

TOWN OF DRACUT

Incorporated February 26, 1701

ZONING BY LAWS

With Amendments through November 4, 2013 Annual Town Meeting

Prepared by the Dracut Town Clerk's Office
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TOWN OF DRACUT - ZONING BY-LAWS

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1.00.00 PURPOSE, AUTHORITY AND PROCEDURE

1.10.00 Authority and Purpose

1.10.10 Authority. This By-law which shall be known as the Town of Dracut Zoning By-law is adopted pursuant to Chapter 40A of the General Laws of the Commonwealth of Massachusetts and Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.10.20 Purpose. The purpose of this By-law is to implement the zoning powers granted to the Town of Dracut pursuant to the Constitution of the Commonwealth and Statutes of the Commonwealth and includes, but is not limited to, the following objectives: to lessen congestion in the streets; to conserve health; to secure safety from fire, flood, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land, to avoid undue concentration of population; to encourage housing for persons of all income levels; to facilitate the adequate provision of transportation, water, water supply, drainage, sewerage, schools, parks, open space and other public requirements; to conserve the value of land and buildings, including the conservation of natural resources and the prevention of blight and pollution of the environment; to encourage the most appropriate use of land throughout the Town of Dracut, including consideration of the recommendations of the land use plan adopted by the Planning Board; and the plans of the Northern Middlesex Area Commission; and to preserve and increase amenities; and to preserve and enhance the natural scenic and aesthetic qualities of the Town of Dracut.

1.11.00 Administration

1.11.10 Enforcement. This By-law shall be enforced by the Building Inspector of the Town of Dracut. The Building Inspector, upon being informed in writing of a possible violation of this By-law or on his own initiative, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. If the Building Inspector is so informed in writing and declines to act, he shall within fourteen (14) days of his receipt of such information give to his informant, in writing, his reasons for refraining from taking any action. The Building Inspector, on evidence of any violation after investigation and inspection, shall give written notice of such violation to the owner and to the occupant of such premises,

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Upon granting a permit the Building Inspector shall cause a copy to be posted on the property to which it relates in a conspicuous place.

1.11.40 Professional Inspection. Construction on projects under a single building permit involving either one or more structures (other than one and two family dwellings) each containing 35,000 cubic feet of volume or more, or involving 50 or more dwelling units, irrespective of type, shall be done with the inspection of a registered professional engineer or architect, retained by the developer. Such engineer or architect shall periodically, as requested by the Building Inspector, attest that all work being done under his supervision is being done in accordance with the plans as approved for a building permit, in accordance with any stipulations of applicable permits, special permits, or variances, and in accordance with all applicable Town and State codes and regulations. Discrepancies from the above noted by such engineer or architect shall be reported forthwith to the Building Inspector.

1.11.50 Penalty. Any person violating any of the provisions of this By-law, any of the conditions under which a permit is issued, or any decision rendered by the Board of Appeals shall be fined not more than \$100.00 for each offense. Each day that such violation continues shall constitute a separate offense.

1.12.00 Reserved

1.13.00 Board of Appeals

1.13.10 Establishment. The Board of Appeals shall consist of five members and two associate members, who shall be appointed by the Town Manager and shall act in all matters under this By-law in the manner prescribed by Chapters 40A, 40B, and 41 of the General Laws of the Commonwealth of Massachusetts.

Within two (2) weeks of the beginning of each calendar year, the Zoning Board of Appeals shall organize and elect a Chairman and Clerk from within its own membership.

The length of terms of the members of the Board of Appeals shall be such that the term of one member expires each year. A member of the Board of Appeals may be removed for cause by the Town Manager only after written charges have been made and a public hearing has been held.

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1.13.23 To issue comprehensive permits. comprehensive permits for construction may be issued by the Board of Appeals for construction of low or moderate income housing by a public agency or limited dividend or non-profit corporation, upon the Board's determination that such construction would be consistent with local zoning, building, health, or subdivision requirements, as authorized by Sec. 20-23, Ch. 40B, G.L.

1.13.24 To hear and decide appeals from any persons by reason of the inability to obtain a permit or enforcement action from the Building Inspector and to that end the Board of Appeals shall have all the powers of the Building Inspector and may issue or direct the issuance of a permit.

1.13.25 Effective Date of Variance. No variance or any modification, extension or renewal thereof shall take effect until a copy of the decision has been recorded in the Middlesex County Registry of Deeds. Such decision shall bear the certification of the Town Clerk that 20 days has elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

1.13.30 Public Hearings. The Board of Appeals shall hold public hearings in accordance with the provisions of Chapters 40A, 40B, and 41 of the General Laws on all appeals and petitions brought before it.

1.13.40 Repetitive Petitions. Repetitive petitions for Special Permit, appeals and petitions for variances, and applications to the Board of Appeals shall be limited as provided in Section 16 of Chapter 40A, General Laws.

1.14.00 Amendments. This By-law may from time to time be changed by amendments, additions, or repeal of the Town Meeting in the manner provided in Chapter 40A of the General Laws of the Commonwealth, as amended.

1.15.00 Appeals. Any person aggrieved by a decision of the Board of Appeals or any Special Permit granting authority, whether or not previously a party to the proceeding, or any municipal officer or board may, as provided in Section 17, Ch.40A, G.L., appeal to the Superior Court or to the Land Court by bringing an action within twenty days after the decision has been filed in the office of the Town Clerk.

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minimum, unless waived pursuant to Section 1.16.23, all applications for special permits pursuant to this section shall be submitted to the Planning Board, the Board of Selectmen, the Building Inspector, and Conservation Commission. Other referrals may involve at the SPGA's discretion the Police Chief, the Fire Chief, the Highway Surveyor and others who's input it determined to be of value in the decision making process. Any such board or agency to which petitions are referred for review shall make such recommendation or submit such reports as they deem appropriate and shall send a copy thereof to the Special Permit Granting Authority and to the applicant. Failure of any such board or agency to make a recommendation or submit a report within 35 days of receipt of the petition shall be deemed a lack of opposition.

1.16.13 Public Hearing and Decision - The Special Permit Granting Authority shall hold a public hearing no later than 65 days after the filing of an application. The Special Permit Granting Authority shall have the power to continue a public hearing under this section if it finds that such continuance is necessary to allow the petitioner or applicant to provide information of an unusual nature and which is not otherwise required as part of the special permit application. The Special Permit Granting Authority shall issue a decision no later than 90 days following the close of the hearing. Failure by a Special Permit Granting Authority to take final action upon an application for a special permit said 90 days following the close of the public hearing shall be deemed to be a grant of the permit applied for.

1.16.14 Mandatory Findings by Special Permit Granting Authority - The Special Permit Granting Authority shall not issue a special permit unless without exception it shall find that the proposed use:

1. Is in harmony with the purpose and intent of this By-law.
2. Will not be detrimental or injurious to the neighborhood in which it is to take place.
3. Is appropriate for the site in question.
4. Complies with all applicable requirements of this By-law.

1.16.15 Special Permit Conditions - The Special Permit Granting Authority may impose such conditions, safeguards and limita-

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no appeal has been filed, or that if such an appeal has been filed, it has been dismissed or denied.

1.16.18 Conditioning by the Special Permit Granting Authority
The Special Permit Granting Authority may for valid reason limit the term of a special permit to be conditional upon specific ownership of the property and/or structure.
The Special Permit Granting Authority may also require a resubmission of documentation concerning the conditions in evidence at the time of the original granting or subsequent thereto if for said good reason a re-evaluation of items concerning the health, safety and welfare of the inhabitants of the Town of Dracut is in order. Said re-evaluation must be so stated and fixed in period during the original granting.

1.16.20 Site Plan Special Permits - A Site Plan Special Permit is required for certain uses prior to approval of an applicant for a special permit.

1.16.21 Applicability - A Site Plan Special Permit shall be required in all instances as follows:

1. for the initial development of land specified in section 2.11.30 Table of Permitted Uses as requiring a Site Plan Special Permit and for all accessory uses thereto, or
2. where the gross floor area of an existing building is increased 1200 square feet or more for uses designated as requiring a Site Plan Special Permit on the Table of Permitted uses, or
3. where a use designated as requiring a Site Plan Special Permit on the Table of Permitted Uses is expanded in ground area by 1,200 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the principal accessory use.
4. for any development of land in excess of 1,200 square feet of gross floor area located in an area along the Merrimack River from the river's edge to 500 feet from Merrimack Avenue (State Route 110) north and west.

1.16.22 Application Contents - Any person who desires to obtain a Site Plan Special Permit shall submit a written application therefore to the Special Permit Granting Authority as shown

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1.16.23 Site Plan Special Permit Waiver of Application Contents - At the time of application for a building or occupancy permit, a site plan, as required in Section 1.16.21 shall be transmitted to the Special Permit Granting Authority in two copies, together with all supporting documentation. The applicant may, prior to submitting his application, request in writing to the Special Permit Granting Authority, a waiver of one or more of the requirements of Section 1.16.22 by submitting a preliminary plan sufficient to describe the proposed development and conferring therein with the Special Permit Granting Authority at a regular meeting. The Special Permit Granting Authority shall prepare a written report, within twenty-one days of its conference with the applicant, on the waiver request which shall accompany the application recommending either

1. that the applicant's preliminary plan is sufficient for review and is either approved, not approved, or approved with certain changes by the Special Permit Granting Authority without further review by them, or,
2. that a site plan under Section 1.16.21 is necessary and must be submitted to the Special Permit Granting Authority or,
3. a modified site plan, with specifically named elements, is necessary and must be submitted to the Special Permit Granting Authority.

1.16.24 Modification, Clarification or Any Other Action Taken with Regard to the Conditions of an Existing Special Permit: All filings for modification, clarification or any other action taken with regard to the conditions of an existing Special Permit granted by the Board of Selectmen, shall be filed with the Board of Selectmen at a "regularly" scheduled meeting, together with a certified list of abutters obtained from the Assessors, a brief setting forth in detail all facts relied upon by the parties. The applicant shall provide for first class postage to notify the interested parties on the abutters list. In addition the applicant shall provide for the cost of the advertising at the prevailing rate for the proper advertisement of the public modification hearing in a newspaper having general circulation in the Town. Notice of Hearings shall be advertised as required by the provisions of the General Laws, Chapter 40A (each of two successive weeks, but the first publication shall be not less than 14 days prior to the hearing date in a newspaper having

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fourteen days in the office of the city or Town Clerk and shall be deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner, applicant or appellant, to the parties in interest designated in Section Eleven, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent. Each such notice shall specify that appeals, if any, shall be made pursuant to M.G.L. Chapter 40A, Section Seventeen and shall be filed within twenty days after the date of the filing of such notice in the office of the city or Town Clerk, or act in any other way relative thereto.

1.17.00 Applicability

1.17.10 Other Laws. Where the application of this By-law imposes greater restrictions than those imposed by any other regulations, permits, easements, covenants or agreements, the provisions of this By-law shall control.

1.17.20 Minima. The regulations set by this By-law shall be the minimum regulations and shall apply uniformly to each class or kind of structure or use and, particularly:

1.17.30 No building, structure, or land shall hereafter be used or occupied, and no building or structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered except in conformity with the regulations specified herein for the district in which it is located.

1.17.40 No building shall hereafter be used, erected, or altered to accommodate or house a greater number of families; to exceed the height or bulk requirements; or to have narrower or smaller rear yards, front yards, side yards, than is specified herein.

1.17.50 No yard or other open space; or off-street parking or loading area, or any portion thereof, provided for any building, structure, or use in conformity with this By-law shall be included as part of the yard, open space or off-street parking or loading area similarly required for any other building, structure, or use, unless specifically allowed in this By-law.

1.18.00 Validity. The invalidity of any section or provision of this By-law shall not invalidate any other section or provision thereof.

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2.00.00 DISTRICT REGULATIONS

2.10.00 Establishment of Districts

For the purpose of this By-law, the Town of Dracut is hereby divided into the following districts:

Residential	Residential 1	(R-1)
	Residential 2	(R-2)
	Residential 3	(R-3)
Business and Commercial	Business 1	(B-1)
	Business 2	(B-2)
	Business 3	(B-3)
	Business 4	(B-4)
	Business 5	(B-5)
Industrial	Industrial 1	(I-1)
	Industrial 2	(I-2)
Special Overlay Districts	Wetland & Water Conservancy	(WWC)
	Flood Plain District	(FP)

The boundaries of each district are herein established, defined and bounded as they appear on the Town's Geographic Information System (and as maintained in an electronic format by the Town Clerk's Office), as of October 31, 2008, and further amended from time to time by Town Meeting action, or corrected by Town Engineer.

2.11.00 Regulation of Uses

2.11.10 Application. No building or structure shall be erected and no premises shall be used except as herein set forth in the following sections.

2.11.20 Uses Not Listed. If a particular use or activity is not listed in Section 2.11.30 and further identified in Section 2.11.40, such use is prohibited. If an activity might be classified under more than one of the Principal Use Definitions, the more specific definition shall determine whether the use is permitted. If the activity might be classified under equally specific definitions, it shall not be permitted unless both Principal Uses are permitted in the district.

2.11.30 Table of Permitted Uses – Page 1 of 4

Principal Uses	Residential		Business				Industrial			
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<u>General Uses</u>										
Agriculture	P	P	P	P	P	P	P	P	P	P
Conservation	P	P	P	P	P	P	P	P	P	P
Earth Removal	0	0	0	0	0	0	0	0	SS (#1)	SS (#1)
Recreation	P	P	P	P	P	P	P	P	P	P
<u>Residential Uses</u>										
Single Family Dwelling	P	P	P	P	0	0	0	0	0	0
Two Family Dwelling	0	0	SPB(#2)	SPB(#2)	0	0	0	0	0	0
Multi-Family Dwelling	0	0	SPB(#3)	0	0	0	0	0	0	0
<u>Governmental, Institutional, & Public Service Uses</u>										
Municipal	P	P	P	P	P	P	P	P	P	P
Educational	SS	SS	SS	SS	P	P	P	P	0	0
Religious	P	P	P	P	P	P	P	P	P	P
Nursing Home	0	0	SPB	SPB	P	P	P	P	0	0
Public or Private Utility Facilities	0	0	0	0	0	0	0	0	SS-R	SS-R
Hospitals	0	0	0	SS	SS	SS	SS	SS	0	0
Correctional Facilities	0	0	0	0	0	0	0	0	SS	SS
Cemeteries	P	P	P	0	0	0	0	0	P	0
Post Office	0	0	0	P	P	P	P	P	SS	0
<u>Business Uses (#4)</u>										
Retail Store <5,000 G.S.F.	0	0	0	P	P	P	P	P	SPB-R	0
Retail Store >5,000 G.S.F.	0	0	0	0	0	SPB-R	SPB-R	SPB-R	0	0
Professional Office	0	0	0	SPB-R	P	P	P	P	0	0
Financial Service	0	0	0	SPB-R	P	P	P	P	0	0
Restaurant	0	0	0	SPB-R	SPB-R	P	P	P	SPB-R	0
Restaurant – Fast Food	0	0	0	0	0	SS-R	P	SS-R	SS-R	0
Hotel, Inn or Motel	0	0	0	0	0	P	P	P	SS-R	0
Combined Business or Dwelling	0	0	0	SPB-R	0	SPB-R	P(#11)	SPB-R	0	0
Lodge or Club	SS-R	SS-R	SS-R	SS-R	SS-R	P	P	P	P	P
Redemption Center <5,000 G.S.F.	0	0	0	0	0	SPB	SPB	0	SPB	SPB
Redemption Center >5,000 G.S.F.	0	0	0	0	0	SPB-R	SPB-R	0	SPB-R	SPB-R

2.11.30 Table of Permitted Uses – Page 3 of 4

Principal Uses	Residential			Business			Industrial			
	R-1	R-2	R-3	B-1	B-2	B-3	B-4	B-5	I-1	I-2
<u>Industrial Use (cont'd)</u>										
Heavy Manufacturing	0	0	0	0	0	0	0	0	0	SPB-R
Heavy Vehicle Sales	0	0	0	0	0	SS-R	SS-R	SS-R	SS-R	SS-R
Heavy Vehicle Repair	0	0	0	0	0	0	0	0	0	SS-R
Light Manufacturing	0	0	0	0	0	0	0	0	P	P
Waste Treatment	0	0	0	0	0	0	0	0	0	SS-R
Waste Recovery	0	0	0	0	0	0	0	0	0	SS-R
Waste Transfer Facility	0	0	0	0	0	0	0	0	SS-R	SS-R
Slaughter House & Similar	0	0	0	0	0	0	0	0	0	SS-R
Telecommunications Facility	0/9	0/9	0/9	0/9	0/9	0/9	0/9	0/9	SS-R/9	SS-R/9
<u>Other Uses</u>										
Storage	0	0	0	0	0	0	0	0	0	SS-R
Containerized Temp. Storage	SS	SS	SS	SS	SS	SS	SS	SS	SS	SS
Truck Terminal	0	0	0	0	0	0	0	0	0	0
Solid Waste Disposal	0	0	0	0	0	0	0	0	0	0
Biological Research	0	0	0	0	0	0	0	0	SS-R	SS-R
Adult Entertainment Establishments	0	0	0	0	0	0	0	0	0	0
Fairs, Carnivals, Etc. (#6) (#7)	0	0	0	0	0	SS-R	SS-R	SS-R	SS-R	SS-R
In-Law Suites (# 8)	SPB	SPB	0	SPB	SPB/8	SPB/8	SPB/8	SPB/8	SPB/8	SPB/8
Student Transit Vehicle Parking	0	0	0	0	0	0	0	0	SPB	SPB

NOTES:

- CODES:
- P - A Permitted Use
 - 0 - A Prohibited Use
 - SPB - Special Permit – Planning Board
 - SS - Special Permit – Board of Selectmen
 - R - Suffix Denotes Site Plan Review

(Example: SS-R = Special Permit by the Board of Selectmen plus a Site Plan Review pursuant to 1.16.20)

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Wherefore, the Town of Dracut hereby adopts the following temporary moratorium on the use of land or structures for medical marijuana treatment centers in the Town.

