

Town of Webster, MA
Saturday, August 30, 2025

Chapter 650. Zoning

Article IV. District Regulations

§ 650-12. Establishment of districts.

[Amended 5-8-2000 ATM, Art. 26; 10-17-2005 FATM, Art. 25; 5-8-2006 ATM, Art. 28; 10-20-2008 FATM, Art. 18; 10-20-2008 FATM, Art. 21; 10-20-2014 FATM, Art. 14; 5-10-2021 ATM by Art. 15]

- A. For the purpose of this bylaw the Town of Webster is hereby divided into the following types of use districts:

District Number	District Name	Minimum Lot Area (square feet)	Floor Area Ratio to Land Area
1.	Single-Family Residential	12,000	
2.	Agricultural Single-Family Residential	43,560	
3.	Multiple-Family Residential (two-family)	12,000	
	For each additional family	6,000	
4.	General Business		1 to 1
5.	General Business		1 to 2
5A.	Gore Business		1 to 2
6.	Industrial		1 to 2
7.	Lake Residential	5,000	
8.	Floodplain		
9.	Conservation District		
10.	Lake Watershed Protection District		
11.	Redevelopment Overlay District		

- B. The following constitutes the Table of Use Regulations:^[1]

[1] *Editor's Note: The Table of Use Regulations is included as an attachment at the end of this chapter. In the eCode360®, a link to the Table is included at the beginning of the chapter.*

- C. Any additional use which is substantially similar to one or more of the uses specifically authorized and not more detrimental to the neighborhood may be allowed, if a permit

therefore is issued in accordance with the provisions of § **650-11B** of this Bylaw.

D. The following constitutes the Table of Dimensional Regulations:^[2]

[2] *Editor's Note: The Table of Dimensional Regulations is included as an attachment at the end of this chapter. In the eCode360®, a link to the Table is included at the beginning of the chapter.*

§ 650-13. Zoning Map.

[Amended 5-11-2009 ATM, Art. 23]

Said districts are located and bounded as shown on map entitled "Zoning Map of Webster, Massachusetts" dated March 7, 1967, and as subsequently amended, the current version of which is on file in the Office of the Town Clerk. The Zoning Map with all explanatory matter thereon is hereby made a part of this bylaw.^[1]

[1] *Editor's Note: The Zoning Map is on file in the Town offices.*

§ 650-14. District 1, Single-Family Residential.

A. Uses permitted. In any Residence 1 District the following uses are permitted:

- (1) Detached single-family dwelling.
- (2) Religious, education or municipal use.
- (3) Hospital, convalescent home.
- (4) Public utility buildings (no service yards.)
- (5) Private garage.
- (6) A storage shed, limited to a maximum of 120 square feet and 12 feet in height may be placed within five feet of the rear property line.
[Amended 10-21-1996 FATM, Art. 63]
- (7) Accessory uses customarily incidental to a permitted main use on the same premises, including but not limited to the following:
 - (a) Use of a room or rooms in a dwelling for customary home occupations conducted by resident occupants, such as dress-making candy making or for the practice, by a resident, of a recognized profession and provided there are no more than two employees.
 - (b) Use of premises or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber or other artisan, provided however that there shall be no external manifestation of said use except as provided in the following § **650-39**.
- (8) The keeping of six laying hens or fewer for personal use. Hens must be confined at all times and not permitted to run at large.
[Added 10-19-2015 FATM, Art. 35]

B. Adequate off-street parking area shall be provided to accommodate occupants. (See § **650-39**.)

- C. Set-back building lines. In any Residential District no part of any enclosing wall of any building shall be nearer than 30 feet to the exterior line of any street. No structure shall be located nearer than 15 feet to the side or rear lot lines nor nearer than 25 feet to any street line.
[Amended 5-8-2023 ATM by Art. 12]
- D. Lot size. In Residence 1 Districts the minimum lot area shall be 12,000 square feet. The minimum width at the building line shall be 100 feet.
- (1) No building lot shall be laid out which is substantially irregular in shape. For the purpose of this provision irregularity will be defined by the formula $r = a^2 / \text{perimeter squared}$ where "r" is the coefficient of regularity, a = area and perimeter = the sum of the sides. A single family lot having a coefficient lower than 0.4 will be considered to be substantially irregular. The provisions of this paragraph shall not apply to lots shown on plans approved and recorded before January 1, 1996.
[Added 10-21-1996 FATM, Art. 59]

§ 650-15. District 2, Agricultural Single-Family Residential.

