

Please Note: Proposed additions and deletions shown in track changes

Amended through TM April 2018

ZONING BY-LAWS

TOWN OF LEVERETT, MASSACHUSETTS

ARTICLE I. PURPOSE.

These regulations are enacted to promote the general welfare of the Town of Leverett, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by the provisions of the Zoning Act, M.G.L.A. ch. 40A, as amended, and by Article 89 of the Amendments to the Constitution.

ARTICLE II. USE AND DIMENSIONAL REGULATIONS.

2100. Districts.

2110. Establishment. For the purposes of this By-Law, the Town of Leverett is hereby divided into the following districts:

Residential/Village .....	RV
Residence/Rural .....	RR
Rural Outlying Residential .....	RO
General Business .....	GB
Commercial .....	COM

Seven additional “overlay” districts are also hereby created: an Aquifer Protection District (pursuant to Section 4300), a Flood Hazard District (pursuant to Section 4400), a Stream and Lake Protection District (pursuant to Section 4500), a Scenic Road Protection District (pursuant to Section 4600), a Rattlesnake Gutter Overlay District (pursuant to Section 4700), an Upper Elevation Site Plan Review Overlay District (pursuant to Section 4960), and a Wireless Telecommunications Overlay District (pursuant to Section 4900).

The boundaries of these districts are defined and set forth on the map entitled, “Zoning Map, Leverett, Mass.,” dated March 11, 2008, as may be subsequently amended by vote of Town Meeting. This map is on file with the Town Clerk. This map and all explanatory matter therein are hereby made a part of this Zoning By-Law.

2120. Boundary Definition. Except when labeled to the contrary, boundary or dimension lines shown approximately following or terminating at street, railroad, or utility easement center or layout lines, boundary or lot lines at water body shoreline or the channel of a stream, shall be construed to be actually at those lines; when shown approximately parallel, perpendicular, or at an angle to such lines shall be construed to be actually

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parallel, perpendicular, or at an angle thereto. When not located in any other way, boundaries shall be determined by scale from the map. The Rural Outlying (RO) Residential District shall commence 500 feet from the edge of the Right of Way of the road layout.

2130. Existing Lots. Where a district boundary line divides any lot existing at the time such line is adopted, the use regulations for any district in which the lot has frontage on a street may be extended not more than forty (40) feet into the other district.

2200. Use Regulations.

2210. General. No structure shall be erected or used or land used except as set forth in Section 2230, "Use Regulation Schedule", or in Section 2240, "Accessory Buildings and Uses", unless exempted by Section 2240, or by statute.

Symbols employed below shall mean the following:

- Y - A permitted use.
- N - An excluded or prohibited use.
- SP - A use authorized under special permit as provided under Section 5300.
- SPR - Site Plan Review required as provided under Section 3900.

2220. Applicability. When an activity might be classified under more than one of the following uses, the more specific classification shall govern; if equally specific, the more restrictive shall govern, if equally specific, the more restrictive shall govern.

2230. Use Regulation Schedule.

2231. <b>Principal Uses.</b> (For Accessory uses, see Section 2240.)	<b>Districts</b>				
	<b>RV</b>	<b>RR</b>	<b>RO</b>	<b>GB</b>	<b>CO</b>
-----					
Residential Uses (see Section 4880)					
One-family dwelling incl. mobile homes	Y	Y	Y	Y	Y
Two-family dwelling	Y	Y	Y	Y	Y
Multi-family dwelling (3 or more units)	N	N	N	N	N
Flexible Development	N	N	SPR	N	N
Non-family accommodations (boarding house, etc.) with 2 or 3 rooms for let	SP	SP	SP	SP	SP
Bed & Breakfast with 4 or 5 rooms <u>or less</u> to let	<u>SPN</u>	SP	SP	<u>SPN</u>	<u>SPN</u>