2.11.21.2 TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision in the Town of Dracut Zoning Bylaw to the contrary, the Town of Dracut hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium will be in effect until July 1, 2014. During the moratorium period, the Town will undertake a planning process to address the potential impacts of medical marijuana in Dracut, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and adopt new zoning regulations to address the impact and operation of medical marijuana treatment centers and related uses.

2.11.40 Principal Use Definitions

2.11.41 General

Agriculture - Cultivating and harvesting general crops including the storage of necessary farm equipment on parcels of less than five acres and raising of livestock if on parcels of more than five acres.

Conservation - The use of land in its natural state or improved with trails or resource management programs that do not significantly alter its natural state.

Earth Removal - The removal of earth products from a lot, including but not limited to, sand, gravel, soil, loam, and mineral products. The removal of earth products which is incidental to and in connection with 1) the necessary excavation and grading of a site for a building or structure and its appurtenant driveways or parking facilities for which a permit has been granted by either the Building Inspector, the Board of Selectmen, the Planning Board or the Board of Appeals, or 2) the construction of a street approved under the Subdivision Control Law, shall not be considered as earth removal for the purposes of this By-law.

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public service corporation. (as Amended June 7, 1999, Article #12.)

Hospital - Any facility principally designed to provide medical treatment including surgical services and short term to intermediate care so licensed as a hospital of the Commonwealth of Massachusetts.

Correctional Facility - Any facility designed to house, feed and hold persons duly sentenced to be incarcerated in accordance with the penal system of the Commonwealth of Massachusetts, the County of Middlesex or other judicial authority for a period of time exceeding ten days.

Cemeteries - Any land or portion thereof used for the purpose of internment by burial or placement in a crypt or mausoleum of deceased humans or animal remains.

Post Office - any facility designed for the sorting, storage, including lock boxes, delivery and/or otherwise the general handling of mail including parcels whether operated publicly or privately.

2.11.44 Business Uses

Retail Store - An establishment engaged in displaying and selling goods or merchandise within a building to the general public or to business establishments which goods or merchandise are not intended for resale; except that a garden center, florist or commercial greenhouse may have open air display of horticultural products.

Business or Professional Office - A business or professional office; a medical office or out-patient clinic, including laboratories incidental thereto.

Financial - Bank, loan agency or similar facility.

Restaurant - Establishment where food and beverages are sold within a building to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the building, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above.

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Studio - A facility used as a place of work by an artist, photographer or artisan.

Building Trade Shop - An establishment for use by the practitioner of a building trade such as a carpenter, welder, plumber, electrician, builder, mason or similar occupation.

Commercial Recreation - Indoor or outdoor facilities, operated as a business and open to the public for a fee such as facilities for ice skating, roller skating, racquet sports, bowling, horseback riding, swimming and miniature golf.

Lounge or Pub - Any facility other than a restaurant designed primarily for the serving of alcoholic beverages within which entertainment may be provided and requiring a license from the Town of Dracut pursuant to Massachusetts General Laws Chapter 138 Section 2.

Commercial and Trade School - Private educational facility for profit including training centers, and business schools.

Amusement Facility Indoor - Facilities open to the public for a fee or admission charge such as a theater, cinema or video arcade.

Amusement Facility Outdoor - An outdoor amusement park; outdoor cinema; stadium; race tracks including horse, dog other animal or vehicular including motorized cycles, and other vehicles whether track is designed for lap racing, elapsed time or a combination.

Car Wash - A commercial facility designed for the principal use of vehicle washing with mechanized equipment whether automatic, semi-automatic, or manual.

Motor Vehicle Service Station - Facility for outdoor sale of motor vehicle fuels, related products and services provided that all major maintenance and servicing of vehicles shall be conducted entirely within a building.

Motor Vehicle Repair or Body Shop - Establishment where the principal service is the repair of automobiles or similar light motor vehicles provided that all major maintenance and servicing of vehicles shall be conducted entirely within a building.

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hide farm and are considered farm or draft animals.

Day Care Facility - Any facility operated on a regular basis which receives children not of common parentage under seven (7) years of age, or under sixteen (16) years of age if such children have special needs, or non-residential custody and care during part or all of the day separate from their parents or the elderly 60 years of age or older. Day Care Center shall not include any part of a public school system; any part of a private organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related pre-school services; a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care home; an informal cooperative arrangement among neighbors or relatives; or the occasional care of children without compensation.

Redemption Center: Redemption centers shall be those businesses engaged in the return of beverage containers or products requiring deposits for return. The redemption center may be the full-time business or as an ancillary use regarding the business. Such use shall be authorized in the following business and industrial zones: B-3, B-4, I-1 and I-2. redemption centers with 5000 gross sq.ft. or less shall require a Special Permit by the Planning Board. Redemption centers in excess of 5,000 gross sq.ft. shall require a Special Permit with site Plan Review by the Planning Board.

Body Art: shall mean the practice of physical body adornment, alteration, or modification by means including, but not limited to, piercing, tattooing, branding, braiding, beading, or implantation.

Body Art Establishment: shall mean any facility that has been inspected and approved by the Board of Health for use in conducting Body Art activities. A Body Art Establishment shall be permitted in, B-3, B-4, B-5, zones upon the issuance of a Special Permit by the Board of Selectmen.

Conditions: No Body Art Establishment shall be within:

1. Five Hundred (500) feet of the following zoning districts: R-1, R-2, R-3; or
2. Five Hundred feet of a public or private school.

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Heavy Manufacturing - Asphalt, block, bottling, concrete or fertilizer plants; monument works; paper or pulp mill; refinery; rendering or smelting plants; slaughterhouses.

Waste Treatment - Any process designed to treat or alter a solid or liquid waste prior to disposal.

Waste Recovery - Any process designed to treat, alter, clean, filter, distill, separate, or by any other method recover a usable material of liquid from a waste product prior to or as an alternative to disposal.

Waste Transfer Facility - Any facility designed for the temporary storage in bulk or containerized form of any solid or liquid waste prior to treatment or ultimate disposal at another location. The term waste transfer facility shall not apply to containers used for the storage of solid waste prior to disposal generated on site by any business or industrial use permitted by this By-law, however, all regulations pertaining to waste storage shall apply.

Slaughterhouse and Similar - Any facility designed for the commercial slaughter, butchering, cleaning, skinning, or otherwise killing of animals for food, fur or hide and any subsequent related activity such as tanning or rendering. The term abattoir shall also apply. Such uses associated with the normal conduct of farming operations shall not be considered inclusive.

Telecommunications Facility - A wireless telecommunication facility, may include tower antennae, panels and structures to facilitate the following types of services: cellular telephone service, personal communication service and enhanced special mobile radio service.

Purpose and Intent:

A. The purpose of this bylaw is to establish general guidelines for the siting of wireless telecommunication towers and facilities. The goals of this bylaw are to (1) encourage the location of towers on industrial zoned land and minimize the total number of towers throughout the community; (2) encourage users of towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

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On Site Demonstration:

The Board of Selectman may require the applicant to perform an on-site demonstration of the visibility of the proposed tower by means of a crane with a mock antenna array raised to the maximum height of the proposed tower. A colored 4-foot minimum diameter weather balloon held in place at the proposed site and maximum height of the tower may be substituted for the crane if approved by the Board of Selectman. This demonstration shall take place after the application for the Special Permit. The applicant shall take care to advertise the date of the demonstration in the newspaper widely circulated in the neighborhood of the proposed site. Failure in the opinion of the Board of Selectmen to adequately advertise this demonstration may be cause to require another properly advertised demonstration.

Special Permit Requirements

- A. The tower and its facilities shall be located in accordance with the Federal Communications Commission (FCC) and the Federal Aviation Administration (FAA) Regulations in effect at the time of construction. The operation of the Tower and its facilities shall comply with all requirements of these agencies during the entire period of operation.
- B. The tower and its facilities shall be located within the Town of Dracut as follows:
 - 1. To the extent feasible all service providers shall co-locate on a single tower. Towers and accessory buildings shall be designed to structurally accommodate the maximum number of users.
 - 2. New towers shall be considered only upon a finding by the Board of Selectmen that existing or approved towers cannot accommodate the wireless communications equipment planned for the proposed tower.
 - 3. Siting for proposed facilities will be on I-1, I-2 or in an existing church steeple approved by the Board of Selectman.
 - 4. The base of all towers shall be no closer than three hundred (300) feet to a dwelling in a residential district. Facilities shall comply with existing setback requirements.
 - 5. Tower height shall not exceed 100 feet measured from the base of the tower at ground level to the highest point of the tower or its projection.

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B. A maintenance bond shall be posted for the access road, site and tower(s) in amounts approved by the Planning Board.

Site Plan Approval

Site Plan Approval by the Board of Selectmen is required for the siting and construction of a wireless telecommunication towers, antennae, and facilities. If modification of a special permit is sought, the Board of Selectmen may require approval of a new site plan.

A site plan submitted to the Board of Selectmen for approval shall contain ten (10) copies of a plan conforming to the requirements of this by-law in addition to the following documentation:

- a. Tower, antennae, and facility location (including guy wires, if any), and tower and antennae height.
- b. Eight- (8) view lines in a one- (1) mile radius from the site, shown beginning at True and North and continuing clockwise at forty-five (45) degree intervals.

Student Transportation Vehicle Parking - The parking and temporary storage of student transit vehicles including buses, special needs equipped vehicles, and related or support vehicles serving educational facilities. The term includes, if needed, the on-site repair and maintenance of vehicles, the storage of and dispensing of fuel products for the aforementioned vehicles and the provision for dispatching and securing personnel and necessary emergency vehicles and equipment.

Any property owner who has continuously operated a bus terminal or has continuously rented to someone who has operated a bus terminal on a property for a combination of at least forty years prior to the enactment of this section, the bus terminal operations shall be a grandfathered use and may continue to operate thereof so long as the owners maintain the current ownership of the property. Once the property is transferred to an unrelated party, the grandfather use is terminated.

If any provision of the article or the application thereof to any persons or circumstances shall to any extent be held invalid or unenforceable, the remainder of the article or the application of such provision to persons or circumstance other than those to which it is held invalid or unenforceable shall not be affected

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ter 272, Section 31; or an establishment having for sale sexual devices which shall mean any device primarily designed, promoted or marketed to physically stimulate or manipulate the human genitals, pubic area or anal area, or an establishment with a segment or section devoted to the sale or display of such materials.

2. Adult Motion Picture Theater - An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "Sexual Conduct" as defined in the General Laws Chapter 272, Section 31, for observation by patrons therein.

3. Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by emphasis on matter depicting, describing or relating to "Sexual Conduct" as defined in the General Laws Chapter 272, Section 31, for observation by patrons therein.

4. Adult Live Entertainment Establishments - Establishments which feature live entertainment which consists of entertainers engaging in "Sexual Conduct" or "Nudity" as defined in the General Laws Chapter 272, Section 31.

5. Massage Service Establishments

A. Massage - Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibration, or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointment or other such similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefor.

B. The practice of massage shall not include the following individuals who engage in the personal performance of duties of their respective professions:

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(5) feet above ground and any gate shall be self-latching with 2 latches placed four (4) feet above the ground or otherwise made inaccessible from the outside to children up to eight (8) years of age.

Above-ground Pools (Greater than 24" in depth):

Same setbacks shall apply for an above-ground pool with a depth greater than 24" as the inground pools. All above-ground pools will have a gate similar to an inground pool or a retracting ladder which can be locked in a upright position.

Utility/Storage Shed shall be an accessory use to all single and two family dwellings when said structure is 120 square feet or less (10 x 12). The structure shall require set backs of 30'(feet) front yard, not less 10'(feet) side and rear.

Accessory Uses Permitted in the Business Districts

The rental of automobiles, light trucks or trailers and similar light motor vehicles provided that such rental is secondary to the operation of a motor vehicle service station permitted under section 2.11.30.

Accessory Uses Permitted in the Light Industrial District I-1

Uses necessary in connection with scientific research or scientific development or related production may be authorized by special permit from the Planning Board.

Accessory Uses Permitted in the General Industrial District I-2

Rental of heavy trucks including truck-trailers and industrial equipment provided such rental service is secondary to a heavy vehicular sales establishment permitted under section 2.11.30, Heavy Vehicular Sales or Repair Garage.

Accessory Uses Permitted in any Zoning District

Wind machines designed to serve a principal use on a lot may be authorized by special permit from the Planning Board provided the Planning Board finds that the wind machine is set back from all lot lines at least the distance equal to the height of the tower from its base on the ground to the highest extension of any part of the wind machine. The Planning Board may allow the wind machine to exceed the maximum height limitations estab-

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8. Unit may not exceed 20% of existing living space or 700 sq.ft. of living space, whichever is greater.

9. Separate metered utilities are prohibited.

10. All restrictions and conditions must be recorded at the registry of deeds in accordance with the Special Permit requirements and shall include the subordination agreement by any bank or leaseholder, if applicable.

11 . The primary dwelling must be the principle residence of the property owner of record.

12. Upon sale or transfer of the property, Special Permit conditions notwithstanding, the dwelling must be returned to its former residential use, unless transferee applies to the Special Permit Granting Authority to renew the Special Permit for the new transferee, subject to the terms and conditions of this by law.

13. In the event that the in-law suite is advertised or used as a rental unit, the Special Permit Granting Authority or the Zoning Enforcement Officer shall notify the permit holder of its intention to revoke the permit, forthwith.

14. The applicant shall provide seven (7) sets of complete building plans and plot plans with the application to the Special Permit Granting Authority.

15. The Zoning Board of Appeals shall be allowed to issue a Special Permit for an already existing in-law suite in order to bring the unit into compliance with this section.

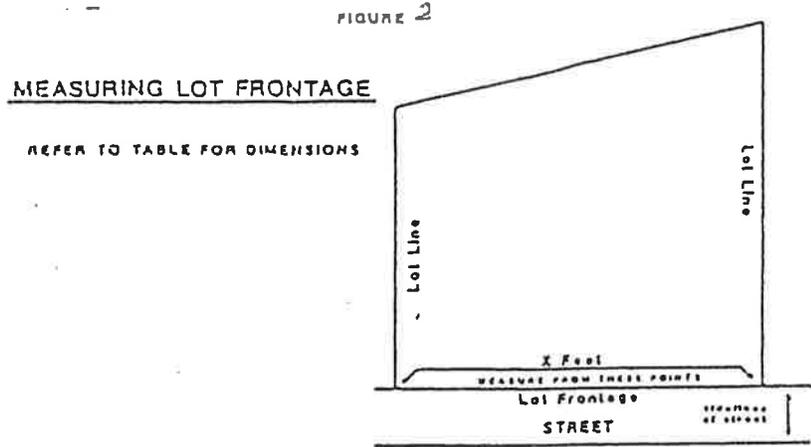
2.12.00 Intensity of Use (Dimensional Requirements)

2.12.10 Standard Dimensional Provisions - No land shall be used, and no structure or building shall be used or construction begun except in accordance with this Section and the Table of Standard Dimensional Regulations unless otherwise specifically permitted in this By-law.

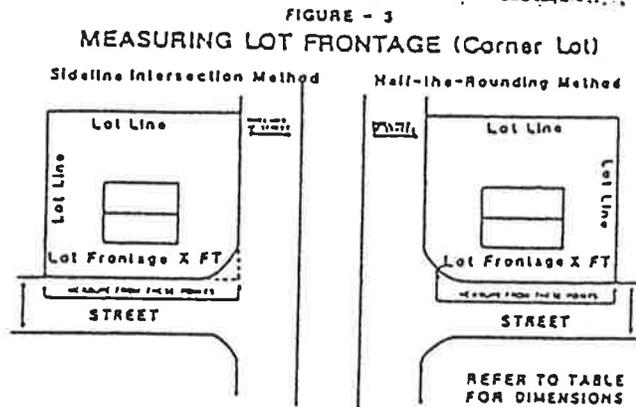
2.12.20 Minimum Land Area - In any district the following areas may not be considered in computing minimum lot sizes.

