

structure may be enlarged or changed in use only in accordance with the provisions of Section 6.1.2 herein.

6.1.4 Maintenance, Repair and Reconstruction of Unsafe Structure

Nothing in this Bylaw shall be deemed to restrict the normal maintenance and repair on nonconforming structures or prevent reconstruction to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

6.1.5 Abandonment

Any nonconforming use which has been abandoned or not used for two (2) years or more shall not be reestablished, and any future use of such premises shall conform to the provisions of this Bylaw.

6.1.6 Conditions, Safeguards and Limitations

The Board of Selectmen may impose reasonable conditions, safeguards or limitations on applications for special permits under this section, designed to lessen any possible adverse impact on adjacent uses or neighborhood, whenever a nonconforming use is authorized to enlarge, expand, extend or convert to another nonconforming use under the provisions of this section.

6.2 Off-Street Parking Requirements

6.2.1 Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, the development of a new use or any change in an existing use, in accordance with the following schedule:

- a. Hotel – two (2) parking spaces, plus one (1) parking space for each sleeping room.
- b. Accessory Home Occupation, Office or Roadside Stand -- one (1) space for each non-resident employee plus adequate off-street parking for clients or customers.
- c. Business District -- one (1) parking space for each 500 feet of gross floor area plus adequate space for employees, service and supply vehicles.
- d. Manufacturing or Wholesale Establishments -- one (1) parking space for each four (4) employees plus adequate space for customers, service and supply vehicles.
- e. Multi-Family Dwelling -- one and a half (1 1/2) parking spaces for each dwelling unit and adequate space for service and supply vehicles.
- f. Eating Establishments -- one (1) space for each three (3) seats based on the legal capacity of the facility plus two (2) spaces for each three (3) employees.
- g. Religious Uses -- one (1) space for every three (3) seats or fifty (50) square feet of seating area where fixed seating is not provided.

$$186 \div 3 = 62$$

$$80 \text{ students} \div 3 = 27$$

- h. Educational Uses -- one (1) space for every twelve (12) classroom seats or one (1) space for every three (3) auditorium seats, whichever is greater.
- i. Library/Museum -- one (1) space for each three hundred (300) square feet of gross floor area plus one (1) space per employee.
- j. Non-Residential Health Care Facilities -- five (5) spaces for each professional on duty plus one space per employee.
- k. Residential Health Care Facilities -- one (1) space for every two (2) beds.
- l. Funeral Home -- one (1) space for each one hundred (100) square feet of gross floor area plus one (1) space per employee.
- m. Bed & Breakfasts -- two (2) parking spaces plus one (1) for each guest room.

For uses not specifically listed, the special permit granting authority, or, if no special permit is required, the building inspector, shall determine the number of spaces required based upon the most similar use(s) that is(are) listed and the most recent edition of the ITE Parking Generation Manual. In all cases, sufficient parking shall be provided to accommodate all visitors, patrons and customers on an average peak day.

- 6.2.2 The minimum number of required off-street parking spaces as set forth in Section 6.2.1. may be reduced by special permit from the Planning Board upon determination that special circumstances render a lesser provision adequate for the parking needs in any particular case.
- 6.2.3 In cases when two (2) or more uses are in close proximity to a parking area capable of accommodating parking demand in terms of numbers and use patterns, shared parking may be approved by the special permit granting authority, or, if no special permit is required, the building inspector, conditioned on permission of the parking lot owners, evidence of sufficient parking, legal documentation establishing an operations and maintenance agreement, and such other documentation that the special permit granting authority or, if no special permit is required, the building inspector, determines is needed to demonstrate that the shared parking can be accomplished safely and without adverse impact to the public convenience.
- 6.2.4 An area of 162 square feet (9' x 18') shall be considered as one (1) off-street parking space.
- 6.2.5 All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such manner as to permit them to be used at all times.
- 6.2.6 Any parking area of more than five (5) parking spaces shall be located to the rear of the building setback line and at least fifty (50) feet from any side or rear property line, unless specifically otherwise authorized by special permit from the Planning Board. Such parking area shall be suitably screened on any property line which abuts upon a residential district or a site in residential use.