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	<b>RV</b>	<b>RR</b>	<b>RO</b>	<b>GB</b>	<b>CO</b>
Recreational occupancy of camping vehicle for not more than 14 consecutive days in any one month period	Y	Y	Y	Y	Y
<b>2232. Extensive Uses.</b>					
Agriculture, silviculture, horticulture, floriculture or viticulture <u>exempt from</u> <u>zoning regulations pursuant to G.L. ch. 40A, s. 3</u>	Y	Y	Y	Y	Y
<u>Other Agricultural Uses including Marijuana</u> <u>Cultivation</u>	NSP	SP	SP	SP	SP
Private commercial campgrounds	N	SP	SP	N	N
Private commercial outdoor recreation area	SP	SP	SP	SP	SP
Commercial earth removal	N	N	N	SP	SP
Conservation area, public park	Y	Y	Y	Y	Y
<b>2233. Community Service Uses.</b>					
Public utility	SP	SP	SP	SP	SP
Cemeteries	SP	SP	SP	SP	SP
Schools - Exempted from zoning regulation by G.L. ch. 40A, s.3	Y	Y	Y	Y	Y
Other educational uses;	SP	SP	SP	SP	SP
Church, other religious use	Y	Y	Y	Y	Y
Cemeteries	SP	SP	SP	SP	SP
Other non-commercial community service use	SP	SP	SP	SP	SP
<b>2234. Business/Industrial Uses.</b>					
<u>Home Occupations (see Section 2241)</u>	SP	SP	SP	SP	SP
<u>Small Home Occupations (see Section 2241.5)</u>	Y	Y	Y	Y	Y
<u>Hotel or motel</u>	N	N	N	SP	SP
<u>Inns</u>	SP	SP	SP	SP	SP
<u>Restaurant, including take-out or drive-in service</u>	SPN	SPN	SPN	SP	SP
Private commercial indoor recreation facility or club	N	N	N	SP	SP
Junkyard, salvage yard	N	N	N	N	N
Sawmill (see definition)	N	N	N	SP	SP
Gasoline service stations	N	N	N	SP	SP

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	<b>Districts</b>				
	<b>RV</b>	<b>RR</b>	<b>RO</b>	<b>GB</b>	<b>CO</b>
Automobile sales and repair	N	N	N	SP	SP
Sales, service, or storage of trucks, tractors, farm or construction equipment	N	N	N	SP	SP
Business or professional offices	N	N	N	SP	SP
<u>Conversion of a Non-Residential Historic Structure (100 years or older) to one or more of the following residential and/or commercial uses: Apartments, Retail Stores, Professional Offices, Restaurants, Microbrewery, Artisan Studios and/or Sawmill within the footprint of the Historic Structure</u>	SP	SP	SP	SP	SP
Bank	N	N	N	Y	Y
Retail grocery or general store up to 3,000 square feet of enclosed floor space	SP	N	N	Y	Y
Retail grocery or general store greater than 3,000 square feet of enclosed floor are	N	N	N	SP	SP
Other retail stores and services	N	N	N	SP	SP
Small scale environmentally sensitive craft production, consistent with neighborhood character	<u>SPN</u>	<u>SPN</u>	<u>SPN</u>	SP	SP
Manufacturing, production, assembly, or processing firm	N	N	N	<u>SPN</u>	SP
Research facility	N	N	N	SP	<u>SP</u>
Ground-Mounted Solar Electric**	**	**	**	**	**
Bulk storage, warehouse, <u>storage units</u>	N	N	N	N	SP
Sale or storage of feed, fuel, lumber or building supplies	N	N	N	N	SP
Wireless Telecommunications Facilities***	SP	SP	SP	SP	SP
Transportation or private bus terminal	N	N	N	N	N
Farm stand, seasonal	Y	Y	Y	Y	Y
Kennels	N	N	N	SP	SP
Nursing home, funeral home	SP	SP	SP	SP	SP
Ready-mix concrete plant	N	N	N	N	N
<b>2235. Other Principal Uses.</b>					
Having attributes similar to a use permitted (Y or SP) above	SP	SP	SP	SP	SP
Other principal uses	N	N	N	N	N

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\*\* = See Section 4970 for requirements and conditions, including requirement of SPR and SP

\*\*\*= See Section 4900 for requirements and conditions

2240. Accessory Buildings and Uses. Any use permitted as a principal use is also allowed as an accessory use, as are others customarily accessory and incidental to permitted principal uses.

