

**SPECIAL TOWN MEETING-MARCH 19, 2013-PROCEEDINGS**

The meeting was called to order 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 procedures of the meeting.

Non-residents were allowed into the meeting:  
David Abbot- Counsel to Planning Board  
Robert Mangiaratti- Town Counsel  
Mike Gleason-Milford Daily News  
Jean Berthold-Principal Assessor  
Melissa Orff- Town Crier

- ARTICLE 1

Voted to transfer \$1110.72 from Free Cash to Unpaid bills of a prior year (line item 196B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 2

Voted to transfer \$476 from Free Cash to Property and Casualty Insurance (Line Item 945B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 3

Voted to transfer \$9,551.10 from Library Salaries (line item 610A1) to Library Director Salary (Line Item 610A2).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 4

Voted to transfer \$4,000 from Treasurer Collector Salary (line item 145A2) and \$442.88 from Free Cash to Town Collector/Treasurer Salaries (Line Item 145A1).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 5

Voted to transfer \$1,350 from Conservation Salaries (line item 171A) and \$97.58 from Free Cash to Town Hall Services Salaries (Line Item 199A1).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 6

Voted to transfer \$114.70 from Free Cash to Parks and Recreation Department Park Director Salary (Line Item 630A2).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 7

Voted to transfer \$250 from Free Cash to Assessor's Expense (Line Item 141B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 8

Voted to transfer \$200 from Free Cash to Town Accountant Expenses (Line Item 135B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 9

Voted to transfer \$7,560 from Free Cash to Town Hall Services Computer Expenses (Line Item 199E).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 10

Voted to transfer \$2,010 from Finance Committee Reserve for General Expenses (line item 131C) and \$5,000 from Fire Department Call Salaries (line item 220A2) and \$3,000 from Police Salaries (line item 210A2) and \$5,040 from Dispatch Salaries (line item 299A1) and \$2,500 from Street Lights Expenses (line item 424B) and \$2,000 from Selectmen Insurance Deductible (line item 122D) and \$450 from Free Cash to Police Department Overtime Wages (Line Item 210A3).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 11

Voted to transfer \$18,134 from Free Cash to Police Department Expenses (Line Item 210B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 12

Voted to transfer \$750 from Plumbing Inspector Account Wages (line item 243A) to Gas Inspector Expenses (Line Item 242B).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 13

Voted to transfer \$42,000 from Free Cash to Cruiser Replacement (Line Item 210C).  
**UNANIMOUS VOICE VOTE**
- ARTICLE 14

Voted to transfer \$6000 from the Community Preservation Budgeted Reserve Account to fund the removal of the non-native invasive water chestnut weeds in the Inman Pond on the Meadow Brook Woods property in the spring/summer of 2013.  
  
**UNANIMOUS VOICE VOTE**
- ARTICLE 15

Voted to transfer \$15,500 from the Community Preservation Budgeted Reserve Account to remove and transport to an abutting location one acre of the vegetation and root masses in front and on either side of the Meadow Brook Outlet, located on the southerly end of Lake Nipmuc, this spring/summer of 2013.  
  
**MAJORITY VOICE VOTE**
- ARTICLE 16

Voted 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 below

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.
- (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. **2/3 vote needed**

**HAND COUNT**

**YES 38**

**NO 16**

**ARTICLE 17** Voted to amend this article by deleting section 6 under “Notes to Table”  
**MAJORITY VOICE VOTE**

Voted to amend this article by changing Table A Item 4 (Convalescent or Nursing home) under District RR from N to PB.  
**MAJORITY VOICE VOTE**

Defeated a motion to delete the word “gas” in Section 3.01 (c) (iv) and include the wording “Gasoline or other petroleum products, chemical contamination,” before the words excessive vibration of danger of fire or explosion...  
**MAJORITY VOICE VOTE**

Defeated a motion to amend this article Section 3.01 (c) (iv)by striking the words “except to the extent allowed by Town of Mendon, Massachusetts By-Law, Chapter XXIX, Section 3, Right to Farm Bylaw.” And by substituting the words “however, it is recognized that normal activities conducted upon agricultural and horticultural or farming lands shall not be deemed to constitute a nuisance as specified in, and in accordance with, M.G.L. c. 111, Section 125A, as the same may be amended.  
**MAJORITY VOICE VOTE**

Voted to amend this article Section 3.01 (c) (iv) by adding the wording “chemical contamination” after the word “gas.”  
**MAJORITY VOICE VOTE**

Voted to amend this article by deleting the item 18 “Kennel: The keeping of more than three (3) dogs that are more than three (3) months old, for breeding, boarding, sale, training, hunting or other purposes.”  
**MAJORITY VOICE VOTE**

Defeated a motion 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 with the changes listed above.