TOWN OF DRACUT - ZONING BY LAWS

2.12.42 Frontage - Frontage shall be measured in a continuous line along the sideline of a street between the points of intersection of the side lot lines within the street. (See Figure 2)



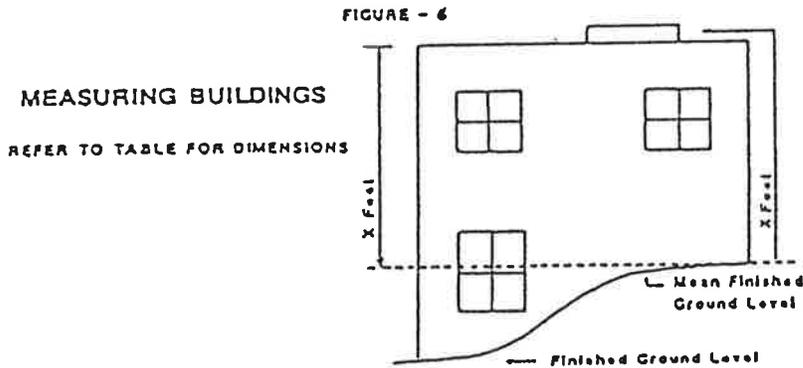
2.12.43 Frontage for a corner lot may be measured either to the point of intersection of the extension of the sideline of the rights of way or to the middle of the curve connecting the sideline of the intersecting streets. (See Figure 3)



2.12.44 If a lot has frontage on more than one street, the frontage on one street only may be used to satisfy the minimum lot frontage.

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2.12.48 Height in Feet, Buildings - Height in feet shall be the vertical distance measured from the mean of the finished ground level adjoining the entire building at each exterior wall to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. In all districts appurtenant structures located upon the roof of a building may extend above the height limit but in no case shall they exceed 100 feet in height when combined with the height of the building nor in the aggregate occupy more than 20% of the roof plan area unless authorized by special permit from the Special Permit Granting Authority as designated for the principal use as per Section 2.11.30 of this By-law or by the Planning Board if the principal use does not require a special permit. (See Figure 6)



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2.12.60 Dimensional Relief for Affordable Housing

The Planning Board may grant a special permit for the construction of an affordable dwelling unit on a residentially zoned lot having not less than fifty percent (50%) of the otherwise applicable lot area and lot frontage requirements for the specific zone that it is located in subject to the following conditions:

The unit shall be sold at a price affordable to persons in the Lowell Area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning not more than 80% of the median income. If the unit is to be constructed and occupied by the original applicant for the special permit, such applicant shall meet the income guidelines applicable for the sale of such unit and the unit shall be deemed to have a value no greater than the limits established by the Department for resale purposes.

The unit shall be deed restricted in perpetuity as affordable for persons or families in the Lowell area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 80% of the median income.

Prior to the sale or any subsequent sale of the unit, deed restrictions complying with the terms set forth above shall be approved as to form by the Board's legal counsel.

The lot shall be served by municipal water and sewer.

The structure shall meet the setbacks, side and rear yard requirements for the district.

2.12.70 Additional Development of Structures dedicated for business use:

Additional development of structures dedicated for business is permitted provided they meet the following additional requirements added by amending the Town of Dracut Zoning By Laws, Section 2.12.00 (Intensity of Use):

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8) There shall be public water and sewer available for the lot.

9) Notwithstanding Subsection 3) above, any lot which adjoins a Residential Zoning district or adjacent residential use shall comply with Section 3.14.00.

2.12.80 Multiple Principal Structures

Except in the residential districts, more than one principal structure may be erected on a lot with the following conditions:

1. Lot area to be 60,000 square feet or more.
2. All principal buildings on the lot shall be served by access ways suitable for fire, police and emergency vehicles.
3. Special permits as per Section 4.10.10 for any principal building having 10,000 square feet gross floor area.
4. All of the principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the principal building.

2.13.00 Flood Plain and Floodway Districts

The Flood Plain and Floodway District is herein established as an overlay district. The underlying permitted uses are allowed provided that they meet the following additional requirements as well as those of the Massachusetts State Building Code, Section 780 CMR 120.G, "Flood Resistant Construction" which deal with construction in floodplains.

The provisions of the Massachusetts Wetlands Protection Regulations (310. CMR 10.00) Inland Wetlands Restrictions and (310 CMR 13), Title 5 Minimum Requirements For the Sub Surface Disposal of Sanitary Sewage, Department of Environmental Protection (310 CMR 15, Title 5) should also be addressed. The Flood Plain District includes all special flood hazard areas within the Town of Dracut designated as Zone A, AE, AH, AND A99 on the Middlesex County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Dracut are panel numbers 25017C0109E, 25017C0117E, 25017C0128E, 25017C0129E, 25017C0135E, 25017C0136E, 25017C0137E, 25017C0138E, 25017C0139E, 25017C0141E, 25017C0142E, 25017C0143E, 25017C0144E, 25017C0153E and 25017C0161E dated June 4, 2010. The exact boundaries of the

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levels within the community during the occurrence of the base flood discharge.

2.13.30 Flood Plain Regulations - The Flood Plain District shall be considered as overlying other Districts. Any uses permitted in the portions of the District so overlaid shall be permitted subject to all the provisions of section 2.13.32 and 2.13.50.

2.13.31 Prohibited Uses - In the Flood Plain District no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling, or earth transfer or relocation shall be permitted; nor any land, building, or structure used for any purposes except as stated in 2.13.32 or as allowed by Special Permit in Section 2.13.50.

2.13.32 Allowed Uses - The following uses shall be allowed within the Flood Plain District:

1. Conservation of water, plants, and wildlife.
2. Outdoor recreation, including play areas, nature study, boating, fishing and hunting, where otherwise legally permitted, but excluding buildings and structures.
3. Non-commercial signs (as permitted in the residential districts), wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern on watercourse.
4. Grazing and farming, including truck gardening and harvesting of crops.
5. Forestry and nurseries.
6. Construction, maintenance and repair of municipal and private water supply structures.
7. Maintenance and repair of existing structures and improvement of existing structures provided that any such improvement is either within the existing structure or above the base flood elevation.

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2. One Hundred (100) percent of the natural flood storage volume of the flood plain on the site is preserved with the use of compensatory storage techniques and disturbance of the natural characteristics of the flood plain on the site is kept to a minimum.
3. The elevation of the lowest point of any new vehicular or pedestrian access from a street to any building, including garages, used for human occupancy is at or above the base flood.
4. Any new or reconstructed utilities, such as water, sewer mains, drainage systems, fuel storage facilities, gas electric or other utilities, are anchored to prevent flotation and designed to avoid impairment during the base flood.
5. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with chapter 131, Section 40 of the Massachusetts General Laws and with the following:
 - Section of the Massachusetts State Building code which addresses floodplain and coastal high Hazard area (currently 780 CMR 3107.0 "Flood Resistant Construction")
 - Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - Inland Wetlands Restriction, DEP (currently 302 CMR 6.00) ;
 - Coastal Wetlands Restriction, DEP (currently 302 CMR 4.00) ;
 - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.

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of all improvements in the Flood Plain District shall be submitted to the Building Inspector and shall specify the elevation of the lowest floor including basement, the elevation to and method by which any structure has been floodproofed and the finished grades of all disturbed areas.

2.13.62 Filing and Distribution Procedures - The filing and distribution procedures relating to documents and other materials submitted pursuant to Special Permits referenced in section 1.16.12 of this By-law shall apply.

2.13.70 All Federal and State Permits are to be obtained prior to the alteration or relocation of watercourses. Also applicant must notify in a riverline situation, the following of any alteration or relocation of a watercourse:

ADJACENT COMMUNITIES (CERTIFIED MAIL)

*NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104*

*NFIP Program Specialist
Federal Emergency Management Agency, Region 1
99 High Street, 6th Floor
Boston, MA 02110.*

2.14.00 Wetland and Water Conservancy District - The Wetland and Water Conservancy district is herein established as an overlay district superimposed on all other districts. Areas included in this District are subject to the rules and regulations governing land uses in the underlying district and the requirements of this Section.

2.14.10 Purposes of District - The Wetland and Water Conservancy District is herein established in order to promote the public welfare through the protection, preservation and use of the Town's wetlands, water bodies, water courses and their adjoining lands; to protect the safety of persons and property against the hazards of flooding and contamination of ground water and surface water; to preserve and maintain the water retention capability, ecological functions and the utility and purity of natural groundwater supplies; and to promote the usefulness of

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within Wetland and Water Conservancy District:

1. Bona fide agricultural activity including: work on land to be used primarily and directly in the raising of animals; the raising of fruits, vegetables, berries, nuts and other food for human or animal consumption; the raising of flowers, sod, trees, nursery or greenhouse products and ornamental plants and shrubs; the growing of cranberries.
2. Work on land used primarily and directly in the raising of forest products under a planned program to improve the quantity and quality of a continuous crop.
3. The construction, reconstruction, operation and maintenance of underground and overhead public utilities.
4. The maintenance and improvement of existing public roadways.
5. The excavation of wildlife impoundments farm ponds and ponds for fire protection.
6. The maintenance of beaches and boat launching ramps.
7. The maintenance, repair and improvement (excluding enlargement) of existing structures including buildings, piers, towers and headwalls.
8. The construction and maintenance of catwalks, footbridges, docks, piers, boathouses, boat shelters, duck blinds, skeet and trap shooting decks, provided however that such structures are constructed on pilings or posts so as to permit the reasonably unobstructed flowage of water and adequate light to maintain vegetation.
9. The routine maintenance and repair of road drainage structures.
10. Maintenance, repair and construction of structures or associated easement or property maintained or operated by the Town of Dracut or the Dracut Water Supply District.
11. Any use permitted in the underlying district in which the land is located subject to the same use and development restrictions as may otherwise apply provided that based upon properly documented engineering or other data the land is found not to be

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to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Planning Board:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

Extension to adjacent/adjoining lot(s) where proposed use is not allowed is prohibited.

Projected changes in noise, light, drainage, traffic plus any other factors identified by the Planning Board shall be evaluated as to whether they are less detrimental to the neighborhood. Studies and peer review may be required by the Planning Board.

There is no provision for adding a use. The existing more detrimental use must be identified, exchanged, and extinguished for the new less detrimental use to be allowed.

In the event that any particular provision of this by-law is ruled invalid the remaining provisions shall remain in full force and effect.

2.16.22 Nonconforming Structures - The Planning Board may grant a special permit; subject to site plan review (Section 1.16.20) to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Planning Board:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner.

In the following circumstances, alteration, reconstruction, extension or structural change (collectively "alteration") to structures other than single or two family residential structures shall be considered to increase the intensity of an existing nonconformity and shall be considered to create additional

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insufficient area, where such alteration complies with all current setback, yard, and building height requirements.

2. alteration to a structure which is located on a lot with insufficient frontage, where such alteration complies with all current setback, yard, and building height requirements.
3. alteration to a structure which encroaches upon one or more required yard or setback areas, where such alteration will comply with all current setback, yard and building height requirements.
4. alteration to a nonconforming structure which will not increase the footprint of the existing structure provided that existing height restrictions shall not be exceeded.

2.16.25 Alteration of Nonconforming Single and Two Family Residential Structures - by Special permit - In the event that the Inspector of Buildings determines, after consideration of Section 2.16.24, above, that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by Special Permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.

2.16.26 Abandonment or Non-Use - A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning ordinance.

1. Notwithstanding the above, a nonconforming residential structure, which has been abandoned, or not used for a period of two years, may reestablish its protected status upon the grant of a Special Permit by the Board of Appeals.

2.16.27 Reconstruction after Catastrophe or Demolition - A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

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Impervious Surface: Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

Mining: The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

Potential Drinking Water Sources: Areas which could provide significant potable water in the future.

Recharge Areas: Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas include areas designated as Zone I and Zone II.

Toxic or Hazardous Material: Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water in the Town of Dracut. Toxic or hazardous materials include, without limitation; synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as Toxic or Hazardous under Massachusetts General Laws (M.G.L.) Chapter(c.) 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

Wellhead Protection District: The zoning district defined to overlay other zoning districts in the Town of Dracut. The Wellhead Protection District includes Zone I and Zone II.

Zone I: The 400 foot protective radius around a public water system well.

Zone II: The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00 and in the Department of Environmental Protection's (DEP) Guidelines and Policies for Public Water Systems. This area is a ½-mile radius around the well.

2.17.30 Establishment And Delineation Of Wellhead Protection District - For the purposes of this district, there are hereby established within the Town certain wellhead protection areas, consisting of aquifers or recharge areas which are delineated on a map. This map is at a scale of 1 inch to 1,000 feet and is entitled "Zoning Map, Town of Dracut, Massachusetts," dated November 1996.

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7. Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Section 2.17.42 (prohibited uses) and Section 2.17.43 (special permitted uses);

8. Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels;

9. Only uses related to the operation and maintenance of the public water supply are permitted in the Zone I as defined in 310 Code of Massachusetts Regulations 22.00.

2.17.42 Prohibited Uses - The following uses are prohibited:

1. Landfills and open dumps as defined in 310 CMR 19.006;

2. Automobile graveyards and junkyards, as defined in M.G.L. c. 140B, §1;

3. Landfills receiving only wastewater and/or septage residuals including those approved by the DEP pursuant to M.G.L. c. 21, §26 through 53; M.G.L. c. 111, §17; M.G.L. c. 83, §6 and 7, and regulations promulgated thereunder;

4. Facilities that generate, treat, store, or dispose of hazardous waste that are subject to M.G.L. c. 21C and 310 CMR 30.00. This includes vehicular maintenance facilities, dry cleaners, print and photo processing operations as well as many industrial uses. Refer to MGL Chapter 40A, Section 9 and Chapter 21D, Section 21.

The following are exceptions:

a. Very small quantity generators as defined under 310 CMR 30.000;

b. Household hazardous waste centers and events under 310 CMR 30.390;

c. Waste oil retention facilities required by M.G.L. c. 21, § 52A; and

d. Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;

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natural vegetation, and dry wells shall be used only where other methods are infeasible. For all non-residential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner. A schedule of maintenance shall be approved and filed with the Town.

4.Storage of liquid hazardous materials, as defined in MGL. c. 1E, and/or liquid petroleum products unless such storage is above ground level; and on an impervious surface; and either in container(s) or above ground tank(s) within a building, or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system designed and operated to hold either 10 percent of the total possible storage capacity of all containers, or 110 percent of the largest container's storage capacity, whichever is greater;

5.Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;

6.Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate. Uncovered storage of salt in water supply areas is forbidden by MGL Chapter 85 Section 7A;

7.Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service;

8.Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) within 4 feet of historical high groundwater as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey, except for excavations for building foundations, roads, or utility works;

9.Storage of commercial fertilizers, as defined in MGL Chapter 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

2.17.50 Procedures for Issuance of a Special Permit - The SPGA under this by-law shall be the Planning Board. Such special permit shall be granted if the SPGA determines, in conjunction

TOWN OF DRACUT - ZONING BY LAWS

1. A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;

2. For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:

a. Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;

b. Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces; and

c. Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act 310 CMR 30, including obtaining an EPA identification number from the Massachusetts DEP.

3. Proposed down-gradient location(s) for groundwater monitoring well(s), should the SPGA deem the activity a potential groundwater threat.

2.17.55 Public Hearings and Decisions - Public Hearings and decisions pursuant to Special Permits referenced in Section 1.16.13 of this Zoning By-law shall apply.

2.17.60 Enforcement - Written notice of any violations of Section 2.17 shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Board of Health, Conservation Commission, Town Engineer, and the Dracut Water Supply District. The cost of containment,

TOWN OF DRACUT - ZONING BY LAWS

AMENDMENTS - SECTION TWO

- (2.10.00 - amended - November 3, 2008 - Art. 10
- (2.11.21 - added - November 3, 2013 - Art. 39
- (2.11.30 - amended - November 7, 2011 - Art. 11
- (2.11.30 - amended - Special Town Meeting - June 6, 1988 Art. 1
- (2.11.30 - amended - November 6, 1989 - Article 14
- (2.11.30 - amended - November 4, 1991 - Article 11
- (2.11.30 - amended - June 7, 1999 - Art. 25 and Art. 29
- (2.11.30 - amended - October 4, 1999 (mtg. Held 11/15/99) Art. 5
- (2.11.30 - amended - November 1, 2004 - Art. 6
- (2.11.30 - amended - June 3, 2013 - Article 40
- (2.11.40 - amended - November 4, 1991 - Article 11
- (2.11.41 - amended - November 6, 1989 - Article 16
- (2.11.43 - amended - June 7, 1999 - Article 12
- (2.11.44 - added - June 6, 2005 - Article 25
- (2.11.45 - amended - October 4, 1999 - (mtg. Held Nov. 15, 1999) -
Added Telecommunication Towers Article #6
- (2.11.45 - amended - June 3, 2013 - Article 40
- (2.11.46 - amended - October 4, 1999 (mtg. Held 11/15/99) Art. 8
- (2.11.50 - amended - November 6, 1989 - Article 20
- (2.11.50 - amended - November 4, 1991 - Article 13
- (2.11.50 - amended - November 1, 2004 - Article 6
- (2.12.21 - repealed & Re-enacted Sec. 2.12.21 - November 13, 1995
Article 14
- (2.12.27 - amended - Special Town Meeting - June 6, 1988 Art. 8
- (2.12.50 - amended - Special Town Meeting - June 6, 1988 Art. 2
- (2.12.50 - amended - June 1, 1998 - Article 28
- (2.12.60 - added - November 3, 2003 - Article 2, Part 2-2
- (2.12.70 - added - November 6, 2006 - Article 13
- (2.12.80 - added - November 6, 2006 - Article 14
- (2.13.00 - amended - November 16, 1988 - Article 11
- (2.13.00 - amended - November 6, 1989 - Article 12
- (2.13.00 - amended - November 1, 2010 - Article 9
- (2.13.21 - amended - November 6, 1989 - Article 12
- (2.13.21 - amended - November 1, 2010 - Article 9
- (2.13.22 - amended - November 1, 2010 - Article 9
- (2.13.23 - amended - November 6, 1989 - Article 12
- (2.13.23 - amended - November 3, 2003 - Article 10
- (2.13.50 - amended - November 6, 1989 - Article 12
- (2.13.50 - amended - November 3, 2003 - Article 11
- (2.13.50 - amended - November 7, 2005 - Article 9
- (2.13.70 - added - November 6, 1989 - Article 12
- (2.13.70 - amended - November 1, 2010 - Article 9
- (2.16.20 - through 2.16.29 - added - November 7, 2005 - Article 11

TOWN OF DRACUT - ZONING BY LAWS

3.00.00 GENERAL REGULATIONS

3.10.00 Parking and Loading

3.10.10 Objectives and Applicability

Any use of land involving the arrival, departure, or storage of motor vehicles, and all structures and uses requiring the delivery or shipment of goods as part of their function, shall be designed and operated to:

1. promote traffic safety by assuring adequate places for storing of motor vehicles off the street, and for their orderly access and egress to and from the public street;
2. increase the traffic-carrying capacity of streets and highways in the town and obtain a more efficient utilization of on-street curbside parking;
3. reduce hazards to pedestrians upon public sidewalks;
4. protect adjoining lots and the general public from nuisances and hazards such as: 1) noise, glare of headlights, dust and fumes, resulting from the operation of motor vehicles, 2) glare and heat from parking lots, 3) a lack of visual relief from expanses of paving, 4) accelerated run-off of surface water from land covered by impervious materials.

