

Section 5: Use Regulations

1) Better Organization

- The provisions for Buffer Zones are currently located with the Dimensional Regulations (Section 4-D). The proposed Section 5 relocates these to the “Use” Section as the most basic buffer requirements are based on the uses in question.

2) Clerical Amendments

- Several Uses have been placed in the Table 5-B.1 that are currently addressed only in separate sections of the bylaw (e.g., Open Space Residential Design, Age Qualified Village, etc.)
- A “Parking Code” column was added to the Use Table to remove any doubt regarding which parking requirements listed in Section 8 should be applied to each use.
- Earth Removal: Several provisions have been clarified here in an effort to better distinguish between earth removal as an activity incidental to construction and as a commercial mining activity. Where the existing bylaw has one “Earth Removal” Section. The proposed bylaw divides these issues into “Excavation or Filling of Earth” (incidental) and “Earth Removal” (commercial mining).
- Excavation or Filling of Earth: Clear Special Permit application requirements have been added for these activities to make this permit process easier to administer (proposed Section 5-C.5)
- Excavation or Filling of Earth: Similar to the application requirements, clear approval criteria have been added for these activities to make this permit process easier to administer (proposed Section 5-C.6)
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3) Amendments to better address Current Planning Issues

- Permit Jurisdiction: The beginning of this bylaw establishes a new system of determining Special Permit jurisdiction in the Use Table. Where the Zoning Board of Appeals now reviews every Special Permit application associated with the Use Table. Some of these uses are proposed to be shifted over to the Planning Board. These changes were made in an effort to streamline permitting. Where a Special Permit activity requires more complex site design procedures and/or drainage design, these uses are proposed for the Planning Board’s jurisdiction as they are generally more exposed to these issues through the subdivision process.
- “Top of the Shop” housing has been changed to a by right use (Residential Use “g” in Table 5-B.1) to better address the goals for downtown mixed use in the Master Plan.

- Creating official office space within a dwelling in residential districts has been changed from a by right to a Special Permit use (Residential Use “j” in Table 5-B.1).
- Open Space Residential Design has been added as a Special Permit use under Residential Use “t” in Table 5-B.1.
- Age Qualified Village has been added as a Special Permit use for Residential B, General Residence and Highway Business based on feedback from residents and officials. This use has been prohibited in the Central Business District, as this style of housing layout is not consistent with the CBD goals in the Master Plan.
- Several manufacturing uses previously allowed by right have been changed to Special Permit uses (Industrial Uses “o” through “s” in Table 5-B.1).
- Earth Removal: The application requirements for commercial mining Special Permits have been adjusted to better reflect how the industry operates and what the concerns for abutters and other residents will be. These requirements are included in 5-D.3 and include:
 - A baseline assessment of groundwater levels and water quality;
 - Location of vehicle fueling areas; and
 - Contingency plans for toxic spills.
- Earth Removal: The surety provisions have been increased from \$5,000 per acre to \$15,000 per acre and the Zoning Board of Appeals would also have the right to ensure access to the site for the purposes of performing restoration work.
- Temporary Uses: Allowable Temporary Uses have been refined and there is less discretion provided to the Building Inspector under the proposed Section. Based on discussions with the Building Inspector, provisions have been added to include temporary structures that are required for public health, safety and welfare or for compliance with state/federal programs.
- Temporary Uses: Provisions have been added here for the Building Inspector to enforce a surety where appropriate in order to better protect the Town’s interest.
- Buffer Zones: The required buffer between the Central Business District and abutting residential properties has been reduced from 40 to 26 feet. This is consistent with the current standards for buffers in the Business District and better addresses the Master Plan goals for better site planning in the CBD.