**HAND COUNT**  
**YES 30**  
**NO 17**

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:
  - (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) Piggeries, except if, and only to the extent that, the use constitutes an exempt agricultural use under M.G.L. c. 40A, sec. 3;
  - (vii) 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;
  - (viii)Power Plants
- (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 1.06; Variances, see Section 3.01(c)(5), and for Site Plan Review, see Section 4.02).
  - (iii) 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.
  - (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, excessive vibration or danger of fire or explosion, except to the extent allowed by Town of Mendon, Massachusetts By-Law, Chapter XXIX, Section 3, Right to Farm By-Law.
  - (v) 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.

- (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 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) 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. Street plantings shall not block the line of sight for exiting traffic.
    - 3) 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.
  - (viii) Any references to Massachusetts General Law (MGL) shall mean and include any and all amendments thereto.
- (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.
  - (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 and any future building, structure, and/or use shall conform to the regulations of this Zoning By-Law.
  - (viii) 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)(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

	Uses	Districts			
		RR	GR	GB	HB
<b>Residential Uses</b>					
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
<b>Accessory Uses – Residential</b>					
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. *	Y	Y	Y	N
7	Home occupations *	Y	Y	PB	PB
8	Bed and Breakfast *	PB	Y	PB	N
9	Non-exempt radio towers, and similar structures *	N	N	N	N
10	Portable storage containers* See Note #69	Y	Y	Y	Y
<b>Agricultural Uses</b>					
11	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
12	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
13	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
14	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
<b>Table A--Table of Uses</b>					
	Uses	Districts			
		RR	GR	GB	HB
15	Non-exempt greenhouse or nursery, year round, with retail sales	N	PB	Y	Y
16	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
17	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
18	Kennel *	N	PB	PB	N
19	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>					
20	Municipal administration	PB	Y	Y	Y
21	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
22	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
23	Family child care and large family child care homes as defined and in accordance with M.G.L. c. 15D, sec. 1A *	PB	PB	PB	PB
24	Cemetery	PB	PB	N	N
25	Non-profit civic organizations, clubs, library, or museums	PB	PB	PB	N
<b>Business and Retail</b>					
26	Retail stores, indoor sales only	N	N	Y	Y
27	Retail stores that may include fabrication and assembly	N	N	Y	Y
28	Wholesale business and storage provided there is no manufacturing or processing of materials	N	N	Y	Y
<b>Table A—Table of Uses</b>					
	<b>Uses</b>	<b>RR</b>	<b>Districts</b>		
			<b>GR</b>	<b>GB</b>	<b>HB</b>
29	Building Materials Sales Room	N	N	Y	Y
30	Shopping center *	N	N	PB	PB
31	Craft Shop of artist, potter, sculptor, wood carver, or similar craftsman	N	PB	Y	N
32	Farmers Market*	Y	Y	Y	Y
33	Business and professional offices	N	PB	Y	Y
34	Bank or financial institution	N	N	Y	Y
35	Trade, professional or other school conducted as a private business	N	N	Y	Y
36	Personal care services such as barber shops, beauty parlors and nail salons	N	N	Y	Y
37	Dry cleaning establishments limited to pick-up service	N	N	Y	Y
38	Restaurant or other establishment providing food and/or beverages within the building	N	N	Y	Y
39	Catering establishment	N	N	Y	Y
40	Motor vehicle service stations as defined and in accordance with Mendon Zoning By-Laws, Section 6.01	N	N	PB	PB
41	Motor vehicle repair, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
42	Auto body shop, provided that all work is conducted within a completely enclosed building	N	N	PB	PB
43	Automobile dealership for sale, leasing and servicing of new and used automobiles	N	N	PB	PB
44	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
45	Sale and rental of recreational vehicles	N	N	PB	PB
46	Boat sales and rental including storage, maintenance and repair of small boats	N	N	PB	PB
47	Heating oil sales and service	N	N	PB	PB
48	Funeral or undertaking establishment	N	N	PB	PB
49	Crematory	N	N	N	N
50	Veterinary hospital	N	N	PB	PB
51	Hotel	N	N	PB	PB
52	Medical center for medical, dental, or clinical	N	N	PB	PB
53	Marina	N	N	Y	N
<b>Table A—Table of Uses</b>					
	<b>Uses</b>	<b>Districts</b>			