3.10.20 Parking Requirements

Adequate off-street parking must be provided to service all parking demand created by new structures, additions to existing structures, or changes of use. Existing buildings and uses need not comply unless expanded or otherwise changed to increase their parking needs. Section 3.10.24 of this By-law shall determine the number of spaces required except as per 3.10.21 or 3.10.22.

3.10.21 Exceptions to Minimum Requirements

In applying for building or occupancy permits, the applicant must demonstrate that the minimum parking requirements set forth below will be met for the new demand without counting existing parking necessary for existing uses to meet these requirements.

TOWN OF DRACUT - ZONING BY LAWS

3.10.23 Number of Spaces

For the purpose of computing the parking requirements of different uses, the number of spaces required shall be the largest whole number obtained after increasing all fractions upwards to one. Employees shall include the largest number of owners, managers, full and part-time workers and volunteers that may be normally expected on the premises during any single shift or portion thereof. The number of seats in benches, pews, or other continuous seating arrangements shall be calculated at twenty inches for each seat. The following minimum parking requirements shall apply to uses as listed in 3.10.24 Table of Off-Street Parking Requirements.

3.10.24 Table of Off-Street Parking Requirements

Use	Number of Spaces
Stores, Retail Business, and Services	One space per 200 square feet of gross leasable floor area or a minimum of at least three spaces per establishment.
Banks, Libraries, and Post Offices	One space per 100 square feet of floor area devoted to public use plus one space per employee.
Bowling Alleys	Four spaces for each alley.
Business and Professional Offices, Office Buildings, and Office of a Wholesale Establishment including Sales Space	One space per 200 square feet of gross floor area.
Medical and Dental Offices and Clinics	One space per 200 square feet of gross floor area.
Restaurants, Lounges, and Function Rooms	One space per three seats based on the legal seating capacity of the facility.
Fast Food Establishment	One space per 50 square feet of gross floor area.

TOWN OF DRACUT - ZONING BY LAWS

Use	Number of Spaces
Any other non-residential use, or any use involving combination of functions similar to or listed herein	A number of spaces as a determined by the Building Inspector by application of the ratios above or by the Special Permit Granting Authority if use requires a Special Permit.
Single Family, Two Family, and Multi-Family Dwelling	Two spaces per dwelling unit.
Home Occupations	In addition to the spaces required for the dwelling, one space per non-resident employee, plus a number of spaces sufficient to satisfy the requirements of Section 3.10.10.

3.10.30 Loading Areas

All buildings requiring the delivery of goods, supplies, or materials, or shipment of the same, shall have bays and suitable maneuvering space for off-street loading of vehicles in accordance with Section 3.10.31.

3.10.31 Table of Loading Area Requirements

Use	Number of Berths
Retail Stores and Services	For each establishment with a gross floor area from 5,000 to 8,000 square feet, at least one berth. Additional space is required at the rate of one berth per 8,000 square feet or nearest multiple thereof. Where two or more such establishments are connected by a common wall such as in a shopping center, common berths may be permitted for the use of alleestablishments at the rate of one berth space

TOWN OF DRACUT - ZONING BY LAWS

1. Entrance or exit center lines shall not fall within 50 feet of an intersection of street sidelines or within 150 feet of the centerline of any other parking area entrance or exit on the same side of the street, whether on the same parcel or not, if serving 20 or more spaces. Users shall arrange for shared egress if necessary to meet these requirements.

2. Egressing vehicles shall have 400 feet line of sight visibility in each travel direction as measured four feet above the pavement.

3. Such parking lots shall contain or be bordered within five feet by at least one tree per eight parking spaces, trees to be of two inch caliper or larger, with not less than 40 square feet of unpaved soil area per tree. Trees and soil plots shall be located so as to assure safe internal circulation and to provide visual screening from streets and residential areas.

4. Street entrances shall be designed consistent with Massachusetts DPW Traffic Regulations, Section 10A-9 or any subsequent revisions.

5. Continuous curbing shall be provided to control access and damage, and wheel stops shall be provided for all other parking areas of five or more vehicles.

Loading areas and parking areas for 20 or more cars shall provide screening and landscaping in accordance with Section 3.10.49 of this By-law.

3.10.42 Parking Dimensions.

On any lot, in any district, with the exception of single and two family dwelling use, parking spaces and maneuvering aisles shall have the minimum dimensions as set forth in the following table:

TOWN OF DRACUT - ZONING BY LAWS

3.10.45 Loading Area Dimensions

All required loading bays shall have minimum dimensions as follows: 30 feet long, 12 feet wide and 14 feet high. Each loading bay shall have a maneuvering space equal to its length. Where the long portion of a loading bay abuts a wall, column or other obstacle, or in other cases where the Building Inspector or the Special Permit Granting Authority requests, evidence shall be provided that the loading bay and its maneuvering space is adequate to accommodate large motor vehicles, and trailers.

3.10.46 Marking

In a parking lot or loading area the surface of the parking lot or loading area shall be painted, marked or otherwise delineated so that the location of the parking spaces and loading bays is apparent. Where 5 percent or more of the required parking spaces in a parking lot are assigned, such as to individual employees or to dwelling units in a multi-family building, parking spaces for guests or visitors to the use or establishment, not to exceed ten percent of the required parking spaces, shall be located and designated as visitor parking near the principal entrance to the building which it serves.

3.10.47 Availability and Snow Storage

To insure the availability and utilization of required parking spaces and loading bays on a year round basis:

1. No fee or other charge to the parker, in addition to a lease or purchase agreement applicable to occupants generally, shall be made for a parking space or loading bay required to serve a use, building or establishment.
2. A strip of land not less than five feet in width shall be provided on at least two sides of a parking lot or loading area and designated on the off-street parking and loading plan for the storage of snow plowed or removed from the surface area of the parking lot or loading area; such snow storage area may not encroach on the area required for off-street parking or loading but may be located in the landscaped open area or in the area of required setback from a lot line or building.

TOWN OF DRACUT - ZONING BY LAWS

2. In the interior part of an outdoor parking lot where two rows of parking spaces containing a total of ten or more parking spaces face each other, a landscaped open space not less than five feet in width shall be provided. The landscaped strip may be provided either: 1) between the rows of parking spaces parallel to the aisle or, 2) in two or more strips parallel to the spaces and extending from the aisle serving one row of spaces to the aisle serving the other row of spaces. There shall be planted in each such strip at least three trees and in all such strips not less than one tree for every eight parking spaces in the interior part of the parking lot. Trees shall be spaced so that some part of a parking space is not more than 30 feet from a tree.

3. Trees required by this section shall be at least 2 inches diameter at a height four feet above the ground at time of planting and shall be of a species characterized by suitability and hardiness for location in a parking lot. To the extent practicable, existing trees shall be retained and used to satisfy this section.

3.11.00 Sign Regulations

3.11.10 Applicability and Objectives

All signs presently installed or to be installed in the Town of Dracut shall adhere to the regulations of this section.

The purpose of the regulation of signs in the Town of Dracut includes but is not limited to the following:

1. To protect and enhance the visual environment of the Town for purposes of safety, convenience, information, and welfare of its residents.
2. The restricting of signs and lights which overload the public's capacity to receive information, which violate privacy, or which increase the probability of accidents by distracting attention or obstruction vision.
3. To encourage signage and lighting which aid communication, orientation, identify activities, express local history and character, serve educational purposes for the public good.

TOWN OF DRACUT - ZONING BY LAWS

10. MARQUEE - Any sheltering structure of permanent construction projecting from and totally supported by the wall and/or roof of a building.

11. NON-ACCESSORY SIGN - Any sign that is not an accessory sign.

12. PERMANENT SIGN - Any sign permitted to be erected and maintained for more than sixty (60) days.

13. PRIMARY SIGN - The principal accessory sign which may be a wall, roof, or ground sign, as allowed in Section 3.11.50.

14. PROJECTING SIGN - any sign which is attached or suspended from a building or other structure and any part of which projects more than twelve (12) inches from the wall surface of that portion of the building or structure.

15. ROOF SIGN - any sign erected, constructed, and maintained wholly upon, connected to, or over the roof or parapet of any building with the entire support on the roof or roof structure.

16. SECONDARY SIGN - Is a wall, roof, or ground sign intended for the same use as a primary sign but of smaller dimensions and lettering, as allowed in Section 3.11.50.

17. SIGN - A sign is any structure, mechanically or electrically driven, still or moving device, light, letter, figure, word, model, banner, pennant, trade flag, or representation that is designed to be seen from outside the lot on which it is erected. It advertises activities, goods, places, persons, objects, institutions, organizations, associations, businesses or events, products, services, or facilities available either on the property where the sign appears or in some other location. The definition includes electric signs in windows or doors, but does not include window displays of merchandise. A sign may be permanent or temporary.

18. SIGN SIZE (area) - The surface area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representation, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included.

TOWN OF DRACUT - ZONING BY LAWS

is likely to become dangerous, unsafe, or in disrepair, or which is erected or maintained contrary to this By-law. The building Inspector shall serve a written notice and order upon the owner of record of the premises where the sign is located and any advertiser, tenant, or other persons known to him having control of or a substantial interest in said sign, directing the repair or removal of the sign within a time not to exceed thirty (30) days after giving such notice. If such notice and order is not obeyed within such period of time, the Building Inspector and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which said sign is erected or maintained and repair or remove, or cause to be repaired or removed, said sign.

All expenses incurred by the Building Inspector and his duly authorized agents in repairing or removing any sign shall be assessable against any person who failed to obey said notice and order and shall be recoverable in any court of competent jurisdiction if not paid within thirty (30) days after written notice of assessment is given by the Building Inspector to any such person.

3.11.32 Permits

No permanent sign shall be erected, altered, or enlarged until an application on the appropriate form furnished by the building Inspector has been filed with the Building Inspector containing such information, including photographs, plans and scale drawings, as he may require, and a permit for such erection, alteration, or enlargement has been issued by him. Such permit shall be issued only if the Building Inspector determines that the sign complies or will comply with all applicable provisions of this By-law.

The Building Inspector shall keep records of all actions taken pursuant to this By-law. He shall make an annual report to the Town listing all such actions and any apparent violations of this By-law.

3.11.33 Non-conformance of Accessory Signs

Accessory signs legally erected before the adoption of this By-law which do not conform to the provisions of this By-law may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this

TOWN OF DRACUT - ZONING BY LAWS

4. One unlighted identification sign at each public entrance to a subdivision not exceeding 12 square feet in area; to be removed when the subdivision is completed.

5. One identification sign at each public entrance to a multi-family development not exceeding 12 square feet in area.

6. Bulletin or announcement boards, identification signs or entrance markers for a church, synagogue, or institution, not exceeding a combined total of 30 square feet and provided that there shall be no more than two (2) signs allowed on the premises.

7. One sign for a non-residential use that is a permitted use, a use allowed by Special Permit, or a legal non-conforming use. The sign may be no more than one-half the area that would be allowed if the sign were in a business or industrial district. Accessory, professional, home occupation, and other permitted uses are subject to Section 3.11.41, paragraph 1.

8. Notwithstanding any other provisions of this By-law, signs may be erected for posting land; i.e., no hunting, no trespassing, etc.

3.11.42 Residence Districts - Non-accessory signs

1. Directional signs by special permit from the Board of Selectmen, limited as follows:

a. Two signs for each activity, not exceeding 6" x 30" in size.

b. Ground signs not exceeding 8 feet in height.

2. Street banner or signs advertising a public or charitable entertainment or event, by special permit from the Board of Selectmen. Such a sign shall be removed within seven (7) days after the event.

3.11.43 Business and Industrial Districts - Accessory signs.

1. All signs permitted in residence districts as provided in Sections 3.11.41 and 3.11.42 are allowed.

TOWN OF DRACUT - ZONING BY LAWS

fee shall be initially set at \$25.00 per year or as amended by future action of the Board of Selectmen.)

3.11.50 Sign Regulations

3.11.51 Illumination - No sign shall be illuminated between the hours of 12 midnight and 6:00 A.M. unless, in the case of an accessory sign, the premises on which it is located is open for business. Signs may be illuminated by the following means without causing hazardous conditions for motorists or offending pedestrians or neighboring premises:

1. by a steady stationary light of reasonable intensity shielded and directed solely at the sign;
2. by an internal light of reasonable intensity; or,
3. by neon or gas-filled tubes.

EXEMPTION:

Annual Town Meeting - November 7, 2011 - Article #10
Unanimously, the Town voted to exempt property located at 1540 Lakeview Avenue, Dracut Senior High School, from the provisions of Zoning Bylaw Section 3.11.51 which prohibits the installation or operation of stationary illuminated signage, and to authorize the Town of Dracut to install an electronic illuminated sign for the purpose of displaying community and school-wide functions and activities, emergency protocol, as well as all pertinent community informational notices.

3.11.52 Outdoor Lighting - All temporary or permanent outdoor lights used in relation to signs as regulated pursuant to this section, such as those used for area lighting, building flood-lighting, or sign lighting shall be steady, stationary, shielded sources directed so that the light source is not directly visible to any point beyond the lot lines of the premises.

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3.11.55 Sign Height and Location

1. Corner lots - the owner of the premises shall be allowed to choose the street orientation of allowed signs.
2. No wall or roof sign shall extend more than four (4) feet above the lowest point of the roof of the building with which it is associated.
3. No wall or roof sign shall overhang the public way more than twelve (12) inches.
4. Ground signs shall be set back a minimum of ten (10) feet from all property lines and a minimum of forty (40) feet from all residential districts or structures and shall be limited in height to twenty (20) feet above grade.

3.11.60 Prohibitions - The following prohibitions shall apply to all signs in all districts:

1. No sign shall contain any moving, sound making equipment, flashing, or animated lights, or visible moving or movable parts i.e. pennants, streamers, advertising flags, spinners or similar devices, except such portions of a sign as consist solely of indicators of time and/or temperature, or which have historic significance.
2. No sign shall be erected, displayed, or maintained:
 - a. Upon any rock, tree, fence, or utility pole;
 - b. If it contains any obscene, indecent, or immoral matter;
 - c. Unless all parts and attachments and the ground about the base thereof are kept in neat and safe conditions.
3. No sign shall be permitted or allowed to be so located as to obstruct a view of the rights of way at a corner of intersecting streets or at an entrance to a street.
4. No sign shall obstruct any means of egress from a building.
5. No sign shall detract from the effectiveness of a traffic signal.

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stated herein. However, all Earth Removal Permits issued prior to the effective date of this Section shall remain in effect until their expiration date and/or annual review. At such time, said operation shall be subject to the provisions of this Section, unless otherwise allowed by the Board of Selectmen for a period not to exceed six (6) months.

6. An annual fee of shall be required for Earth Removal Permits as established by the Board of Selectmen.

7. Violation of this Section of the zoning By-law imposes a penalty of \$100.00 for the first offense, \$100.00 for the second and each subsequent offense. Each day of operation in violation of this section will be considered a separate offense.

3.12.30 Application for Soil, Vegetation, Rock and Gravel Removal

3.12.31 Materials for Submission

All applicants for a Soil, Vegetation, Rock and Gravel Removal Permit must, at a minimum, submit the following materials to the Board of Selectmen.

1. A plan or plans to scale, (1" = 40') prepared and stamped by a Registered Engineer, and subdivided into five acre lots showing the property lines of the parcel of land under consideration along with all abutters to the property, existing and final contours in two foot (2) elevation increments, existing and proposed final drainage of the site, including all culverts, streams, ponds, swamps, and siltation basins, and all wetlands pursuant to MGL Ch. 131, sec. 40, means of entrance and egress from the property, locus map, and any other pertinent data deemed necessary by the Board of Selectmen.

2. A plan, study, or report showing the proposed ultimate use of the land conforming with the existing zoning By-law. Proper planning for future land use shall be a prime consideration affecting the issuance of a Soil, Vegetation, Rock and Gravel Removal Permit.

