vote to transfer a sum of money from the available funds to Fire Department Fulltime Wages (line 220A3) or act or do anything in relation thereto.
- ARTICLE 10
(Fincom)** To see if the town will vote to transfer a sum of money from available funds to Town Hall Services Utilities (line 199E) or act or do anything in relation thereto.
- ARTICLE 11
(Fincom)** To see if the town will vote to transfer a sum of money from available funds to Park Department Expenses (line 630B) or act or do anything in relation thereto.
- ARTICLE 12
(Fincom)** To see if the town will vote to transfer a sum of money from available funds to Town Clerk Expenses (line 161B) or act or do anything in relation thereto.
- ARTICLE 13
(Fincom)** To see if the town will vote to appropriate, borrow or transfer from available funds, the sum of Three hundred sixty thousand dollars (\$360,000) to be expended under the direction of the Board of Selectmen for the purpose of purchasing the property known as St. Michael's Church at 29-31 North Ave., Mendon, MA, parcel ID# 8-189-29-31 provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2 1/2 debt exclusion referendum under General Laws Chapter 59, § 21C(k).
- ARTICLE 14
(Fincom)** To see if the Town will vote to appropriate, borrow or transfer from available funds, the sum of one million seven hundred thousand dollars (\$1,700,000) to be expended under the direction of the Board of Selectmen for the purpose of renovating the property known as St. Michael's Church at 29-31 North Ave., Mendon, MA for use as a library and/or other municipal uses provided, however, that this appropriation and debt authorization be contingent upon passage of a Proposition 2½ debt exclusion referendum under General Laws Chapter 59, § 21C(k).

- ARTICLE 15 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to Selectmen Expenses (line 122B) or act or do anything in relation thereto.

- ARTICLE 16 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to Veterans Benefits Expenses (line 543B) or act or do anything in relation thereto.

- ARTICLE 17 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to Highway Construction & Maintenance Expenses (line 422B) or act or do anything in relation thereto.

- ARTICLE 18 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to pay the insurance deductible for ongoing litigation or act or do anything in relation thereto.

- ARTICLE 19 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to be used to place a deposit in order to execute a Purchase and Sale Agreement for the St. Michael’s Church property or act or do anything in relation thereto.

- ARTICLE 20 (Fincom)** To see if the town will vote to transfer a sum of money from available funds to be used to fund life insurance payouts or act or do anything in relation thereto.

- ARTICLE 21 (Community Preservation Com)** To see if the town will vote to transfer a sum of money from the Community Preservation Historical Preservation Account to renovate the Mendon Housing Authority Barn or act or do anything in relation thereto.

ARTICLE 22

To see if the Town will vote to transfer a sum of money from the Community Preservation Affordable Housing Account to purchase the St. Michael’s parish house for an affordable housing unit(s), or take any action in relation thereto.

(Community Preservation Com)

ARTICLE 23

To see if the Town will vote to transfer a sum of money from the Community Preservation Budgeted Reserve Account to be used for the purpose of dredging the Lake Nipmuc Meadow Brook outlet, or take any action in relation thereto.

(Community Preservation Com)

ARTICLE 24

To see if the Town will vote to transfer a sum of money from the Community Preservation Budgeted Reserve Account to be used for the purpose of purchasing 25+/- acres of property located at 31 Miscoe Road for the purposes of active recreation, or take any action in relation thereto.

(Community Preservation Com)

ARTICLE 25

To see if the Town will vote to transfer a sum of money from available funds to fund the Department of Environmental Protection water testing regulations, or take any action in relation thereto.

(FinCom)

- ARTICLE 26 (Agricultural Com)** To see if the town will vote to amend the Mendon Town Bylaws by adding Chapter XXIX, Right to Farm Bylaw, or act or do anything in relation thereto.