6.3 Special Permits

6.3.1 Special Permit Granting Authority

Any board designated as the special permit granting authority in this Bylaw may hear and decide applications for special permits upon which such board is specifically authorized to act under this Bylaw in accordance with the provisions of Section 9, Chapter 40A of the General Laws.

6.3.2 Sketch Plan Review

The purpose of sketch plan review is to give the special permit granting authority, or, if no special permit is required, the building inspector, and the applicant an opportunity to discuss the proposed project prior to the submission of a formal application and a significant commitment of time and money on the part of the applicant.

The Town Clerk, upon receipt of sketch plan materials, shall forward them to the appropriate permit granting authority. The permit granting authority shall place the proposed project on its next available meeting agenda at which time the project shall be discussed.

At a minimum, the applicant shall submit:

- * a map showing the important existing natural and manmade features in and around the site; and
- * a sketch plan showing the major features of the proposal.

6.3.3 Required Hearing and Notice

Special permits may only be issued following public hearings held within sixty-five (65) days after filing of an application with the special permit granting authority. Notice of public hearing shall be given by the Board holding the hearing by publication in a newspaper of general circulation in the town once in each of two (2) successive weeks, the first publication to be not less than fourteen (14) days before the day of the hearing and by posting such notice in a conspicuous place in the Town Hall for a period of not less than fourteen (14) days before the day of such hearing, and by mailing it to "Parties in Interest" as provided in Section 11, Chapter 40A (G.L.) which include the petitioner, abutters, owners of land directly opposite any public or private street or way and abutters to abutters within 300 feet of the property line, all as they appear on the most recent applicable tax list, the Planning Board, and the Planning Board of every abutting municipality.

6.3.4 Review By Other Boards and Agencies

The special permit granting authority shall within five (5) days after receipt of an application for a special permit transmit a copy thereof for review to the Board of Health, Board of Selectmen (if applicable), the Planning Board (if applicable), the Conservation Commission, the Sewer and Water Commission, and any other municipal board or agency, at the discretion of the special permit granting authority, by placing a copy of the application in the Board's mail box. At the same time, the special permit granting authority shall send notice to the

chairman of each board at his or home address (1) indicating that the application has been so transmitted and (2) notifying the chairman of the date of the public hearing on the application. The public hearing shall be held at least thirty-five (35) days after the application has been transmitted to the boards. Any board not ready with its recommendations by the date of the public hearing may request prior to the hearing or at it that the special permit granting authority continue the hearing for the purpose of receiving that board's recommendations. In the event that any such board or agency fails to make recommendations within thirty-five (35) days of receipt by such board or agency of the petition or fails to request additional time as provided above, its failure to respond shall be deemed lack of opposition thereto.

6.3.5 Review by Town Departments

Within five (5) days of receipt of an application for a special permit, the special permit granting authority may refer an application for a special permit to any municipal department for review and comment. Such review and comment shall be made within thirty five (35) days of receipt by the department of the special permit application. In the event that any such municipal department fails to comment within thirty-five (35) days of receipt by such municipal department of the application, its failure to respond shall be deemed to constitute lack of opposition to the special permit.

6.3.6 Findings Required

Before granting a special permit for any use requiring such permit under the provisions of this Bylaw, the special permit granting authority shall find that the proposed use:

- a. Is in compliance with all provisions and requirements of this Bylaw, and in harmony with its general intent and purpose;
- b. Is essential or desirable to the public convenience or welfare at the proposed location;
- c. Will not be detrimental to adjacent uses or to the established or future character of the neighborhood;
- d. Will not create undue traffic congestion or unduly impair pedestrian safety;
- e. Will not overload any public water, drainage, or sewer system or any other municipal facility to such an extent that the proposed use of any existing use in the immediate area or in any other area of the town will be unduly subjected to the hazards affecting public health, safety or general welfare.

6.3.7 Conditions, Safeguards and Limitations

Special permits may be issued subject to such conditions, safeguards or limitations as the special permit granting authority may impose for the protection of neighboring uses or otherwise serving the purposes of this Bylaw. Such conditions, safeguards or limitations may include, but are not limited to, the following:

- a. Front, side and rear yards greater than the minimum required by this Bylaw; screening buffers or planting strips, fences or walls as specified by the Authority;