3. A complete list of the names and addresses of current abutters of the property where such removal is proposed.

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Removal of soil shall not take place below a level that would be considered an undesirable grade for the future development of the area, or to an elevation within six (6) feet of the springtime high water table unless such elevation has been approved by the Board of Selectmen as a desirable improvement that will enhance the future development of the area.

3.12.42 Accuracy of Information. The permit shall be considered a non-transferable revocable permit to remove earth materials. If it is found that incorrect information was submitted in the application, or that conditions of the permit are being violated, or that the governing regulations are not being followed, the permit shall be suspended until all provisions have been met and promises made to conform. Failure of the permit holder to comply within the time specified by the Board of Selectmen for correction of violations shall cause the permit to be revoked, forfeiture of the security to the town, and the imposition of all fines as set forth in Paragraph 3.12.20 (7).

3.12.43 Compliance Review. The Board of Selectmen shall discuss and review the permit periodically, and at a minimum, annually. Written progress reports showing conformance with regulations and permit conditions shall be submitted to the Board of Selectmen by the Building Inspector or his designated agent every three (3) months.

3.12.44 Effective Date. A Soil, Vegetation, Rock and Gravel Removal Permit shall not be in effect until the applicant has filed the proper security as required in Paragraph 3.12.80, paid the required fees as required by Paragraph 3.12.20 (6), and recorded the special permit at the Registry of Deeds.

3.12.45 Mechanical crushing and screening may be permitted by the Board of Selectmen after a public hearing with due notice given.

3.12.50 Removal Incidental to Development, Construction or Improvement.

This regulation shall be deemed not to prohibit the removal of such sod, loam, soil, clay, sand, gravel, or stone as may be required to be excavated for the purpose of constructing ways in accordance with lines and grades approved by the Planning Board, or for the purpose of constructing underground utilities.

TOWN OF DRACUT - ZONING BY LAWS

3. Stumps shall be buried in predesignated areas as shown on application plans.
4. Any change in stump burial must be submitted to the Board for approval.
5. All topsoil removed from the active removal area shall be piled and adequately protected from erosion for future site restoration.
6. No topsoil shall be removed from the site until all areas have been restored and permission has been granted by the Board of Selectmen.
7. Prior to any excavation of earth removal, adequate siltation basins shall be constructed to prevent the run-off of silted water from the site.
8. All excavation shall be done so as to create contours to channel run-off waters into the siltation basins.
9. No siltation basin shall exceed seven (7) feet in depth.
10. Siltation basins must be cleaned when sediment deposits are within eighteen (18) inches of the outfall invert.

3.12.73 Site Maintenance.

1. No open face excavation shall exceed twenty-five (25) feet in height.
2. No excavation shall be closer than one hundred (100) feet to a property line unless approved by the Board of Selectmen.
3. No slope shall exceed a two (2) foot horizontal to a one (1) foot vertical (2:1) grade.
4. No earth removal operation shall create excessive amounts of dust or allow roads leading into or from a site to become excessively dust producing.
5. Proper dust control methods shall be employed and approved by the Board of Selectmen.

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2. Said permits shall be granted as a cleanup procedure only.
3. Washing of processed material will not be allowed.
4. Operation of crushing or screening equipment shall be from 7:30 a.m. until 5:00 p.m., Monday through Friday.
5. All crushing and screening equipment shall be equipped with suitable dust and noise control devices.
6. Under no conditions shall the crushing and screening cause a nuisance beyond the property line.

3.12.77 Restoration Standards

1. All restoration must be completed within sixty (60) days after the termination of a Soil, Vegetation, Rock and Gravel Removal Permit or by the first of June if the permit terminates between December first through March thirty-first.
2. No slope shall be left with a grade steeper than a two (2) foot horizontal to a one (1) foot vertical (2:1).
3. All siltation basins shall be filled with earth, and a natural drainage pattern must be re-established. No area upon the site which will collect water shall remain unless approval is granted by the Board of Selectmen or unless the area was shown on the original application plans.
4. All topsoil which was on the site prior to earth removal operations shall be replaced to a minimum depth of six (6) inches on all disturbed areas. Sites that had less than six (6) inches of topsoil shall be restored with a minimum of four (4) inches over the entire area.
5. Seeding - The entire area shall be seeded with grass or legume which contains at least sixty percent (60%) perennials. The planted area shall be protected from erosion during the establishment period using good conservation practices. Areas which wash out are to be repaired immediately.
6. Reforestation - All areas which are disturbed in the earth removal operation shall be reforested with fifty percent (50%) coniferous and fifty percent (50%) deciduous trees planted at the

TOWN OF DRACUT - ZONING BY LAWS

3.14.00 Buffering, Screening and Grading

3.14.10 Purposes - The purpose of the provisions of this section is to protect against potential noxious, visual or descriptive effects of adjacent land uses of differing character and intensity; prevent the intrusion upon residential areas of such effects and limiting the deleterious effects of erosion.

3.14.20 Buffering and Screening From Adjacent Residential Uses Buffer areas shall be provided in all areas where any land use not of a residential nature, located in any commercial or industrial zone adjoins a residential district along its side or rear lot line. Specific requirements covering the width from and characteristics of the required buffer areas are set forth in Table 3.14.40 following.

3.14.30 Buffering and Screening Requirements Between Land Uses Business and Industrial Zones - In all cases business and commercial land uses shall have a buffer area between each commercial or industrial lot which extends from the front line to lines along the rear lot line. Specific requirements covering the width from and characteristics of the required buffer areas are set forth in The 3.14.40 following.

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A. A continuous screen of planting of vertical habitat in the cent of the strip not less than three feet in width and six feet in height at the time of occupancy so as to maintain a dense screen year round.

At least 50% of the plantings shall consist of evergreens and shall be evenly spaced along the length of the buffer strip.

In lieu of continuous planting, a solid brick, stone, or wood fence not less than six feet nor more than eight feet may be established and maintained with plantings in an amount no less than 20% of the amount required above.

B. A landscaped area containing a mixture of shade trees, deciduous shrubs and evergreens with minimum of one shade tree at last 2" caliper at a point 6" above the finished grade within each 50 linear feet and well maintained grass, bark mulch or other ground cover to the depth of the developed portions of the lot.

C. No planting requirements apply; However, if the developed portion of the lot comes within 20 feet of the rear lot line the rear buffer shall meet the requirements of B above.

D. A landscaped area containing a mixture of shade trees, a deciduous shrubs and evergreens with a minimum of one shade tree a least 2" caliper at a point 6" above the finished grade within each 35 linear feet and well maintained grass, bark mulch or other ground cover to the depth of the developed portions of the lot.

E. No plantings required However, if the developed portion of the lot comes within 30 feet of the rear lot line the rear buffer area shall meet the requirements of D area.

F. No plantings required. However, if the developed portion of a lot comes within 40 feet of the rear lot line the rear buffer area shall meet the requirements of D area.

G. No plantings required. However, if the developed portion of t lot comes within 100 feet of the rear lot line, said rear buffer shall also be landscaped according to the requirements of D above.

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3.14.73 Finish Grades - Lots having average finish grades in excess of 10% shall either retain existing vegetation, or provide vegetative slope stabilization as above, on a percentage of lot area equal to not less than twice the average percentage slope.

3.15.0 Environmental Protection Standards

3.15.10 Compliance. No activity shall be permitted in any district unless it shall be in conformity with the standards for environmental protection included herein. The Inspector of Buildings may require an applicant for a building or occupancy permit to supply, at his expense, such technical evidence as is necessary in support of the application, and may, in connection therewith, and at the applicant's expense, obtain expert advice as necessary to review the plans and proposals of the applicant. Payment of such expert advice to the Inspector of Buildings shall be made, or guaranteed by bond or other legally binding device, before further consideration of the application shall continue. After a permit is issued in accordance with this Section, continuing compliance is required. When the Inspector of Buildings suspects a subsequent violation he may, as necessary, obtain expert advice, which if the violation is established, shall be paid for by the violator, otherwise, by the Town.

3.15.20 Water Quality. No discharge at any point into any public sewer, private sewerage disposal system, stream, water body, or into the ground, of any materials of such nature or temperature as can contaminate such water body or water supply, or cause emission of dangerous or offensive elements in relation thereto, shall be permitted except in accordance with applicable Federal, State, and local health and water pollution control laws and regulations.

3.15.30 Air Quality. No building or occupancy permit shall be issued for any facility specified in Regulation 2.3 Regulations as Amended for The Control of Air Pollution in the Merrimack Valley Air Pollution District, Commonwealth of Massachusetts, Department of Public Health, Bureau of Air Quality Control, until written approval for the facility has been obtained from the Department of Public Health. The provisions of said Regulations shall apply to dust, flash, gas, fume, mist, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination thereof, or any decay or reaction product thereof in the ambient air space.

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AMENDMENTS - SECTION THREE:

- Section 3.11.20 - amended - November 8, 1993 - Article 12
Added #20 - Political Signs
- Section 3.11.20 - amended - June 7, 1999 - Article 27
Definitions Sidewalk Accessory Sign
- Section 3.11.43 - amended - November 6, 1989 - Article 18
- Section 3.11.43 - amended - June 7, 1999 - Article 28 Business
and Industrial District - Accessory Signs
- Section 3.11.51 - amended - November 7, 2011 - Article 10
- Section 3.11.60 - amended - November 6, 1989
Article 17 - Sub-Paragraph 1 & 7
- Section 3.14.00 - amended - November 6, 1989 - Article 13
Inserted in their entirety new section 3.14.10
through 3.14.60
Renumbered existing Section 3.14.40 through
3.14.43 as 3.14.70 through 3.14.73

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tion removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: traffic safety and congestion, need for water system improvements, need for public sewage.

c. Economics: anticipated market area, complimentary with or duplication of existing services, amount and types of employment, labor force area.

d. Visual environment: visibility of buildings and parking, visual consistency with existing development in the area.

All applicants for a special permit under this are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

4.10.30 Decision Criteria

A special permit for a Major Business Complex shall be approved only upon determination of the Special Permit Granting Authority that the requirements of section 1.16.00 Special Permits including section 1.16.14 Mandatory Findings of Special Permit Granting Authority and the following additional criteria:

1. The proposed plan is consistent with any submittals made under section 4.10.20 and 4.10.21 or in the event of inconsistency, satisfactory explanation has been made submitted showing why the departure is necessitated by changed conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Business Complexes specified in section 4.10.10.

2. The Complex shall be so designed and located that annual average daily traffic is not increased 50% or more above current levels at any point more than 1,000 feet from the site with current levels being as determined by the Dracut Planning Board; and shall be so located that resultant traffic is not above the capacity of roads and intersections at level of service "C" at any point within one mile of the premises, using definitions and methods of estimation as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209 or later editions.

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2. Analysis of the consequences of the proposed development, evaluation of the following impacts at a level of detail appropriate to the scale of development proposed.

a. Natural environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetation removal (especially unusual species and mature trees), and wildlife habitats.

b. Public services: traffic safety and congestion, need for water system improvements, need for public sewage.

c. Economics: amount and types of employment, labor force area.

d. Visual environment: visibility of buildings and parking, visual consistency with existing development in the area.

All applicants for a special permit under this are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

4.11.30 Decision Criteria

A special permit for a Major Industrial Complex shall be approved only upon determination of the Special Permit Granting Authority that the requirements of section 1.16.00 Special Permits including section 1.16.14 Mandatory Findings of Special Permit Granting Authority and the following additional criteria:

1. The proposed plan is consistent with any submittals made under section 4.20.20 and 4.20.21 or in the event of inconsistency, satisfactory explanation has been made submitted showing why the departure is necessitated by changed conditions or earlier error, and that the departure does not reduce compliance with the objectives for the Major Industrial Complexes specified in section 4.20.10.

2. The Complex shall be so designed and located that annual average daily traffic is not increased 50% or more above current levels at any point more than 1,000 feet from the side with current levels being as determined by the Dracut Planning Board; and shall be so located that resultant traffic is not above the capacity of roads and intersections at level of service "C" at any point within one mile of the premises, using definitions and

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if any, of providing assurance of long term conformity to present proposal.

3. Analysis of the consequences of the proposed development, evaluating the following impacts at a level of detail appropriate to the number of units proposed;

a. Natural Environment: groundwater and surface water quality, groundwater level, stream flows, erosion and siltation, vegetative removal (especially unusual species and mature trees), and wildlife habitats.

b. Public Services: analysis of traffic conditions existing and post development including levels of service, analysis of water system capacity, analysis of public sewerage capacity, need for additional public recreation facilities, need for additional school facilities.

c. Economics: municipal costs and revenues, local business activity, local jobs.

d. Social Environment: effect of the proposal upon the general character of the Town and how the proposed units enhance the range of housing choice and affordability in the town.

e. Visual Environment: visibility of buildings and parking, visual consistency with existing development in the area.

4. A development phasing schedule indicating the maximum number of dwelling units proposed to be erected in each calendar year, and the timing of construction of any proposed community facilities.

All applicants for a special permit under this section are encouraged to consult with the Planning Board at a regularly convened meeting prior to formal application.

4.12.30 Decision Criteria

A special permit for multifamily development shall be approved only upon determination of the Planning Board that the requirements of section 1.16.00 Special Permit including section

1.16.14 "Mandatory Finding of Special Permit Granting Authority" and the following additional criteria have been met:

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4.13.10 Purpose - The purpose for regulating by special permit the conduct, location and operation of fairs, carnivals and other similar events is to ensure that such activities do not cause disruption, annoyance and cause a general nuisance in the Town of Dracut.

4.13.20 Applicability - All fairs, carnivals and other similar events to be held in the Town of Dracut require a special permit by the Board of Selectmen and shall conform to the requirements of this By-law.

4.13.30 Sponsorship - The sponsorship of all events covered by this section shall be a religious, charitable, social or public organization.

4.13.40 Duration - Any event held in accordance with these requirements shall continue no longer than one week at any one time and not more than two such events shall be authorized within any twelve months for any one sponsor.

4.13.50 Other Requirements - All applicants for a special permit under this section must meet the requirements of Section 1.16.00 generally as well as all other sections of the By-law including Section 3.15.00 Environmental Protection Standards.

4.14.00 Special Permit - Open Space Residential Development

The Planning Board may grant a special permit for Open Space Residential Development in the R1 and R2 District for single family detached dwellings and accessory structures subject to the provisions of this section.

4.14.10 Objectives - The objective of this section is to allow an optional scheme of development so as to encourage the preservation of common land for conservation, acquisition, open space and recreational use; to preserve historical or archaeological resources; to protect existing or potential municipal and private water supplies; to promote more sensitive siting of buildings and better overall site planning; to promote better utilization of land in harmony with its natural features and with the general intent of the zoning by-law through a greater flexibility in design; and to allow for the more efficient provision of municipal services.

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sum of the areas by which the building lots are reduced below the minimum lot area required for conventional development of the tract as per section 2.12.00 of this By-law. All common land must have access to a roadway within the subdivision.

All common land required herein shall be exclusive of land classified as wetland and shown on a map entitled "Wetland and Water Conservancy District, Town of Dracut 1977" consisting of twenty-five sheets and on file with the Town Clerk. Said land may be counted pursuant to the provisions of Section 2.12.21 of this By-law for the purposes of calculating "Minimum Land Area" and may be added to the "Common Land" only following the satisfaction of the basic requirements of this Section.

4.14.30 Legal Requirements for Common Land Ownership and Maintenance. The common land and other facilities which may be held in common shall be conveyed to a mandatory homes association, whose membership includes the owners of all lots or units contained in the tract or if the development is a cooperative, then the owners of the shares in the cooperative association.

The developer shall include in the deed to the owners of individual lots beneficial rights in said common land and shall grant a conservation restriction to the Town of Dracut over such land pursuant to Massachusetts General Laws Chapter 184 Sections 31-33, to insure that such land be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadways. This restriction shall be enforceable by the Town through its Conservation Commission in any proceeding authorized by Massachusetts General Laws Chapter 184, Section 33. In addition, the developer shall be responsible for the maintenance of the common land until such time as the homes association is capable of assuming said responsibility or in the case of a trust, for the benefit of the tenant upon the execution of the trust.

In order to ensure that the homes association will properly maintain the land deeded to it under this section, the developer shall prepare a Declaration of Covenants and Restrictions, which shall at a minimum provide for the following:

1. Mandatory membership in an established homes association as a requirement of residence or ownership of any lot in the tract.

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Board may request.

4. A summary of the environmental concerns relating to the proposed plan.

5. A description of the neighborhood in which the tract lies, including utilities and other public facilities, and the impact of the proposed plan upon them.

6. Evaluation of the open land proposed within the cluster, with respect to the size, shape, location, natural resource value, and accessibility by residents of the Town or of the cluster.

4.14.50 Decision Criteria. A special permit for open space residential development shall be approved only upon determination by the Planning Board that the requirements of Section 1.16.00

"Special Permit" including Section 1.16.14 Mandatory Findings of the Special Permit Granting Authority and the following additional criteria have been met.

1. The plan meets all requirements of this section.

2. The plan is in harmony with the general purpose of this By-law and the requirements of Massachusetts General Laws Chapter 40A and the long range plan of the Town.

3. The approval of the plan will not have a detrimental impact on the neighborhood, will be designed with due consideration for health and safety and is superior to a conventional plan in preserving open space, minimizing environmental disruption, allowing for more efficient provision of services, and or allowing for greater variety in prices and types of housing.