MENDON RIGHT TO FARM BY-LAW

Section 1 Legislative Purpose and Intent

The purpose and intent of this By-law is to state with emphasis the Right to Farm accorded to all citizens of the Commonwealth under Article 97, of the Constitution, and all state statutes and regulations thereunder including but not limited to Massachusetts General Laws Chapter 40A, Section 3, Paragraph 1; Chapter 90, Section 9, Chapter 111, Section 125A and Chapter 128 Section 1A. We the citizens of Mendon restate and republish these rights pursuant to the Town's authority conferred by Article 89 of the Articles of Amendment of the Massachusetts Constitution, ("Home Rule Amendment").

This General By-law encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmlands within the Town of Mendon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies. This By-law shall apply to all jurisdictional areas within the Town.

Section 2 Definitions

The word "farm" shall include any parcel or contiguous parcels of land, or water bodies used for the primary purpose of commercial agriculture, or accessory thereto.

The words "farming" or "agriculture" or their derivatives shall include, but not be limited to the following:

- farming in all its branches and the cultivation and tillage of the soil;
- dairying;
- production, cultivation, growing, and harvesting of any agricultural, aquacultural, floricultural, viticultural, or horticultural commodities;
- growing and harvesting of forest products upon forest land, and any other forestry or lumbering operations;
- raising of livestock including horses;
- keeping of horses as a commercial enterprise; and
- keeping and raising of poultry, swine, cattle, ratites (such as emus, ostriches and rheas) and camelids (such as llamas and camels), and other domesticated animals for food and other agricultural purposes, including bees and fur-bearing animals.

"Farming" shall encompass activities including, but not limited to, the following:

- operation and transportation of slow-moving farm equipment over roads within the Town;
- control of pests, including, but not limited to, insects, weeds, predators and disease organism of plants and animals;
- application of manure, fertilizers and pesticides;
- conducting agriculture-related educational and farm-based recreational activities, including agri-tourism, provided that the activities are related to marketing the agricultural output or services of the farm;
- processing and packaging of the agricultural output of the farm and the operation of a farmer's market or farm stand including signage thereto;
- maintenance, repair, or storage of seasonal equipment, or apparatus owned or leased by the farm owner or manager used expressly for the purpose of propagation, processing, management, or sale of the agricultural products; and
- on-farm relocation of earth and the clearing of ground for farming operations.

Section 3 Right To Farm Declaration

The Right to Farm is hereby recognized to exist within the Town of Mendon. The above-described agricultural activities may occur on holidays, weekdays, and weekends by night or day and shall include the attendant incidental noise, odors, dust, and fumes associated with normally accepted agricultural practices. It is hereby

determined that whatever impact may be caused to others through the normal practice of agriculture is more than offset by the benefits of farming to the neighborhood, community, and society in general. The benefits and protections of this By-law are intended to apply exclusively to those commercial agricultural and farming operations and activities conducted in accordance with generally accepted agricultural practices. Moreover, nothing in this Right To Farm By-law shall be deemed as acquiring any interest in land, or as imposing any land use regulation, which is properly the subject of state statute, regulation, or local zoning law.

Section 4 Disclosure

Within 30 days after this By-law becomes effective, the Agricultural Commission shall prominently post on the Town Hall notice board the following disclosure:

“It is the policy of this community to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products, and also for its natural and ecological value. This disclosure notification is to inform buyers or occupants that the property they are about to acquire or occupy lies within a town where farming activities occur. Such farming activities may include, but are not limited to, activities that cause noise, dust and odors. Buyers or occupants are also informed that the location of property within the Town may be impacted by agricultural operations.”

A copy of the disclosure notification shall be included in the Town's Annual Report.

Section 5 Resolution of Disputes

Any person who seeks to complain about the operation of a farm may, notwithstanding pursuing any other available remedy, file a grievance with the Select Board, the Zoning Enforcement Officer, or the Board of Health, depending upon the nature of the grievance. The filing of the grievance does not suspend the time within which to pursue any other available remedies that the aggrieved may have. The Zoning Enforcement Officer or Select Board may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the referring Town authority within an agreed upon time frame. The Board of Health, except in cases of imminent danger or public health risk, may forward a copy of the grievance to the Agricultural Commission or its agent, which shall review and facilitate the resolution of the grievance, and report its recommendations to the Board of Health within an agreed upon time frame.