		RR	GR	GB	HB
54	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>				
55	Light manufacturing or light assembly facility	N	N	PB	PB
56	Indoor display and sales of products of manufacturing activities conducted on the premises	N	N	Y	Y
57	Any industrial use permitted above by right in excess of 10,000 square feet building area	N	N	PB	PB
	<b>Recreational</b>				
58	Indoor commercial entertainment such as theater, motion picture house, bowling alley, or other indoor amusement	N	N	PB	Y
59	Drive-in theater	N	N	Y	N
60	Golf course and /or country club	PB	PB	N	N
61	Golf driving range not accessory to golf course or country club	N	N	PB	N
62	Playing fields, playground, swimming pool, tennis and basketball courts on municipal land	PB	PB	PB	PB
63	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.		
64	Any recreational use permitted above by right in excess of 10,000 square feet building area	N	PB	PB	PB
	<b>Utility</b>				
65	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	N	See Section 5.04 for permissible locations for this use, and permits required.		
	<b>Communication, Transportation</b>				
66	Wireless Communications Facilities as defined and in accordance with Mendon Zoning By-Laws, Section 2.07	PB	PB	PB	PB
67	Amateur radio towers as defined and in accordance with Mendon Zoning By-Laws, Section 2.07 (d) (i) 4)	PB	PB	PB	PB
	<b>Accessory Uses – Non-Residential</b>				
68	Retail uses such as cafeterias, snack bars, gift 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.	N	N	Y	Y
<b>Table A—Table of Uses</b>					
	<b>Uses</b>		<b>Districts</b>		
		<b>RR</b>	<b>GR</b>	<b>GB</b>	<b>HB</b>
69	Portable storage containers not visible from the right of way or from any residential property *	Y	Y	Y	Y
70	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
71	Drive thru windows for restaurants and food service establishments	N	N	PB	PB
72	Drive thru windows for other businesses subject and in accordance with Section 1.02 (d) and Section 1.06 of the Mendon Zoning By-Laws	N	N	PB	PB
	<b>Miscellaneous Uses</b>				
73	Earth removal as defined and in accordance with the Town of Mendon By-Laws, Chapter XIV	BOS	BOS	BOS	BOS

Table A

Table of Uses

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. Large animals, (25 pounds or heavier at maturity) in excess of two, may be allowed by Special Permit from the Planning Board. 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 lot lines.

	<p>An exception can be made in the case of chickens. Up to 12 chickens, excluding roosters, may be allowed on premises having an area of not less than 40,000 square feet.</p> <p>The maintenance of domestic livestock in existence at the time of passage of this by-law shall be exempt from the above provisions. Upon the sale of the property, this accessory use may be allowed by Special Permit from the Planning Board.</p> <p>The use of the property shall conform to all regulations of the Mendon Board of Health.</p>
7	<p>Home occupations are permitted only if conforming to the following:</p> <ul style="list-style-type: none"><li>(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.</li><li>(ii) Not more than one person who is not a member of the household shall be employed on the premises in the home occupation.</li><li>(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.</li><li>(iv) Traffic generated shall not exceed volumes normally expected in residential neighborhood.</li><li>(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.</li></ul> <p>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.</p>
8	<p>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.</p>
9	<p>This category is not intended to include Wireless Telecommunication Facilities as defined in Section 2.07 of the Town of Mendon Zoning By-Laws.</p>
11-17	<p>Such uses shall be permitted subject to the following conditions:</p> <ul style="list-style-type: none"><li>(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.</li><li>(2) The use of the property shall conform to all regulations of the Local Board of Health and State Health Authorities.</li></ul>
“Agricultural uses”	
18	<p>Kennel: The keeping of more than three (3) dogs that are more than three (3) months old, for breeding, boarding, sale, training, hunting or other purposes.</p>
19	<p>In all cases, 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. 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.</p>
23	<p>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, including participating children living in the residence.</p>
30	<p>Consisting of at least 3 buildings and provided that the buildings are designed as an architectural unit.</p>
32	<p>An outdoor market at which farm produce is sold directly to the public. A Farmer’s Market in the Rural Residential District shall be limited to 5 hours a day, one day a week, during the months of June, July, August, September, and October. Each vendor that sells processed/prepared food products must be licensed as a farmer’s market retail food operation and inspected by the Boston Inspectional Services department, Health Division, in accordance with 105 CMR 590.000 State Sanitary Code.</p>
69, 10	<p>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. No portable storage container</p>