2241. Home Occupations. A business or profession may be engaged in as an accessory use of a dwelling by a resident of that dwelling, upon issuance of a special permit by the Board of Appeals, if conforming to the following conditions:

- a. The occupation or profession shall be carried on wholly within the principal building or within building or other structure accessory thereto.
- b. Not more than thirty (30) percent of the combined floor area of the residence and any accessory structures shall be used in the home occupation.
- c. The home occupation shall be accommodated within an existing structure without extension thereof.
- d. Not more than two persons not a member of the household shall be employed on the premises in the home occupation.
- e. Except for a permitted sign, there shall be not more than 300 square feet of exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.
- f. No disturbance shall be caused as defined in Section 3420.
- g. Traffic generated shall not exceed volumes normally expected in a residential neighborhood.
- h. Parking generated shall be accommodated off-street, other than in a required front yard, and shall not occupy more than 10% of lot area.
- i. Home occupations in an Aquifer Protection District shall not use or store hazardous materials, as defined herein, in quantities greater than 5 gallons or 5 lbs.

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2241.5 Small Home Occupations. If all of the conditions of Section 2241 are met and not more than one person not a member of the household shall be employed on the premises in the home occupation, and there shall be no exterior storage, then the business or profession may be engaged in as of right as an accessory use of a dwelling by a resident of the dwelling.

2242. Animals. Horses and other animals, including pigs, chickens, and other farm animals, used for non-commercial or non-agricultural purposes, may be stabled (as an accessory use) within the RR and RV districts.

2243. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

2244. One house trailer, mobile home, camping vehicle, or tent may be used as an accessory dwelling on a lot for not more than thirty (30) days in any twelve (12) month period. One house trailer, mobile home, camping trailer, or similar vehicle, not used for dwelling purposes, may be stored out of doors on a lot.

2245. No garage building or accessory building shall be used as a dwelling unit if it is located on a lot with a principal structure serving as a residence.

2246. Rental of a single room in a principal residential structure is permitted as an accessory use.

2247. Dimensional Regulation: Accessory Uses. Accessory structures may not be placed within required yards, except that permitted signs may be located within a required front yard, and a permitted one-story accessory structure may be located within a required rear yard provided that it occupies not more than 25% of the required yard, and provided that it is not located within 10 feet of any property line.

2248. Temporary Storage Units related to the construction of a home or business can be placed on a lot for 6 months or less provided that all setback requirements are met (see Section 2340. Dimensional Schedule). Extension of the time period to no more than 12 months may be granted by Special Permit from the Zoning Board of Appeals.

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2300. Dimensional Requirements.

2310. General. No structure shall be erected or used, premises used, or lot changed in size or shape except in conformity with the requirements of this section, unless exempted by this By-Law or by statute (see especially M.G.L.A. ch. 40A, s.6).

2320. Multiple Principal Structures. Not more than one principal structure shall be erected on a lot, unless otherwise authorized in this By-Law, or unless pursuant to a special permit issued by the Zoning Board of Appeals in accordance with Section 5300 herein and the following conditions:

2321. No principal building shall be located in relation to another principal building on the same lot, or on an adjacent lot, so as to cause danger from fire.

2322. All principal buildings on the lot shall be served by access ways suitable for fire, police, and emergency vehicles;

2323. All of the multiple principal buildings on the same lot shall be accessible via pedestrian walkways connected to the required parking for the premises, and to each principal building.

2330. Rear Lots. Rear lots shall not be allowed in General Business or Commercial Districts. Individual lots in Residence Districts need not have the required amount of street frontage, provided that all of the following conditions can be met for each individual lot lacking such frontage:

2331. The area of said lot is at least double the minimum area normally required for the district.

2332. A building line is designated on the plan, and the width of the lot at that line equals or exceeds the number of feet normally required for street frontage in the district. For the purpose of this section 2332 only, the building line for a rear lot shall designate the line behind which the principal building on the lot shall be built.

2333. Lot width is at no point less than 30 feet, and lot frontage is not less than 30 feet. Frontage shall meet all of the requirements contained in the definition for "frontage" in Article VI, herein.

2334. Not more than one (1) rear lot shall be created from a property, or a set of contiguous properties held in common ownership as of April 30, 1988. Documentation to this effect shall be submitted to the Planning Board along with the application for Approval Not Required or Definitive Subdivision Plans under the Subdivision Control Law. The Building Inspector shall not issue a building permit for any rear lot without first establishing that compliance with this provision has been determined by the Planning Board.

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2335. At the time of the creation of the rear lot, it shall be held in common and contiguous ownership with the front lot.