Section 6 Severability Clause

If any part of this By-law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this By-law. The Town of Mendon hereby declares the provisions of this By-law to be severable.

**ARTICLE 27
(Zoning By
Law Com)**

To see if the Town will vote to amend the Mendon Zoning By-Laws, by deleting Section 1.03, Delineation of Districts, in its entirety and replacing it with a new Section 1.03 as written in the warrant, or take any action in relation thereto.

Section 1.03 Delineation of Districts

(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 compatible with such residential uses.

(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 of way 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

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 restricted portion provided the lot has required frontage on a public or private way in the less restricted district. Otherwise, there shall be no extension.

ARTICLE 28 To see if the Town will vote to amend the Mendon Zoning By-Laws
(Zoning by deleting Section 3.01, Allowable Land Uses, in its entirety, and
Bylaw Com) replacing it with a new Section 3.01, Uses of Land and Structures, as
written in the warrant, or take any action in relation thereto.

Section 3.01 Uses of Land and Structures

- (a) No land shall be used and no structure shall be constructed, reconstructed, altered, expanded, erected, maintained, 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. Without limitation, the following uses are specifically prohibited as principal and/or accessory uses in all districts:
 - 1) Airports, heliports, landing strips, and similar uses;
 - 2) 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;
 - 3) Junk yard, landfills, transfer stations, dumps, and auto graveyards;
 - 4) Slaughterhouses except if, and only to the extent that, the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3;
 - 5) Race tracks;
 - 6) Piggeries, except if, and only to the extent that, the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3;
 - 7) 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;
 - 8) Boarding or room rental; and
 - 9) Power Plants: The production or manufacture of electricity through the use of a generating facility or co-generation facility with the exception of Large-Scale Ground- Mounted Solar Photovoltaic Facilities which are permitted in the Solar Photovoltaic Facilities Overlay District, all as defined and in accordance with Mendon Zoning By-Laws, Section 5.04.
- (c) General Regulations Applicable to All Allowed Uses:
 - (1) 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. If Site Plan Review is specifically required under the Table of Uses for certain uses, the requirements and regulations of Section 4.02 shall apply regardless of whether the applicability provisions of Section 4.02 specifically address such use.
 - (2) 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 3.01(c)(5), and for Site Plan Review, see Section 4.02).
 - (3) Uses legally existing in accordance with the Mendon Zoning By-Law prior to the enactment of this Section may be allowed in accordance with Section 1.05 (d) and Section 2.04 of this Zoning By-Law.
 - (4) 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, excessive vibration or danger of fire or explosion. The permit granting authority shall not authorize any use that may fall under a general category of allowed use listed in Table A if such use, in its discretion, would not comply with the foregoing provision.
 - (5) The ZBA may grant a use variance for uses in any district subject to the following conditions and limitations:
 - a) The statutory requirements of M.G.L. 40A, sec.10 are met;
 - b) The use is not specifically prohibited in section 3.01(b) above; and
 - c) The use is not more intense than, and is in keeping with the character and nature of, the permitted uses in the applicable district.The ZBA shall give due consideration to promoting the public health, safety, convenience, and welfare, and encouraging the most appropriate use of land, and may