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.

70                    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 18**  
**(Planning**  
**Board)**

Voted to Passover this Article.  
**UNANIMOUS VOICE VOTE**

To see if the Town will vote to amend the Mendon Zoning By-Laws by making the following changes, or act or do anything in relation thereto.

1.    Section 1.02 (a) 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 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 1.02 (g), delete in its entirety.
4.    Section 1.02 (o), delete in its entirety and replace with the following: Piggery: All buildings, structures and/or pens used specifically to shelter and maintain pigs.
5.    Section 1.02, add the following definition: Power Plant: A building or buildings housing machinery, dynamos, and associated equipment necessary for the generation of electrical power, exclusive of wind energy turbines and large-scale ground mounted solar voltaic installations.
6.    Section 1.05, Board of Appeals, delete Sections 1.05 (c), and (d) in their entirety:
7.    In Section 1.06, Provisions for Applying for a Special Permit, delete Sections 1.06 (d), (f) and (g) in their entirety:
8.    Delete Section 2.04, Non-Conforming Structures, in its entirety:
9.    Delete Section 2.05, Prohibited Uses, in its entirety:

**ARTICLE 19**

Voted to Passover this Article.  
**UNANIMOUS VOICE VOTE**

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 20** Voted to amend the Mendon Zoning ByLaws by deleting Section 2.03, Provision of Parking, in it entirety and replacing it with a new Section 2.03, Off Street Parking and Loading, including the amendment below.

Voted to amend the Off street Parking Regulations Table as follows:  
Under Bed and Breakfast change “room” to “unit.”

**MAJORITY VOICE VOTE**

Defeated a motion to amend the off street Parking Regulations Table as follows:  
Delete Church, Place of Worship- 1 space per 4 seats

**MAJORITY VOICE VOTE**

Section 2.03 Off Street Parking and Loading

(a) Purpose

It is the intent of this section to assure that off-street parking and loading spaces are provided to accommodate the motor vehicles of all persons normally using or visiting a use or structure at any one time. For any permitted use hereafter established, such spaces shall be provided in accordance with standards hereinafter specified. All spaces required to be provided by this Section shall be permanently maintained and made available for occupancy in connection with and for the full duration of the use of land or structures for which such spaces are herein required. If any existing use of land or structure is changed to a use requiring additional spaces to comply with this Section, such additional spaces shall be provided for the new use in accordance with the standards hereinafter specified.

(b) Applicability

Notwithstanding other requirements of these regulations, off-street parking facilities shall satisfy the following minimum requirements with regard to number of spaces and location. Where parking is located on a lot separate from that of the facility, such lot shall also be owned by the applicant or shall be under a lease sufficiently long in term to assure that adequate parking will be available for the probable duration of the use. All parking for an intended use shall be located within 300 feet of the main building entrance and not separated by any streets or ways. The Planning Board may grant a waiver of up to 20% of the parking required provided the applicant can prove that suitable parking will be present for the intended use of the property.