4.14.60 Relation to Subdivision Control Act. Planning Board approval of a special permit hereunder shall not substitute for compliance with the Subdivision Control Act, nor oblige the Planning Board to approve any related definitive plan for subdivision, nor reduce any time periods for board consideration under the law. However, in order to facilitate processing, the Planning Board shall, insofar as practical under existing law, accept regulations establishing procedures for submission of a combined plan and application which shall satisfy this section and the Board's regulations under the Subdivision Control Act.

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5. the provision of a more desirable esthetic and functional space and the efficient allocation distribution, use and maintenance of land;
6. diversity and variety in the development pattern of the community;
7. better design and land planning resulting in the economic and efficient street utility and public facility installation, construction and maintenance; and
8. the development of real property value for the long-range future.

Section 4.15.4 - Permitted

- A. The following uses shall be permitted:
 1. Residential single family detached dwellings
 2. An 18-hole golf course with a minimum length of 6,000 yards, which may include easements, which shall be, at the option of the Applicant, semi-private or public, The Applicant must, as part of the initial submittal pursuant to Section 4.15.9A, negotiate with the Board of Selectmen for a residential preference for Dracut residents in the event that the Applicant or Owner elects to make the course private.
- B. The following uses which are incidental to the golf course:
 1. club house;
 2. restaurant;
 3. function hall;
 4. putting or practice greens;
 5. driving ranges;
 6. tennis courts
 7. swimming courts;
 8. a pro shop;
 9. lounge;
 10. ancillary buildings which are incidental to golf course use;
 11. other uses that the special permit granting authority may approve which are customarily incidental to a golf course.

Section 4.15.5 - Dimensional Requirements

- A. The requirements of Section 2.12.00 et. sec. of the zoning by-law shall prevail except as hereafter provided. The

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- (1) deed restricted to use as a golf course or conservation uses if the golf course ceases to operate for a period of two years.
- (2) deed restricted so that no structure shall be erected thereon except as incident to the uses in Section 4.15.4 above.

b. The golf course portion of the development shall be shown as separate parcel(s). In the event the parcels are sold or conveyed, the deed must state that they are subject to the conditions of the special permit, and a copy of the Special Permit must be attached to any and all deeds.

c. In the event that the owner files a statement with the Planning Board and the Special Permit Granting Authority that it will not build in accordance with the Special Permit prior to the issuance of a Building Permit for a Residential dwelling, then the Special Permit shall be deemed to be null and void and the land shall not be restricted by the terms of this Permit, and must further comply with the provisions regarding the underlying zoning.

d. All roads in the residential portion of the development shall be built to the specifications of the Construction Standards and Subdivision Regulations of the Town of Dracut.

Section 4.15.7 - Security for the Development of the Golf Course

A. The applicant shall secure its obligation to complete the 18-hole course by the following:

1. Entering into an agreement with the Town that no more than 50% of the single family residences shall be issued building permits and that no more than 50% of that sum shall be issued occupancy permits prior to substantial completion of 9 holes of the golf course. No building permits shall be issued for the remaining 50% of the residential development until such time as the second 9 holes of the golf course is either substantially completed or bonded as provided for in #2.

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The Board of Selectmen shall not unreasonably refuse a request for an extension of this Special Permit, if requested and if construction has not been commenced.

Section 2.11.30 of the Zoning By-laws (Table of Permitted Uses) is amended to add:

Residential Golf Course Planned Development
R-1 R-2
SS-R SS-R

4.16.00 Mill Conversion Overlay District - added to the Town of Dracut Zoning By Laws October 2, 2000, Article #10, and described as follows:

MILL CONVERSION OVERLAY DISTRICT

1. **PURPOSE.** The purpose of this Section is to create an overlay district to:
 - a allow for conversion of Dracut's historic mills while preserving the character of nearby residential and commercial neighborhoods;
 - b encourage the preservation; reuse and renovation of historic mill properties; and
 - c promote diversified housing opportunities and uses such as commercial, retail or office use; or a combination of such uses.

2. **Definitions:** within this section the following terms shall have the following meanings:

"Affordable to persons or families qualifying as low income" shall mean affordable to persons in the Dracut area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning less than 50% of the median income.

"Affordable to persons or families qualifying as moderate income" shall mean affordable to persons in the Dracut area under the applicable guidelines of the Commonwealth's Department of Housing and Community Development earning more than 50% but less than 80% of the median income.

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professional office, lounge/pub, financial service, retail space
<or> (greater or less than 5,000 sq. ft.)

"Regulations" shall mean the rules and regulations of the Planning Board relative to subdivisions, special permits and site plans.

"Wetlands" shall mean land subject to the provisions of M.G.L. c. 131, ss. 40 and 40A and subject to the Dracut Non-Zoning, Wetlands By-law.

3. **OVERLAY DISTRICT.** The Mill Conversion Overlay District (MCOD) is hereby established and shall be construed as an overlay district. Within the MCOD all regulations of the underlying district shall continue to be in full force and effect, except where these regulations supersede such underlying requirements or provide an alternative to such requirements. The MCOD shall consist exclusively of the following properties:

- | | | |
|-------------------------|--------|-----------------|
| a. 1951 Lakeview Avenue | Map 25 | Lot 194 |
| b. 1949 Lakeview Avenue | Map 25 | Lot 195 |
| c. 1935 Lakeview Avenue | Map 25 | Lot 196 |
| d. 16 Mill Street | Map 25 | Lot(s) 241-1-32 |
| | | Lot(s) 245-1-25 |
| e. 76 Pleasant Street | Map 62 | Lot 20 |

4. **SPECIAL PERMIT REQUIRED.** Within the MCOD, a MCP may be constructed upon the issuance of a special permit by the Planning Board, and upon site plan approval pursuant to the requirements set forth herein.

5. **SPECIAL PERMIT GRANTING AUTHORITY.** The Planning Board shall serve as the special permit granting authority pursuant to this section. An application for a special permit shall be governed by the following rules.

6. **APPLICATION.** Planning Board on forms furnished by the Planning Board in accordance with its regulations. Each such application shall be accompanied, if applicable, by a definitive plan of land pursuant to the provisions of G.L. c. 41, ss. 810 and 81T as the same may be from time to time amended and the Regulations of the Planning Board and a filing fee determined in

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2. a development impact statement prepared by qualified professionals detailing the impact of the development, at all phases including construction and operation, on

- a. the Town's capacity to furnish services including, but not limited to, roads, police, fire emergency services, schools and water;
- b. vehicular and pedestrian traffic, water and air quality, noise and light pollution and other environmental concerns.

3. information pertaining to any organization which the Applicant proposes to form where the development is to be a condominium or other ownership organization, including forms and plans to be used to organize and manage the same, for approval as to form by Town Counsel;

4. copies of all proposed covenants, easements, and other restrictions which the Applicant proposes to grant to the Town, the Conservation Commission, utility companies, any condominium or other ownership organization and the owners thereof, including plans of land to which they are intended to apply, for approval as to form by Town Counsel;

5. a concise narrative prepared by a preservation consultant including any and all historical information to be submitted to the Dracut Historical Commission and Planning Board. The narrative will include:

- a. architectural history of all structures on the site, including period, style, method of building construction, and association with any particular architect or builder.
- b. any important association with one or more historic persons or events.
- c. any cultural, political, economic or social history of the site or any structures to the Town, Commonwealth of Massachusetts or the United States of America.

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8. STANDARDS. In order to be eligible for consideration for a special permit pursuant to this Section, the proposed development shall meet all of the following standards:

a. **Buffer.** A buffer area of one hundred (100) feet shall be provided at the perimeter of the property where it abuts residentially zoned or occupied properties, except for driveways necessary for access and egress to and from the site provided, however, that existing structures and existing access roadways are exempt from the requirements set forth herein. However, existing structures and parking areas shall not be made more non-conforming except for ADA compliance. No vegetation in this buffer area will be disturbed, destroyed or removed except for normal maintenance. The Planning Board may waive the buffer requirements:

1. where the Planning Board determines that a smaller buffer will suffice to accomplish the objectives set forth herein; or

2. where the construction of a wastewater treatment plant necessitates such relief.

b. **Removal and Replacement of Vegetation.** within the site, no clear cutting shall be permitted, except as authorized by special permit and incidental to construction of buildings, roads, trails and parking areas. The Planning Board may require suitable landscaping or replacement of vegetation.

c. **Roadways.** The principal roadway(s) within the site shall be adequate for the intended use and vehicular traffic and shall be maintained by an association of unit owners or by the Applicant.

d. **Parking.** The applicant shall provide adequate parking to serve all anticipated uses on the property, with information detailing the method of computation of parking spaces. The minimum number of parking spaces shall be computed using the requirements of Section 3.10.24 or other applicable provision herein. The Planning Board may increase the required parking by up to 10% to serve the needs of residents, employees, visitors and service vehicles. The Planning Board may reduce the otherwise required number of parking spaces where the applicant demonstrates that an adequate number of spaces will be provided.

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j. Utilities. All electric, gas, telecommunications, and water distribution lines shall be placed underground, except upon a demonstration of exceptional circumstances.

k. Number of Dwelling Units. the maximum number of dwelling units shall be established by the Planning Board after reviewing the following criteria:

1. Existing structures;
2. Proposed method and efficient of wastewater disposal;
3. Availability of public water;
4. Trip generation, traffic safety and internal site traffic;
5. Character of the proposed MCP and its relation to the surrounding neighborhood(s);
6. Character of the existing buildings and the potential for reuse thereof;
7. Number of affordable units, beyond the minimum required, proposed by the applicant;
8. Development Impact Statement;
9. Applicability of the Water Resource Protection District,
10. Reports of the technical consultants of the Planning Board and all other reviewing boards.

l. Number of Bedrooms. The Planning Board may ensure the diversification of dwelling units within a MCP by establishing the number of dwelling units with one, two or three bedrooms; but not more than 10% shall be three bedrooms.

m. Expansion of Existing Buildings, existing buildings within a MCOD may be expanded, provided that such expansion;

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- d. The thirty year restriction shall be approved as to form by legal counsel to the Planning Board, and a right of first refusal upon the transfer of such restricted units shall be granted to the Dracut Housing Authority for a period not less than 120 days after notice thereof.
- e. Affordable units shall be integrated into the overall development of the MCP so as to prevent the physical segregation of such units.
- f. The Applicant shall be encouraged to seek designation of the units referenced in paragraphs 9a and 9b as affordable units which qualify as part of the subsidized housing inventory as approved and complied by the Department of Housing and Community Development (DHCD). The Planning Board may require that the Applicant affirmatively take steps to utilize the Dracut Housing Authority, a public agency, a non-profit agency, limited dividend organization, or other appropriate entity, and through a Local Initiative Petition or other similar mechanism or program cause application to be made to the DHCD, so as to timely furnish all forms and information necessary to promote the designation of those units referenced in paragraphs 9a and 9b above as affordable units qualifying as part of the subsidized housing inventory. The Planning Board may require submission of application, forms and appropriate information to the DHCD as a condition of approval.

10. ACTION BY THE PLANNING BOARD

The Planning Board after considering reports from consultants and other Boards and/or Commissions, may grant a special permit for a MCP where it makes the following findings:

- a. The proposed MCP constitutes an appropriate renovation as defined above;
- b. The proposed MCP does not cause substantial detriment to the neighborhood after considering the following potential consequences:

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criteria outlined in the corresponding *Dracut Center Neighborhood Design Guidelines*. A copy of the *Dracut Center Neighborhood Design Guidelines* may be obtained by contacting the Dracut Town Clerk of the Planning Board Office.

2. Definitions: The following definitions shall apply in the DCNOD:

"Mixed-Use Development": A single building with the ground floor used primarily for retail, commercial, service or office and the upper floors(s) used for residential use.

"Assisted Living Facility": An establishment that furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment; and provides personal care services.

"Art gallery": An establishment that derives more than fifty percent (50%) of its income from the display.

"Artist Lofts": An apartment or studio where an artist works and lives.

"Artist": A person who is engaged gainfully or as a vocation in the following:

- (a) The fine arts, including but not limited to painting, printmaking, sculpturing or ceramics;
- (b) The performing and visual arts, including but not limited to dance, choreography, photography, or filmmaking; or
- (c) The composition of music.

"Bed and Breakfast": A use providing lodging and meals for guests in not more than five (5) bedrooms on a daily or weekly basis in an operator-or-owner-occupied dwelling that is primarily used for this purpose. The use is operated as a commercial enterprise, provides direct bookings from the public, and includes inns that operate restaurants offering meals to overnight guests.

"Lounge or Pub": A restaurant with a license to serve alcohol that identifies itself as a pub or lounge; may serve spirits or be limited to beer or wine.

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52	16	25	Arlington St	76	69	Arlington St
	17	39	Arlington St	77	93	Arlington St
	18	49	Arlington St	78	109	Arlington St
	19	55	Arlington St	79	127	Arlington St
	20	15	Arlington Ave	80	131	Arlington St
	61-1C	120	Arlington St	81	143	Arlington St
	61-2C	130	Arlington St			

Boundaries: The boundaries of the DCNOD shall be as shown on the Town of Dracut Zoning Map on file in the office of the Town Clerk, and shall encompass those lots shown on the map designated as lying within the DCNOD district. These lots primarily front Arlington Street and Bridge Street.

4. Relationship to Existing Zoning: The underlying zoning shall not be modified, repealed, nor amended by this section. The property owners in the DCNOD shall possess all current zoning rights and be subject to the requirements applicable in the underlying zones. In the event that an owner desires to use his or her property for mixed-use development as defined herein, the rules and regulations of the DCNOD shall apply and by filing an application for development subject to such rules and regulations, the owner shall be deemed to accept and agree to them. Where the DCNOD provisions are silent on a zoning rule or regulation, the requirements of the underlying zoning shall apply (e.g. off-street parking and open space requirements). In addition, projects allowed under the underlying zoning are not eligible to apply under the DCNOD unless they meet all of the requirements of the DCNOD. To attain the goals of the DCNOD, collaborative development proposals involving more than one property owner are encouraged, where appropriate.

In such cases, a project master plan must be submitted to the Planning Board with the initial project application, detailing the specific elements of the proposed project, outlining the impacts of the overall project, and identifying the responsibilities of each property owner. The Project Master Plan should describe: the uses proposed, the layout and size of the project, potential impacts to the environment, access and transportation impacts, water and sewer needs, and economic impacts.

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4. **Mixed-use development** as defined within this regulation.

6. **Prohibited Uses:** Any use not listed above is to be considered prohibited. Drive through services and windows are not allowed for any use in the DCNOD district.

7. **Dimensional Requirements:** Uses and structures within the DCNOD shall conform to the following requirements:

Minimum Lot Area: 22,000 square feet

Minimum Frontage: 75 feet

Minimum Front Yard Setback: 0 feet/10 feet*

Minimum Side Yard Setback: 0 feet

Minimum Side Yard Setback when abutting a residential district: 15 feet

Minimum Rear Setback: 15 feet

Maximum Building Height: 3 stories or 45 feet

Minimum land area per lot per dwelling unit: 10,000 square feet

*On each lot, there shall be one side yard of at least 10 feet in width.

8. **Special Provisions:** The following special provisions apply to all development within the DCNOD:

- a. The minimum separation between two or more buildings on the same lot shall be 20 feet.
- b. The Planning Board may modify all dimensional requirements outlined in Section 7 above if, in its opinion, such modifications will result in improved design that is in keeping with Section 1 above.
- c. Frontage and Access - The Planning Board may, as part of the special permit, reduce lot frontage for a development that provides consolidated or shared access for two or more adjoining parcels, subject to a legally enforceable agreement or restriction in a form acceptable to the Planning Board and approved by Town Counsel.

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accordance with this Section of the Bylaw and with Section 1.16.00. Such materials include the following:

- A site plan and site Master Plan, as described in Item 4 above
- An analysis of the consequences of the proposed development at a level of detail appropriate to the scale of the development project. Such an analysis shall assess the impact to the natural environment (ground and surface water, stream flows, erosion, vegetation removal and wildlife); impact on public services, traffic, water supply and wastewater; visual impacts; noise and economic impacts.

12. Decision Criteria: A Special Permit under this Section shall be approved upon determination by the Planning Board that the requirements of Section 1.16.00 and this section have been met, and that the proposed plan is consistent with the stated purposes and guidelines set forth in this section.



AMENDMENTS - SECTION FOUR

- (4.14.23 - amended - June 5, 2006 - Article 28
- (4.14.23 - amended - November 6, 1989 - Article 15
- (4.15 - added - November 4, 1991 - Article 8
- (4.15.5 - amended - October 2, 2000 - Article 13
- (4.16.00 - added - October 2, 2000 - Article 10
- (4.17.00 - added - November 4, 2013 - Article 9

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

side of Lakeview Avenue now known as number 1300 Lakeview Avenue, thence turning and running along Lakeview Avenue in a southeasterly direction approximately five hundred sixty (560) feet more or less to a point at the intersection of said Lakeview Avenue and Parker Avenue; thence turning and running along said Parker Avenue in a southwesterly direction one hundred sixty-three and 73/100 (163.73) feet more or less to Beaver Brook; thence turning and running along Beaver Brook in a northwesterly direction one thousand three hundred forty-six and 94/100 (1,346.94) feet more or less to a point ending at the southeast corner of number 96 Goodhue Avenue property line; thence turning and running in a northwesterly direction along said property line one hundred forty (140) feet more or less to a point ending at the southerly line of house number 88 Goodhue Avenue; thence turning and running in a northeasterly direction by various courses being three hundred (300) feet, two hundred thirteen and 78/100 (213.78) feet, one hundred five and 77/100 (105.77) feet, one hundred eighty-two and 28/100 (182.28) feet, one hundred sixty-two and 68/100 (162.68) feet, fifty-five and 30/100 (55.30) feet, eighty-three and 86/100 (83.86) feet, forty-five and 64/100 (45.64) feet and one hundred (100) feet to the point of beginning on the westerly side of Lakeview Avenue.