- impose appropriate restrictions where necessary to carry out the intent and purpose of the Zoning By-Laws.
- (6) Only one principal use shall be permitted on a lot in a residential district. In non-residential districts, more than one allowed principal use may be permitted by special permit issued by the Planning Board.
 - (7) 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.
 - (8) 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:
 - a) 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.
 - b) Street plantings shall be installed and maintained along the full frontage on a public way. The planting area shall be at least six feet wide, free of any paving (except for access drives connecting abutting premises) and shall contain a staggered row of trees either planted or retained, having at least a 2" trunk diameter. At least 60% of all trees used shall be of native evergreen species which reach an ultimate height of not less than thirty feet. Any site plan submitted for review shall indicate any existing trees of 6" trunk diameter or greater if within twenty-five feet of the street sideline or five feet of a side lot line. No such tree shall be removed unless approved by the Planning Board.
 - c) Vegetated landscaped buffer strips at least 15 feet wide shall be installed and maintained between lots. A coordinated landscape design for the entire project shall be reviewed by the Planning Board. 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 which dies shall be replaced within one growing season.
 - (9) Any references to Massachusetts General Laws (MGL) shall mean and include any and all amendments thereto.
 - (10) Where more than one category covers a proposed use, the more specific use category shall control.

(d) Non-Conforming Uses and Structures

- (1) 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.
- (2) 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.
- (3) The ZBA 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.
- (4) 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.
- (5) 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.

- (6) 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.
- (7) 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 and any future building, structure, and/or use shall conform to the regulations of this Zoning By-Law.
- (8) No nonconforming use shall, if changed to a conforming use, revert to a nonconforming 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)(1) above)
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.

Uses		Districts			
		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	N	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 saddle horses, poultry, and other domestic livestock, principally for personal enjoyment or household use as long as the lot is 60,000 square feet or larger *	Y	Y	Y	N
7	Home occupations *	Y/PB	Y/PB	Y/PB	Y/PB
8	Bed and Breakfast *	PB	Y	PB	N
9	Non-exempt radio towers, and similar structures *	N	N	N	N
Agricultural Uses					
10	Exempt commercial agricultural uses 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

	Uses	Districts			
		RR	GR	GB	HB
1 1	Exempt commercial agricultural 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
1 2	Exempt commercial greenhouse 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
1 3	Exempt commercial greenhouse 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
1 4	Non-exempt greenhouse or nursery, year round, with retail sales	N	PB	Y	Y
1 5	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
1 6	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
1 7	Kennel (meaning and intending to include the boarding, grooming, and/or training of 3 or more dogs not owned or kept as breeding stock by the owner of the lot) *	N	PB	PB	N
Institutional, Educational, and Municipal					
1 8	Municipal administration	N	PB	Y	Y
1 9	Municipal recreation use	N	SPR	Y	Y
2 0	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
2 1	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
2 2	Family child care and large family child care homes as defined and in accordance with M.G.L. c. 15D, sec. 1A	N	PB	PB	PB
2 3	Cemetery	PB	PB	N	N
2 4	Non-profit civic organizations, clubs, library, or museums	N	PB	PB	N
Business and Retail					
2 5	Retail stores, indoor sales only *	N	N	Y	Y
2 6	Retail stores that may include fabrication and assembly	N	N	Y	Y
2 7	Wholesale business and storage provided there is no manufacturing or processing of materials	N	N	Y	Y