2336. The Planning Board shall not approve an application for creation of a rear lot unless the applicant submits a plan under the Subdivision Control Law depicting both the rear lot and the front lot from which the rear lot was created.

2337. Where a single-family structure is situated on a rear lot, the front, rear, and side yards shall equal or exceed those required in the district. However, where a two-family structure is situated on a rear lot, the rear lot shall have 50% more lot area, side yard setback, and frontage than is otherwise required by Section 2330 or Section 2340, whichever is greater.

2340. Dimensional Schedule. (For accessory buildings, see Section 2247, for Wireless Telecommunication Facilities see Section 4900, for Ground-Mounted Solar Electric Installations see Section 4970.)

	RV	RR	Districts RO	GB	COM
Minimum lot area (sq. ft.) <sup>1, 2, 8, 9</sup>	40,000	60,000	200,000	40,000	40,000
Minimum lot frontage (ft.) <sup>1, 3, 8</sup>	200	200	400	150 <sup>4</sup>	150
Minimum front yard (ft.) <sup>5, 7</sup>	40	40	40	40	40
Minimum side yard (ft.) <sup>1</sup>	20	25	25	25	25
Minimum rear yard (ft.) <sup>1</sup>	30	30	30	30	30
Maximum building height (ft.) <sup>6</sup>	35	35	35	35	35
Maximum lot coverage (%):					
by buildings	15	10	10	20	20
by buildings, structures, and impervious surfaces	35	35	25	50	50
Minimum Open Space (%)				40	40

<sup>1</sup> Increase by 50% for two-family structures in the RV, RR, GB and COM Districts, after accounting for any increase in lot size required by location in an Aquifer Protection District. See Footnotes 2 and 3, below.

<sup>2</sup> Increase to 120,000 sq. ft. in Aquifer Protection District in the RV, RR, GB and COM Districts

<sup>3</sup> Increase to 300 ft. in Aquifer Protection District for single-family in RV, RR, GB and 200 ft. in COM Districts and to 450 ft. in Aquifer Protection District for two-family structure in all districts.

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<sup>4</sup> 200 ft. for single family residences (except 300 ft. in Aquifer Protection District), 300 ft. for two-family residences (except 450 ft. in Aquifer Protection District).

<sup>5</sup> Or aligned with existing buildings on adjacent properties.

<sup>6</sup> The height provisions of these regulations shall not apply to the erection of churches, belfries, and towers designed exclusively for ornamental purposes, flagstaffs, chimneys, silos, antennae, water tanks, or similar structures.

<sup>7</sup> In the Rattlesnake Gutter Overlay District, no structure shall be permitted within 500 feet of the centerline of the traveled portion of Rattlesnake Gutter Road. Where a structure is proposed on a lot in existence as of March 2, 1998, which cannot meet this requirement because of size of shape, the structure shall be located at the most distant feasible development site from Rattlesnake Gutter Road, as determined by the Planning Board in accordance with section 4740, below.

<sup>8</sup> An approval Not Required (ANR) lot having the required frontage for the RR District on a Street in the RR District in existence on March 12, 2008 that has a portion of the lot in the RR District and a portion of the lot in the RO district may have the house sited on the RO portion of the lot without meeting the greater frontage and acreage requirements of the RO District provided that the lot meets all the dimensional requirements, including frontage, of the RR District as increased by the Aquifer Protection District requirements if applicable.

## ARTICLE VI. DEFINITIONS

Inn shall mean an historic structure used or designed for overnight lodging for transient guests, which may also provide a restaurant to lodgers and the public. An historic structure for the purposes of this definition shall be a building one hundred (100) years or more in age. A guest(s) may not stay at an Inn for more than 30 days in any six-month period.

Microbrewery shall mean a small brewery that produces up to 100,000 gallons (approx. 2,400 barrels) of beer a year.

Storage Unit shall mean a container or structure, or a portion thereof, such as a cargo container, truck trailer or similar unit, used to store goods, wares or personal property for residential, commercial or industrial purposes. No flammable or explosive materials use or storage is permitted in a Storage Unit.

Structure shall mean anything constructed or erected, the use of which ~~requires~~ occupies a fixed location on the ground, including swimming pools, satellite dishes, tennis courts, and animal enclosures, and Storage Units.