ARTICLE 6 Amendment voted June 6, 1988
Changed from Residential R-3 to Business B-3

The land and buildings thereon situated in said Dracut on the southwesterly side of Lakeview Avenue and southeasterly side of Otis Avenue, with the buildings thereon, now supposed to be numbered 1376 Lakeview Avenue, containing 96,411 square feet and being shown as Lots 8 to 18, both inclusive, on plan of land entitled "Goodhue Estate, Plan of Land in Dracut, Mass., belonging to William Haslam, Surveyed December 10, 1924, revised September, 1941, Brooks, Jordan and Graves, C.E., recorded with Middlesex North District Registry of Deeds, Book of Plans 71, Plan 16 and thus bounded and described: Beginning at the easterly corner thereof at the intersection of said Lakeview Avenue with a brook running southwesterly therefrom; thence running northwesterly by said Lakeview Avenue two hundred and 93/100 (200.93) feet to Lot 7 on said plan, thence at an angle of 90 degrees southwesterly by said Lot 7, one hundred (100) feet; thence at an angle of 90 degrees northwesterly by Lot 7 and 6 on said plan, one hundred

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE 7 Amended November 16, 1988
Changing from part I-1 and R-1 to I-1

PARCEL 1: A certain parcel of land and buildings situated thereon in that part of said Dracut called East Dracut, on the southeasterly side of the State Road leading from Lowell to Methuen, commonly called Broadway Street, and thus bounded and described: Beginning at the northwesterly corner of the premises at an iron pipe set in the ground at the northeasterly corner of land owned now or formerly by Grace Jones which point is approximately 640 feet northeasterly from an oak tree at land now or formerly of one Szciglewski; thence northeasterly by said road 320 feet, more or less, to another pipe set in the ground; thence southeasterly by other land of Cora G. Richardson, deceased, 1925 feet, more or less, to another pipe set in the ground at land now or formerly of one Whittier; thence southwesterly by the fence along said Whittier land, 206 feet, more or less, to another iron pipe set in the ground; thence northwesterly by land owned now or formerly by Grace Jones, 1,890 feet, more or less, to the point of beginning.

PARCEL 2: A certain parcel of land situated in that part of said Dracut called East Dracut, on the southeasterly side of the State Road leading from Lowell to Methuen, commonly called Broadway Street, and thus bounded and described: Beginning at the northwesterly corner of the premises at an iron pipe set in the ground at the northeasterly corner of other land of Cora Richardson, deceased, which point is approximately 960 feet northeasterly from an oak tree at land now or formerly of Szciglewski; thence northeasterly by said Road 320 feet, more or less, to another pipe set in the ground; thence southeasterly by land owned now or formerly by Gertrude R. Hight, 1,975 feet, more or less, to another iron pipe set in the ground at land now or formerly of one Whittier; thence southwesterly by the fence along said Whittier land 194 feet, more or less, to another pipe set in the ground; thence northwesterly by other land of said Cora Richardson, 1,925 feet, more or less, to the point of beginning.

PARCEL 3: A certain parcel of land, with the buildings thereon, situated in that part of said Dracut called East Dracut, on the southeasterly side of the State Road leading from Lowell to Methuen, and thus bounded and described: Beginning at the northwesterly corner of the premises at an iron pipe set in the

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

184.30 feet, more or less, to another iron pipe set in the ground at the southeasterly corner of said land or formerly of Cora G. Richardson; thence northwesterly by said Cora G. Richardson land, 1,988.50 feet, more or less, to the point of beginning.

ARTICLE 12 Amended November 16, 1988
Changed from R-3 to B-3

Then land in said Dracut, with the building thereon, situated on the southwesterly corner of Lakeview Avenue and Goodhue Avenue, bounded and described as follows: Beginning at the northeasterly corner of the premises at the intersection of said Avenues and running northwesterly by said Lakeview Avenue one hundred eighty-three (183) feet to land conveyed to New England Power Company by deed recorded in Middlesex North District Registry of Deeds, Book 1638, Page 480; thence southwesterly by said last named land one hundred two and 39/100 (102.39) feet to land now or formerly of Otis P. Coburn; thence at a right angle southeasterly by said last named land one hundred seventy-five and 82/100 (175.82) feet to said Goodhue Avenue; thence northeasterly by said Goodhue Avenue one hundred four and 17/100 (104.17) feet to the point of beginning. Containing 17,941 square feet to the point of beginning.

ARTICLE 5 Amended November 6, 1989
Changed from R-1 to R-3

The land in Dracut, Middlesex County, Massachusetts, with the buildings thereon, situated on the northwesterly side of Mammoth Road and being shown as Lots 2 and 2-1 on a plan of land entitled, "Compiled Subdivision Plan of Land in Dracut, Mass. For Robert Murphy, Scale 1"= 40'; October, 1986, William G. Troy & Associates 12 Euclid Road, Tewksbury, Massachusetts", which plan is recorded with Middlesex North Registry of Deeds, Plan Book 157, Plan 100, and thus bounded:

SOUTHEASTERLY by said Mammoth Road, 225 feet;

SOUTHWESTERLY by land, now or formerly, of Grenier and land, now or formerly, of Fanning, as shown on said plan, 500 feet;

NORTHWESTERLY by land, now or formerly, of Gagnon, as

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Beginning at the point in Dracut on the easterly sideline of Hildreth Street, being three hundred eighty feet more or less (380+) southerly of Pleasant Street and being the northwesterly corner of the parcel hereinafter described;
thence

N 68 58' 04" E a distance of three hundred sixty-one and sixty-six hundredths feet (361.66') by land now or formerly Dracut-Vickerry Realty to a point;
thence

S 23 23' 36" E a distance of one hundred sixty-four and three hundredth feet (164.03') by lands now or formerly Jean M., James K., and John L. Roth, Raymond J. and Yolanda M. Dame, and James M. Shanahan to a point; thence

S 65 50' 20" W a distance of two hundred sixty-four and no hundredths feet (264.00') crossing into Lowell to a point; thence

S 72 34' 28" W a distance of nineteen and Seventy-four hundredths feet (19.74') to a point; thence

S 65 01' 00" W a distance of thirty-three and no hundredths (33.00') to a point; thence

S 10 30' 34" E a distance of sixteen and seventy-nine hundredths feet (16.79') to a point; thence

S 56 57' 28" W a distance of thirty-three and no hundredths feet (33.00') the previous five courses by land now or formerly Herve J. and Lucien H. Loisel, et ux to a point on the easterly sideline of Hildreth Street;

N 25 47' 00" W a distance of two hundred three and forty hundredths feet (203.40') crossing into Dracut along the sideline of Hildreth Street to point of beginning.

which property is also known as Lot 52 on the Town of Dracut Tax Map 63.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Lot 4:

Easterly, by Haverhill Street, One hundred and fifty (150.00) feet;

Northerly, by Lot 3 as shown on said plan, three hundred and six and 45/100 (306.45) feet;

Westerly, by land owned by Cross River Condominiums, Inc. one hundred and fifty and 02/100 (150.02) feet;

Southerly, by Lot 6 as shown on said plan, one hundred and twenty-five (125.00) feet; and by Lot 5 as shown on said plan, one hundred and eighty-one and 78/100 feet (181.78) feet;

Containing, according to one said plan, 45,881 square feet, more or less.

This being a portion of the same premises conveyed to grantor by deed of Richard Michael Asadoorian, dated April 29, 1992 and recorded with Middlesex North District Registry of Deeds in Book 5913, Page 331.

Subject to restrictions and easements of record, if any, insofar as now in force and applicable.

ARTICLE 29 - Amended - June 3, 1996

Changed from R1 (Residential 1 to B1 (Business 1)

A certain parcel of land located on the Westerly sideline of Broadway Road in the Town of Dracut, Middlesex County, Commonwealth of Massachusetts containing 1.890 acres, bounded and described as follows:

Beginning at a stone bound located on the Westerly sideline of Broadway Road, said stone bound being S26 18'47" W a distance of 74.20 feet more or less from a County Bound and also marking the Southeast corner of land now or formerly of Stanley and Michael Lachut, thence;

N76 26'42" W along land of said Lachut a distance of 280.19 feet more or less to a point, thence N78 39'55" W along the southerly line of Lot 1B a distance of 229.96 feet more or less

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE 31 - Amended - June 3, 1996

Changed from B4 Business & R1 Residential to R1 Residential

Beginning at a stake in the stone wall on the southerly side of Marsh Hill Road and at the Northwesterly corner of the granted premises, said stake being distant Easterly from Bridge Street 827 feet; thence turning at an interior angle of 62 degrees 53' and running south 0 degrees 17' West by R. Pinard land, 294 feet to a drill hole in a stone wall at land now or formerly of Clarence Fox; thence turning at an interior angle of 89 degrees 1' and running South 88 degrees 44' West by said Fox land 100 feet following the wall to a drill hole in the wall; thence turning at an interior angle of 97 degrees 12' and running North 5 degrees 56 feet East by other land now or formerly of Edwin I. Johnson 229.5 feet to a drill hole in the wall on the Southerly side of Marsh Hill Road; thence turning at an interior angle of 110 degrees 54' and running North 63 degrees 10' West by the stone wall on the Southerly side of said road 140 feet to the stake at the point of beginning. Containing 31,410 square feet of land, more or less.

ARTICLE 11 - Amended - Nov. 18, 1996

Changed from B-4 and R-1 to all R-1 Residential

Beginning at the southwesterly corner of the premises herein conveyed at land formerly of Eliphalet Fox; thence running southeasterly along said Avenue, three hundred sixty and 5/10 feet, more or less, to a point; thence easterly along said Avenue, two hundred seventy-seven feet, more or less, to land of owner unknown; thence northerly, forty-two and 5/10 feet by land of said owner unknown to a point; thence easterly, twenty-five feet to land of owner unknown; thence northerly along said land, seven hundred seventy-one feet to a point; thence easterly, one hundred forty-one feet to the southwest corner of Lot 1 shown on plan recorded in Middlesex North District Registry of Deeds, Book of Plans 85, Plan 155B; thence, northerly along Lot 1 and 2 on said plan, four hundred feet, more or less; thence again northerly along Lot 3 on plan recorded in said Registry, Book of Plan 88, Plan 114B, two hundreds feet, more or less, to a passageway; thence easterly along said Lot 3, two hundred eighteen feet, more or less, to Old Marsh Hill Road; thence

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

the northerly line of Marsh Hill Road approximately 115 ft. to the point of beginning.

ARTICLE 11 - Amended - November 18, 1997
Changed from split between B3 and R3, to all B3

Lot 1A:

A certain parcel of land shown as Lot 1A, Parker Ave., Dracut Middlesex County, Massachusetts on a plan entitled "Compiled Plan of Land in Dracut, Middlesex County, Massachusetts, belonging to Charles Neofotistos, et als, Scale: 1"=50', Nov. 15, 1985, which plan is recorded in the Middlesex North District Registry of Deeds, Plan Book 151, Plan 78, bounded as follows:

- Southeasterly by Parker Avenue on said plan, one hundred twenty-five (125) feet;
- Northeasterly by land n/f Bernard & Olene Tyler, two hundred twenty-three and 27/100 (223.27) feet;
- Northwesterly by Lot 2 on said plan, eighty-one and 72/100 (81.72) feet; and
- Southwesterly by Lot 1B on said plan, one hundred ninety-eight and 85/100(198.85) feet.

Containing 22,050 square feet of land, according to said plan

Parcel Two referred to as Lot 2 on said plan of land entitled "Compiled Plan of Land in Dracut, Middlesex County, Mass. belonging to Charles Neofotistos, et als, scale 1"=50', Nov 15, 1985 which plan is recorded in Middlesex North District Registry of Deeds, Plan Book 151, Page 78 bounded as follows:

- Southeasterly by Hampson Street and Phineas Street on said plan, two hundred nineteen and 71/100 (219.71) feet;
- Northwesterly by lot 3 on said plan, three hundred eight and 97/100 (308.97) feet;

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE 19 - Amended - November 9, 1998

Changed from R3 to B3 in its entirety as described as parcel 78 on the Dracut Board of Assessor's Map 52, and described as follows:

The land in said Dracut, Middlesex County, Massachusetts, with the buildings thereon situated on the southerly side of Arlington Street and bounded and described as follows:

Beginning at the northeasterly corner thereof at said street and at land now or formerly of Henry Bardzik and Wanda Bardzik; thence southerly two hundred nine 61/100 feet (209.61); thence easterly one hundred sixty one feet (161); thence southerly two hundred seventy feet (270) to road leading from Lowell by Dracut Town Farm to East Dracut, and being a continuation of Willard Street four hundred and sixty-five (465) feet to land formerly of Dracut Town Farm; thence N 18 1/4 degrees West by said Town Farm land four hundred and fifty-eight (458) feet to land formerly of one Flynn; thence at an angle of 84 degrees 45' northeasterly by wall and said Flynn land one hundred sixty-four and 55/100 (164.55) feet to a corner wall; thence northwesterly by wall to said Flynn land four hundred sixty eight feet 31/100 (468.31) feet to said street; thence easterly by said Street about three hundred and eleven 02/100 feet (311.02) feet, to the point of beginning.

Said premises are included on a plan entitled "Plan of Land in Dracut, Ma., prepared for Henry Bardzik, dated December, 1994, 1"=40', prepared by Leo White, RLS" said plan being recorded with

Middlesex North District Registry of Deeds at Plan Book 190, Plan 143 being the property shown as #109 on said plan.

Containing 5.33 Acres +/- according to said plan.

Being a portion of the same premises conveyed to Heather M. McCartney and M. Shirley Peterson, by deed of Mark S. McCartney and Heather M. McCartney, dated May 26, 1994, recorded with Middlesex North District Registry of Deeds at book 7103, page 95.

ARTICLE 20 - Amended - November 9, 1998

Two parcels of land changed from I-1 and R-1, to I-1

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Thence northwesterly 213 feet more or less to a point;
Thence southeasterly 426 feet more or less to the point of beginning.

ARTICLE #12 - amended - November 15, 1999

Changed from B-3 Business and I-1 Industrial Zone, to B-3 Business Zone in its entirety, a parcel of land described as follows:

Assessors Map 51 Parcel 73

Beginning at a point on the northerly sideline of Loon Hill Road being the southeast corner of parcel 73 on Assessor's Map 51 and running southwestwardly along Loon Hill Road 73 feet more or less to a point;

Thence northwesterly 426 feet more or less to a point;
Thence southwestwardly 61 feet more or less to a point;
Thence northwesterly 309 feet more or less to a point;
Thence northeasterly 19 feet more or less to a point;
Thence southeasterly 420 feet more or less to a point;
Thence southeasterly 31 feet more or less to a point;
Thence southeasterly 317 feet more or less to the point of beginning.

ARTICLE 13 - Amended - November 15, 1999

Changed from B3 Business and R1 Residential to B3 Business Zone in its entirety, a parcel of land described as follows:

Assessors Map 36 Parcel 46
1651 Bridge Street

Beginning at a stone wall at land of Harry M. Fox, now or formerly, thence running easterly by a stone wall, 410.25 feet to Belcher St., thence running northerly on said Belcher St. 178.3 feet to land now or formerly of Garland; thence westerly by said Garland land 300 feet, more or less, to land now or formerly of Rocheleau; thence westerly by said Rocheleau land, 124.6 feet to Bridge St., in a southerly direction, 120 feet to the point of beginning.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE 25 - Amended - June 4, 2001

Changed from B3 Business and R3 and R1 Residential Zones to all R1, described herein as follows:

Assessors Map 68, Lot 42

The land, with buildings thereon, in Dracut, Middlesex County, Massachusetts being shown as Lots 62 and 63 on a plan of land in Dracut, Mass., called "Intervale" recorded with Middlesex North District Registry of Deeds, Book of Plans 15, Plan 16: to which plan reference may be made for a more particular description.

Containing 11,000 square feet of land, more or less, according to said plan. Being the same premises conveyed to Mark J. Little and Maria E. Little by Quitclaim Deed of Draco Homes, Inc. dated March 29, 1999, recorded in Middlesex County north District Registry of Deeds in Book 10039, at Page 064.

ARTICLE 7 - Amended - November 5, 2001

Changed from B3 Business to R3 Residential described as follows:

Assessors Map 49 Lot 37
15 Goodhue Avenue

The land in Dracut, Middlesex County, Massachusetts, situated on the westerly side of Goodhue Avenue and being shown as lot 2 on a plan of land entitled Proposed Subdivision plan of land in Dracut, MA. Prepared for Gerard and Lorraine Cassista, December 2000, which plan is to be recorded herewith and being bounded and described as follows:

Easterly, by theWesterly line of Goodhue Avenue, Ninety-three feet and 93/100 (93.93) feet;
Northerly, in three courses by lot 1 as shown on said plan, fifty-four and 89/100 (54.89) feet; forty-one and 55/100(41.55) feet; one hundred forty-two and 99/100(142.99) feet.