	Uses	Districts			
		RR	GR	GB	HB
28	Building Materials Sales Room	N	N	Y	Y
29	Shopping center *	N	N	PB	PB
30	Craft Shop of artist, potter, sculptor, wood carver, or similar craftsman	N	PB	Y	Y
31	Business and professional offices	N	PB	Y	Y
32	Bank or financial institution	N	N	Y	Y
33	Trade, professional or other school conducted as a private business	N	N	Y	Y
34	Personal care services such as barber shops, beauty parlors and nail salons	N	N	Y	Y
35	Dry cleaning establishments limited to pick-up service	N	N	Y	Y
36	Restaurant or other establishment providing food and beverages within the building	N	N	Y	Y
37	Motor vehicle service stations as defined and in accordance with Mendon Zoning By-Laws, Section 6.01	N	N	PB	PB
38	Motor vehicle repair, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
39	Auto body shop, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
40	Automobile dealership for sale, leasing and servicing of new and used automobiles	N	N	PB	PB
41	Automobile dealership, Class II License as defined and in accordance with the Town of Mendon Zoning By-Laws, Chapter XI Section 10	N	N	PB	N
42	Sale and rental of recreational vehicles	N	N	PB	PB
43	Boat sales and rental including storage, maintenance and repair of small boats	N	N	PB	PB
44	Heating oil sales and service	N	N	PB	PB
45	Funeral or undertaking establishment	N	N	PB	PB
46	Crematory	N	N	N	N
47	Veterinary hospital	N	N	PB	PB
48	Hotel	N	N	PB	PB
49	Medical center for medical, dental, or clinical	N	N	PB	PB
50	Marina	N	N	Y	N
51	Any business and/or retail use permitted above by right in excess of 10,000 square feet of building area	N	N	PB	PB
	Industrial				
52	Light manufacturing or light assembly facility	N	N	PB	N
53	Indoor display and sales of products of manufacturing activities conducted on the premises	N	N	Y	Y
54	Any industrial use permitted above by right in excess of 10,000 square feet building area	N	N	PB	PB
	Recreational				
55	Indoor commercial entertainment such as theater, motion picture house, bowling alley, or other indoor amusement	N	N	PB	Y

Uses		Districts			
		RR	GR	GB	HB
5	Drive-in theater	N	N	Y	N
6					
5	Golf course and /or country club	PB	PB	N	N
7					
5	Golf driving range not accessory to golf course	N	N	PB	N
8	or country club				
5	Playing fields, playground, swimming pool,	PB	PB	PB	PB
9	tennis and basketball courts on municipal land				
6	Adult Entertainment, as defined and in	N	See Section 5.01 for permissible locations for this use, and permits required.		
0	accordance with Mendon Zoning By-Laws Section 5.01; in the Adult Entertainment District Only				
6	Any recreational use permitted above by right	N	PB	PB	PB
1	in excess of 10,000 square feet building area				
	Utility				
6	Large Ground-Mounted Solar Photovoltaic	N	See Section 5.04 for permissible locations for this use, and permits required.		
2	Facilities in the Solar Photovoltaic Overlay District all as defined and in accordance with the Mendon Zoning By-Laws, Section 5.04				
	Communication, Transportation				
6	Wireless Communications Facilities as defined	PB	PB	PB	PB
3	and in accordance with Mendon Zoning By-Laws, Section 2.07				
6	Amateur radio towers as defined and in	PB	PB	PB	PB
4	accordance with Mendon Zoning By-Laws, Section 2.07 (d) (i) 4)				
	Accessory Uses – Non-Residential				
6	Retail uses such as cafeterias, snack bars, gift	N	N	Y	Y
5	shops, and vending machines, for employee use only provided that any such uses shall be wholly within the building and shall not be advertised or marketed by outside display, sign or otherwise.				
6	Non-permanent storage containers not visible	N	N	Y	Y
6	from the right of way or from any residential property				
6	Activities necessary in connection with	N	N	PB	PB
7	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 *				
6	Drive thru windows for restaurants and food	N	N	PB	PB
8	service establishments				
6	Drive thru windows for other businesses	N	N	PB	PB
9	subject and in accordance with Section 1.02 (d) and Section 1.06 of the Mendon Zoning By-Laws				
	Miscellaneous Uses				
7	Earth removal as defined and in accordance	BOS	BOS	BOS	BOS
0	with the Town of Mendon By-Laws, Chapter XIV				

Notes to Table A

- 5 Any lighting used in connection with such accessory uses shall be directed away from abutting properties.
- 6 Cattle, horses, sheep, chickens or similar domestic livestock shall be maintained on premises having an area of not less than 60,000 square feet. An additional 5,000 square feet shall be required for each large animal (25 pounds or heavier at maturity) in excess of two. An additional 15,000 square feet shall also be required for ten smaller animals in excess of the first ten. Said animals and their wastes shall be contained at least 50 feet from any abutting lot line of a

residentially used lot and at least 100 feet from a well. No accessory building or structure for the housing of such animals is allowed within 50 feet from the lot lines. The Planning Board may grant a waiver after public notice from any of the above requirements where the Planning Board finds, in its sole discretion, that the applicant has demonstrated that doing so would not be detrimental to the surrounding neighborhood. No person shall own or keep any animal which by biting, excessive noise (including without limitation, barking or howling) or being at large or in any other manner becomes a public nuisance.