Table of Off-Street Parking Regulations

Principal Use	Minimum Number of Parking Spaces
Single Family Home	2 spaces per dwelling unit
Two Family Dwelling	2 spaces per dwelling unit
Church, Place of Worship	1 space per 4 seats
Convalescent or Nursing Home	3 spaces per 1000 square feet of gross floor area
Bed and Breakfast	1 space per guest <del>room</del> <b>unit</b> plus 2 spaces for family
Hotel	1.5 space per guest unit plus required parking for any restaurant or places of assembly located within the premises.
Restaurants and other places serving food or beverages	1 space for each 5 seats plus 1 space for each 5 employees
Motor Vehicle Service Station	1 space per 200 square feet of gross floor area
Retail store, service establishment, financial institution, shopping center	1 space per 250 square feet of gross floor area
Furniture, floor covering or appliance Store	1 space per 500 square feet of gross floor area
Automobile Repair, Sales or other workshop	1 space per 300 square feet of gross floor space plus requirements for outdoor sales if applicable
Professional office, clinics	1 space per 300 square feet of gross floor area
Home Occupations	3 spaces plus required residential parking with a maximum of 5 spaces

Private Club, Country Club including golf course or other similar recreation facility	1 space per 1000 square feet of fully enclosed area plus required parking for accessory uses such as a restaurant and meeting rooms. Golf Course shall require a minimum of 100 spaces; tennis, racquetball or the like shall require 2 spaces per court in addition to above mentioned requirements.
Funeral or undertaking establishment	40 spaces plus 10 spaces per chapel or parlor in excess of one.
Wholesale, Manufacturing, Contractors Yards, Warehousing	1 space per 1000 square feet of gross floor area
Child Care	1 space per 500 square feet of gross floor area
Schools	4 spaces per classroom plus 1 space per 5 seats of dedicated public assembly space
Library, Museums	1 space per 600 square feet of gross floor area
Theaters and places of assembly	One space per every five seats
Other uses not listed	As determined by the Planning Board

(c) Design standards.

(i) Loading space standards.

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

(ii) Parking Lot (space) Standards:

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

11) Each required parking space, exclusive of driveways and aisles, shall be at least 9 feet wide and 18 feet long. The dimensions for parking spaces and drive aisles shall conform to the following table:

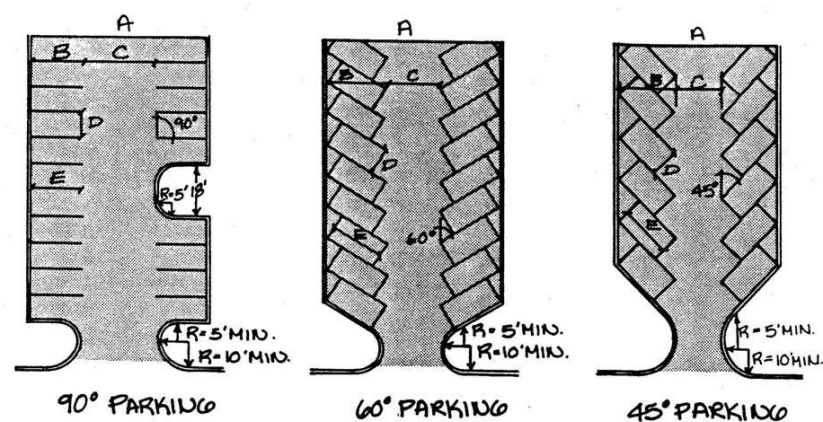
	90 deg	60 deg	45 deg
A. Double Parking Bay	60 feet	58 feet	53 feet
B. Depth of Bay	18 feet	20 feet	19 feet
C. Width of Aisle	24 feet	18 feet *	15 feet *
D. Width of Space	9 feet	9 feet	9 feet
E. Depth of Space	18 feet	18 feet	18 feet

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

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

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

(iii) Entrances and exits.



• This is an interpretive aid only and is not part of the regulations.

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

(d) Maintenance of parking facility

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

(e) Construction

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

(f) Joint use

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

(g) Hybrid parking

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

(h) Phased parking development

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

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

**UNANIMOUS VOICE VOTE**

The warrant was dissolved at 11:16pm. There were 70 voters in attendance. The tellers for the meeting were Kathryn Rich and Nancy Fleury. The officer for the meeting was David Kurczy.

A true copy. Attest:

Margaret Bonderenko  
Town Clerk