Westerly, by land, now or formerly of New England Power Company, Two Hundred Five and 45/100(205.45) feet;

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Assessors Map 25 Lot 164
(a portion of this lot as described)

Beginning at the southeasterly corner of the granted premises on Catherine Street, 150.24' from the intersection of Lakeview Avenue and Catherine Street; thence north 75 degrees 27 feet 30 inches west 158.40'; thence north 03 degrees 21 feet 22 inches east 257.26' thence south 72 degrees 12 feet 04 inches east 197.37 feet; thence south 17 degrees 47 feet 56 inches west 143.29 feet to the point of beginning or however else the same may be bound and described: containing 26, 359 square feet according to the plan referred to below.

Shown as Lot 1 on a plan entitled, "Proposed Rezoning in Dracut, MA; Scale 1'=40'; August 6, 2001; Robert M. Gill and Associates, Inc., Civil Engineers & Land Surveyors, 418 Bridge Street, Lowell, MA 01850," which plan is to be recorded in Middlesex North District Registry of Deeds.

ARTICLE 10 - Amended - November 5, 2001

Changed from B3 Business to B1 Business described as follows:

Assessors Map 32 Lot
2130 Lakeview Avenue

Being the land in Dracut, with building thereon, situated on the Southerly side of Lakeview Avenue, bounded and described as follows:

NORTHERLY by said Lakeview Avenue, three hundred eighty (380) feet:

WESTERLY three hundred ninety-five (395) feet:

SOUTHERLY thirty-seven (37) feet, said last two courses by land of one Canney; and

SOUTHEASTERLY by land formerly of John Shanks, five hundred twenty-eight (528) feet.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Also a certain parcel of land beginning at a point on Broadway Road, in said Dracut, said point being the southwest corner of the demised premises and continuing along a curve a distance of 107.63 feet on a radius of 327.13 to a point being the southwest corner of the demised premises:

Thence N 34-07-51 E, a distance of 45.63 feet to a drill hole;
Thence N34-07-51 E, a distance of 261.61 feet to a point;
Thence S 55-18-10 E, a distance of 116.01 feet to a point;
Thence in a southwesterly direction, along Lot 23 on said plan, a distance of 64.56 feet to drill hole;
Thence in a southwesterly direction, along a stone wall, a distance of 17.46 feet to a point;
Thence in a southeasterly direction a distance of 24.60 feet to a point;
Thence in a southwesterly direction a distance of 80.00 feet to a point;
Thence in a southwesterly direction, according to said plan, a distance of 162.00 feet to the point of beginning.

Said parcel containing 26,469 square feet of land, more or less.

Said parcel being further described as Lot 22 and Lot 21 on a plan of Land entitled, "Subdivision Plan of Land in Dracut and Methuen, Mass., compiled by Ross Engineering Company, dated April

10, 1987; Scale 1'=100; and recorded with Middlesex North District Registry of Deeds in Plan Book 159, Plan 86.

ARTICLE 12 - Amended - November 3, 2003

Changed from R2 Residential to R1 Residential, described as follows:

The land located on the westerly side of East Richardson Road being more particularly shown as lots Y-3, Y-4, and Y-5 on a plan entitled "PLAN OF LAND EAST RICHARDSON ROAD (PART OF MEADOWCREEK) PREPARED FOR TOWN OF DRACUT BOARD OF SELECTMEN, DRACUT, MA 01826 FEBRUARY 28, 2003". Prepared by Meisner Brem Corporation recorded at the Middlesex North Registry of Deeds in Book of

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Body Art Establishment: shall mean any facility that has been inspected and approved by the Board of Health for use in conducting Body Art activities.

2.11.30 Table of Permitted Uses.

A Body Art Establishment shall be permitted in, B-3, B-4, B-5, zones upon the issuance of a Special Permit by the Board of Selectmen.

Conditions: No Body Art Establishment shall be within:

3. Five Hundred (500) feet of the following zoning districts:
R-1, R-2, R-3; or
4. Five Hundred feet of a public or private school.

ARTICLE #27 - Amended - June 6, 2005

87 BELAIR AVE

Changed from B3 (business) to R3 (residential) shown as lot 44 on Assessors Map 45 and described as follows:

The land in said Dracut consisting of a certain parcel of land with the building thereon, situated on the Southerly side of Belair Avenue, being lots 93, 94, 95 as shown on plan of land entitled "Walbrook," surveyed May 1899, and recorded with said Registry in Book 14, Plan 47 and bounded and described as follows:

NORTHWESTERLY by Lot 92 on said Plan, 100 feet;
NORTHEASTERLY by Belair Avenue on said plan, 73 feet;
EASTERLY by land now or formerly of Patric O'Brien, on said Plan, 104.5 feet
SOUTHWESTERLY by lots 7,6,5,4,3, on said plan, 102.8 ft. containing 9,780 square feet more or less.

Being the same premises granted to Peter J. Screpetis and recorded with Middlesex North Registry of Deeds at Book 6429, Page 010, or act in any way relative thereto.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Containing 0.96 acres, more or less; being the same premises conveyed by deed of Edward J. Champagne, et ux, dated May 12, 1977, and recorded in Middlesex North District Registry of Deeds, Book 2243, Page 452, or act in any way relative thereto.

ARTICLE #13 - Amended - November 7, 2005

Changed from B3 Business, R3 Residential, and R1 Residential to B3 Business Zone in its entirety, a parcel of land described as follows:

1905 Lakeview Avenue
Tax Map 25, Parcel 222

The land in said Dracut with the buildings, if any, thereon, situated on the northeasterly side of Lakeview Avenue in Dracut, in said county of Middlesex and that part thereof called Collinsville and thus bounded and described:

Beginning at the southerly corner of the premises at the westerly corner of land conveyed by Michael Collins to Jerimiah Mahoney by deed dated May 5, 1892 and recorded in Middlesex North District Registry of Deeds, Book 237, Page 219; thence Northwesterly by the northeasterly line of said Lakeview Avenue two hundred seventy-seven (277) feet to a stone bound; thence Northwesterly still by the northwesterly line of said Avenue two hundred ten and 31/100 (210.31) feet more or less to land of John P. Nolan; thence Northeasterly sixty-two and 20/100 (62.20) feet by said Nolan land; thence Northeasterly at an interior angle of 171 33' still by land of said Nolan land one hundred forty-five and 18/100 feet (145.18) to other land of said Nolan, thence Southeasterly at an interior angle of 100 15' still by land of said Nolan five hundred sixty-two and 8/10 (562.8) feet; thence Southwesterly at an interior angle of 69 30' by land conveyed by Michael Collins to Jerimiah J. Sullivan by deed dated November 6, 1901, and recorded in said Registry, Book 337, Page 34 and by said Mahoney land three hundred forty-six and 75/100 (346.75) feet to the point of beginning.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE #27 - Amended - June 6, 2006

Changed from B2 Business Zone to R3 Residential Zone described as follows:

920 Methuen Street
Lot 10 on Assessors Map 67

A certain lot of land, with the buildings thereon, situated in Dracut, Middlesex County, Massachusetts, situated on the north side of River Road (so called), now known as Methuen Street, leading from Lowell to Lawrence and bounded as follows: Beginning at the southeast corner of said lot, in said road near the house of David Sherburne and by land of said Sherburne, thence N' 10 30' W, ninety and one half (90 1/2) feet by said Sherburne land to a bend in the wall; thence N' 45 W, eighty-six (86) feet by said Sherburne's land to a stake and stone, thence N' 86 15' E, one hundred seventy eight (178) feet by said Richardson's land to a stake and stone, thence S' 13 15' E, one hundred sixty-five (165) feet to a stake and stones at said road, thence West by said road, one hundred thirty-two (132) feet to the point of beginning. Including but not limited to any right, title and interest of Grantor in and to adjacent street, alleys or rights of way. Being the same premises conveyed to Frank J. Gorman, Harry L. Gorman and Francis J. Trouville d/b/a United Development Company by deed of Inhabitants of the Town of Dracut dated June 28, 1987 and recorded with said Registry at Book 4096, Page 127 and by Confirmatory Deed dated August 11, 1987 recorded with said Registry at Book 4202, Page 250.

ARTICLE #12 - Amended - November 6, 2006

17 & 21 Arlington Street
Map 52, Parcel 13 & Map 52, Parcel 14

Changed from B3 Business Zone and R3 Residential Zone to a B3 Business Zone (Parcel 1), and R3 Residential Zone to B3 Business Zone (Parcel 2), described as follows:

Two (2) contiguous parcels of real estate, one having a post office address of 17 Arlington Street, being shown on Tax Map 52, parcel 13 from a B-3 Business Zone and R-3 Residential Zone to a

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

WESTERLY by land of one Peabody now or formerly, four hundred thirty-three and 48/100 (433.48) feet.

CHANGES TO ZONING MAP

Being all the same premises conveyed to Edward T. Ayotte and Doris A. Ayotte, Trustees of Neighboring Realty Trust by deed dated October 30, 1998 and recorded with Middlesex North District Registry of Deeds in Book 9665, Page 134. Dracut Assessors Tax Reference: Tax Map 52, Parcel 14.

ARTICLE #8 - Amended - November 5, 2007

23 & 25 Arlington Street
Map 52, Parcel 15 & May 52, Parcel 16

Changed from R-3 Residential to B-3 Business Zone as follows:

PARCEL 1:

The land with the buildings thereon, situate in Dracut, County of Middlesex, Massachusetts, and bounded and described as follows:

Beginning at the northwesterly corner of the premises at a stake and stones at Arlington Street at land now or formerly of one Chandler, now or formerly, about 25 rods and 7 feet to a stake and stones by a wall; thence running easterly on the center of the wall about 7 rods and 1 foot to a corner of the wall at land, now or formerly, of the widow of Simon C. Craig; thence northerly on the center of a division wall about 19 rods and 11 feet to a point of 100 feet distant from said Arlington Street; thence westerly by a line parallel with said Arlington Street and 100 feet distant therefrom by the remaining portion of the premises described in a deed to Marguerite E. Hamer, dated October 12, 1928 and recorded in Middlesex North District Deeds, Book 796, Page 37, 40 feet; thence northerly by a line parallel with said division wall and 40 feet therefrom by the remaining portion of the premises described in said deed, 100 feet to a point on said Arlington Street, 40 feet distant westerly from the northeasterly corner of the premises described

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE #2-2 - Amended - June 2, 2008

1480 Methuen Street & 1300 Methuen Street
Map 39, Parcel 2 & Map 55, Parcel 6

Changed from R-1 Residential to I-1 Industrial Zone as follows:

Two (2) contiguous parcels of real estate, one having a post office address of 1471 Methuen Street located at 1480 Methuen St. and being a portion of the parcel shown on Tax Map 39, Parcel 2 from an R-1 Residential Zone to an I-1 Industrial Zone (Parcel 1), the second parcel having a post office address of 1304 Methuen Street, located at 1300 Methuen St. and being a portion of the parcel shown on Tax Map 55, Parcel 6 from an R-1 Residential Zone to an I-1 Industrial Zone (Parcel 2), per Article #9 of the November 5, 2007 Town Meeting; said real estate being further described as follows:

PARCEL 1:

BEGINNING AT REBAR, said point being the southwest corner Map 39 Lot 2, and 1028 feet more or less north of Methuen Street, thence;

N 24 degrees 21'11" W a distance of 142.00 feet more or less to a stone bound, thence;

N 59 degrees 25'05" W a distance of 424.58 feet more or less to a stone bound, thence;

S 62 degrees 09'34" W a distance of 191.50 feet more or less more to a stone bound, thence;

N 59 degrees 34'00" W a distance of 406.5 feet more or less more to a stone bound, thence;

N 65 degrees 28'22" E a distance of 419.23 feet more or less more to a point, thence;

N 63 degrees 32'06" E a distance of 663.48 feet more or less more to a point on a stonewall, thence;

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

PARCEL 2:

BEGINNING AT STONE BOUND, at the corner of a stonewall, said point being 342 feet more or less north of Methuen Street, thence;

S 05 degrees 29'44" E a distance of 46.74 feet more or less to a point on the easterly sideline of a New England Power Co. right of way, thence;

N 34 degrees 54'31" W a distance of 1666.05 feet more or less to a point at land owned by Brox Industries, thence;

N 65 degrees 28'22" E a distance of 415.05 feet more or less more to a stone bound, thence;

S 59 degrees 34'00" E a distance of 406.50 feet more or less more to a stone bound, thence;

N 62 degrees 09'34" E a distance of 191.50 feet more or less more to a stone bound, thence;

S 59 degrees 25'05" E a distance of 424.58 feet more or less more to a stone bound, thence;

S 24 degrees 21'11" E a distance of 142.00 feet more or less more to a rebar, thence;

S 29 degrees 02'40" W a distance of 55.95 feet more or less more to a point, thence;

S 35 degrees 33'00 W a distance of 84.91 feet more or less more to a point, thence;

S 48 degrees 49'50" W a distance of 65.04 feet more or less more to a point, thence;

S 40 degrees 49'20" W a distance of 46.86 feet more or less more to a point, thence;

S 26 degrees 31'40" W a distance of 15.90 feet more or less more to a point, thence;

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

Containing 29,895 square feet, be said contents and any or all of said measurements more or less and however otherwise said premises may be measured bounded or described, being Lots 1,2,3 and 4 on a plan of land entitled " Sec. I Plan of Land in Dracut, Surveyed to Grace E. Canney" surveyed May 1892 by O.F. Osgood, Civil Engr., which plan is recorded with Middlesex North District Registry of Deeds, Plan Book 7, Plan 33.

ARTICLE #7 - Amended - November 1, 2010

823 Broadway Rd
Map 21-0-29

Changed from I1 to R1, described as follows:

823 Broadway Road of Dracut, Massachusetts, in said County of Middlesex. The land in said Dracut, MA situated on the easterly side of Broadway Road and bounded and described as follows:
Northwesterly by said Broadway Rd. 466.4 feet;
Northeasterly by land of A. Ogonowski 671.15 feet more or less;
Southeasterly by land of Maille 238 feet, more of less;
Southwesterly by land of Haight 230.9 feet;
Southwesterly again by land of said Haight 197.8 feet to the point of beginning.

Containing 3.68 acres, more or less and being shown on a plan of land entitled "Plan of Land in Dracut, Ma, and belonging to Rose Maille, April 18, 1952", recorded simultaneously with this deed. Being a part of the premises conveyed to Rose Maille by deed of Mary Therrien, dated September 22, 1934 and recorded in Middlesex North District Registry of Deeds, Book 851, Page 528.

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

ARTICLE #12 - Amended - November 7, 2011

1400 Broadway Rd

Changed from R1 Residential to B3 Business, described as follows:
Beginning at a point on Broadway Road, in said Dracut, said point being the southeast corner of the demised premises and continuing N 55-18-10 W, a distance of 175 feet to a point;
Thence N 06-00-00 E, a distance of 162.00 feet to a point;
Thence N 81-00-00 E, a distance of 80.00 feet to a point;
Thence N 12-00-00 W, a distance of 24.66 feet to a point;
Thence N 74-14-12 E, along a stone wall a distance of 17.46 feet to a drill hole;
Thence N 49-02-25 E, a distance of 64.56 feet to a point;
Thence S 55-18-10 E, a distance of 40.50 feet to a point;
Thence southeasterly, as shown on said plan, a distance of 323.77 feet to the point of beginning.

Said parcel containing 40,022 square feet of land, more or less, according to said plan.

Said parcel being further described as Lots 20 and 23 on a Plan of Land entitled "Subdivision Plan of Land in Dracut and Methuen, Mass."; compiled by Ross Engineering Company; dated April 10, 1987, Scale: 1" = 100'; and recorded with Middlesex North District Registry of Deeds in Plan Book 159, Plan 86.

Also a certain parcel of land beginning at a point on Broadway Road, in said Dracut, said point being the southwest corner of the demised premises and continuing along a curve a distance of 107.63 feet on a radius of 327.13 to a point being the southeast corner of the demised premises:

Thence N 34-07-51 E, a distance of 45.63 feet to a drill hole;
Thence N 34-07-51 E, a distance of 261.61 feet to a point;
Thence S 55-18-10 E, a distance of 116.01 feet to a point;
Thence in a southwesterly direction, along Lot 23 on said plan, a distance of 64.56 feet to a drill hole;
Thence in a southwesterly direction, along a stone wall, a distance of 17.46 feet to a point;
Thence in a southeasterly direction a distance of 24.60 feet to a point;

TOWN OF DRACUT - ZONING BY LAWS

CHANGES TO ZONING MAP

SOUTHWESTERLY: by land formerly of one Canney, fifty (50) feet. Containing according to said plan, Seven Thousand, Five Hundred (7500) square feet.

Being the same premises granted to Dorothy M Hoare by deed dated November 13, 1967 and recorded with the Middlesex South District Registry of Deeds at Book 1822, Page 483.

For Grantor's Title, see Estate of Dorothy M. Hoare, Middlesex Probate Court Docket No. 11P2939EA. The address for this property is 450 Nashua Road, Dracut, Massachusetts.

ZBL Updated through November 4, 2013 Annual Town Meeting