- 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 of the principal other than an unlighted sign not to exceed two (2) square feet in area.

iv) No offensive noise, vibration, dust, odors, heat, or glare shall be produced.

v) Traffic generated shall not exceed volumes normally expected in a residential neighborhood.

vi) 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 without the necessity of a special permit: The profession of medicine, dentistry, law, architecture, accounting and engineering, real estate and insurance offices, 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

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.
- "Agricultural uses", 10-16

Such uses shall be permitted subject to the following conditions:

(1) Storage of manure or waste shall be contained at least 75 feet from any abutting lot line of a residentially used lot and at least 100 feet from a well. No accessory building or structure for the housing of any animals is allowed within 50 feet from the lot line.

(2) The use of the property shall conform to all regulations of the Local Board of Health and State Health Authorities.
- 17

Any kennel in a residential district, or abutting land used for residential purposes, must be located on a lot having at least 10 acres of land. In all cases, the kennel must be owner occupied.
- Retail uses, 25-51

Retail stores are prohibited from selling any quantity of drug paraphernalia, defined as all equipment, products and materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana and/or a controlled substance as defined by Massachusetts State Law.

- 29 Consisting of at least 3 buildings and provided that the buildings are designed as an architectural unit.
- 67 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.

**ARTICLE 29
(Zoning
Bylaw Com)**

To see if the Town will vote to amend the Mendon Zoning By-Laws by making the following changes, or take any action in relation thereto::

1. Section 1.02 Definitions, delete Section 1.02(a), the definition for Accessory Use of Building, 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. No use that is prohibited shall be allowed as an accessory use;
2. Section 1.02 (b), delete in its entirety;
3. Section 1.05, Board of Appeals, delete Sections 1.05 (b), (c), and (d) in their entirety;
4. In Section 1.06, Provisions for Applying for a Special Permit, delete Sections 1.06, (f) and (g) in their entirety;
5. Delete Section 2.04, Non-Conforming Structures, in its entirety; and
6. Delete Section 2.05, Prohibited Uses, in its entirety.

ARTICLE 30
(Zoning
Bylaw Com)

To see if the Town will vote to amend the Mendon Zoning By-Laws by making the following changes, or take any action in relation thereto:

1. Correct omission of article number, delete title, and rename as Article III Use Regulations;
2. Rename Article IV, Business District as Article IV, Site Plan Review;
3. Delete Section 4.01.

ARTICLE 31 (Zoning Bylaw Com) To see if the Town will vote to amend the Mendon Zoning By-Law by making the following change, or take any action in relation thereto:
Section 1.02 Definitions, add before the first sentence: Terms not defined herein shall have those meanings ascribed to them in the most recent addition 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.

ARTICLE 32 (Zoning Bylaw Com) To see if the Town will vote to amend the Mendon Zoning By-Laws making the following changes to Section 2.06, Sign By-Law, or take any action in relation thereto:

1. In (d) (i) 1) delete 74 sq. ft. and replace with 50 sq. ft.
2. In (e) (i) delete 144 sq. inches and replace with 2 sq. ft.
3. Delete (b) (ii) in its entirety and replace with a new (b) (ii) as follows: Billboard: Any object, structure, design, or device, portable or stationary, permanent or temporary, placed or located outside, intended for public view, used to advertise, announce, or direct attention to any off-premises business, organization, product, activity, service, or event, excluding municipal, state, and other government agency signs.
- 4.. Delete (h) (iv) in its entirety and replace with a new (h) (iv) as follows: No sign or any part thereof may move, flash, or otherwise change information, provided however, that clocks, temperature, and gas pump price indicators that have been approved in accordance with this Sign By-Law may contain information that changes solely to reflect the accurate time, temperature and gas prices, as the case may be. No sign may have traveling lights, animation, beacons, or flashing devices, whether or not these devices are part of a sign or attached to a sign.
5. **In (h) (viii), in the second sentence, delete ZBA and replace with Planning Board.**

ARTICLE 33 To see if the Town will vote to amend the Mendon Zoning By-Laws
(Zoning by making the following changes, or take any action in relation
Bylaw Com) thereto:

Article I, Section 1.02(h) Definitions, delete second sentence
Article I, Section 1.06, Provisions for Applying for a Special Permit,
delete paragraph (a) in its entirety;
Article II, Section 2.01 Lot, Yard and Coverage Regulations, delete in
its entirety and replace with a new Section 2.01 Dimension
Regulations as follows:

Section 2.01 Dimensional Regulations

- (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.

District	Use	Min. Lot Size ⁱ (sq. ft.)	Min. Lot Frontage ⁱ (feet)	Side	Min. Lot Depth (feet) Rear		Min. Lot
Residential	One Family Dwelling	60,000	200	20	20	200	125
	Two Family Dwelling	90,000	300	20	20	200	125
	All other permitted uses	60,000	200	20	20	200	125
Business	All permitted uses	40,000	200	20	20	200	125
All districts	Detached Accessory Buildings, not exceeding 200 sq. ft.			15	15		

TABLE 1
Dimensional Regulations

- i. No part of any pond, stream, river, swamp, or wetlands shall be included as part of a lot for the purpose of determining the minimum lot size.
- ii. Frontage shall be measured as a continuous line along one street only. Frontage on cul-de-sacs or along the curvature of a road shall be established by measuring along the arc of the curve establish by the street layout (which may or may not coincide with the paved way) between the points of intersection created by the side lot lines and the street.
- iii. The minimum depth or width of a yard shall consist of the horizontal distance between the lot line and the nearest point of any structure. A “yard” shall be an open space, unoccupied and unobstructed from the ground up, except as specifically permitted in this By-law. Parking facilities for non-residential uses shall be set back a minimum of 10 feet from all lot lines, and, in cases where a non-residential use abuts a residential use, no parking facilities shall be permitted in the side setbacks.
- iv. Measured perpendicularly to the front lot line.
- v. Measured perpendicularly to the front lot line. The minimum lot width is the width required from the front lot line to the required front set back.
- vi. No structure shall exceed 35 ft. unless a greater amount is specifically provided for in this By-law. In the instance of a building, the height in each case shall be measured vertically from the highest point of the roof beams in the case of a flat roof, or from the top of the rafters at the ridge in the case of a sloping roof, measured from the mean grade of the natural ground contiguous to the building. For all other structures the height shall be measured vertically from the mean grade of the natural ground around the structure to the highest point of the structures.
- vii. A corner lot shall have two front yards, one on each street. The required frontage for the lot must be provided on only one street, however, the front yard setback applies to both streets.

ARTICLE 34 To see if the Town will vote to amend the Mendon By-Laws by
(Zoning deleting Section 9, Chapter XI, in its entirety, or take any action in
Bylaw Com) relation thereto.

And you are directed to serve this Warrant, by posting up attested copies thereof at three or more public places in said Town, 14 days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting, as aforesaid.

Given under our hands this 21st day of May in the year of our lord two thousand twelve.

_____ **Selectmen of Mendon**

A True copy. Attest:

_____ **Constable**

Worcester, ss.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of Mendon by posting up attested copies of the same at:

Town Hall; _____; _____

_____ **days before the date of the meeting, as within directed.**

_____, **Constable**