- A. Permitted uses:
- (1) All uses permitted in Residence 1 District.
- (2) Farm or nursery, including the display and sale of natural products raised in the Town and the raising of stock, except as limited by Subsection **B** below.
- (3) Accessory uses.
- B. Uses which may be permitted by the Board of Appeals in accordance with MGL c. 40A, and any amendments thereof, including the following:
[Amended 5-10-1999 ATM, Art. 6]
- (1) Farm slaughtering.
- (2) Gravel, loam, sand and stone removal.
- (3) The raising of hogs, pigs or fur-bearing animals provided such activity is carried on at least 500 feet from any property line.
- (4) Restaurant, tea room and dairy bar.
- (5) Hotel or tourist court.
- (6) Road-side Stands.
- C. Adequate off-street parking area shall be provided to accommodate occupants. (See § **650-39**.)
- D. Set-back building lines. In any Agricultural-Residence District, no part of any enclosing wall of any building shall be nearer than 30 feet to the exterior line of any street. No structure shall be located nearer than 15 feet to the side or rear lot lines nor nearer than 25 feet to any street line.
[Amended 5-8-2023 ATM by Art. 13]
- E. Lot size. In any Agricultural-Residence District the minimum lot area shall be 43,560 square feet. The minimum width at the building line shall be 100 feet.
[Amended 5-5-1981 STM, Art. 2]

- (1) No building lot shall be laid out which is substantially irregular in shape for the purpose of this provision substantially will be defined by the formula $r = A \cdot 16 / \text{perimeter squared}$ where "r" is the coefficient of regularity, a = area and perimeter = the sum of the sides. A single family lot having a coefficient lower than 0.4 will be considered to be substantially irregular. Provisions of this paragraph shall not apply to lots shown on plans approved and recorded before January 1, 1996.
[Added 10-21-1996 FATM, Art. 60]

F. (Reserved)^[1].

[1] *Editor's Note: Original Subsection (6), Greyhound dog racing track/civic center complex, as amended 5-2-1978 ATM, Art. 67, was repealed 5-8-1995 ATM, Art. 9.*

§ 650-16. District 3, Multiple-Family Residential.

A. Permitted uses:

- (1) All uses permitted in Residence District 1.
- (2) Two-family dwelling minimum area 12,000 square feet with 6,000 square feet required for each additional family unit.
[Amended 10-17-2005 FATM, Art. 25]
- (3) Hotel, motel, nursing homes; floor area ration to land area one to two.
- (4) Schools; floor area ratio to land area one to two.

B. Adequate off-street parking area shall be provided for occupants. (See § 650-39.)

- C. Set-back building lines. In any Residence 3 District no part of any enclosing wall of any buildings shall be nearer than 30 feet to the exterior line of any street. No structure shall be located nearer than 10 feet to the side or rear lot lines nor nearer than 25 feet to any street line.
[Amended 5-8-2023 ATM by Art. 14]

D. Lot size. In Residence 3 Districts the minimum lot area shall be 12,000 square feet.

- (1) No building lot shall be laid out which is substantially irregular in shape. For the purpose of this provision irregularity will be defined by the formula $r = a \cdot 16 / \text{perimeter squared}$ where "r" is the coefficient of regularity, a = area and perimeter = the sum of the sides. A multiple-family lot having a coefficient lower than 0.5 will be considered to be substantially irregular. The provisions of this paragraph shall not apply to lots shown on plans approved and recorded before January 1, 1996.
[Added 10-21-1996 FATM, Art. 62]

- E. Whenever there is an application for a permit to construct a building in excess of six apartments, the Appeals Board shall hold a Public Hearing within 90 days of the submittance of the application. Abutters shall be notified and a public notice of said hearing shall be published at least 14 days before the hearing.
[Amended 5-2-1978 ATM, Art. 67]

§ 650-17. District 4, Business Districts.

[Amended 5-5-1987 ATM, Art. 9010-20-1997 FATM, Art. 16; 5-11-2009ATM by Art. 23; 5-10-2021 ATM by Art. 15]

A. Permitted uses:

- (1) All uses permitted in Residence 1 and Residence 3 Districts.
- (2) Theaters.
- (3) Agencies.
- (4) Amusement enterprises (after approval of Selectmen).
- (5) Mercantile establishments.
- (6) Assembly of appliances.
- (7) Apartment hotel.
- (8) Auto service stations.
- (9) Auto sales.
- (10) Banks or financial institutions.
- (11) Building material, sales and storage.
- (12) Bowling alleys.
- (13) Funeral parlor.
- (14) Hotel, motel or tourist court.
- (15) Laundry, tailor shop.
- (16) Photographic studio.
- (17) Office (business or professional).
- (18) Printing or publishing.
- (19) Public garages.
- (20) Shoe repair shop.
- (21) Animal hospital or veterinary.
- (22) Wholesale distributing plant.
- (23) Wholesale warehouse.
- (24) Beauty parlor and barber shop.
- (25) Parking areas — commercials.
- (26) Trucking terminal or bus garage.
- (27) Restaurants, tea rooms, hotel.

B. Set-back building lines. In any Business District no part of any enclosing wall of any building shall be nearer than 10 feet to the exterior line of any street.

C. Lot size. In Business Districts any lot used principally for residence purposes shall conform with the Residence 3 lot size requirements.

D. Adequate off-street parking area shall be provided for occupants. (See § **650-39.**)

E. Adult uses bylaw.

- (1) Authority and purposes. This bylaw is enacted pursuant to MGL c. 40A, and pursuant the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of preventing the clustering and concentration of adult entertainment enterprises as defined herein because of their deleterious effect of adjacent areas and in response to studies demonstrating their effect in generating crime and blight.
- (2) Definitions. As used in this bylaw, the following terms shall have the meanings indicated:

ADULT DANCE CLUB

An establishment which, as its principal form of entertainment, permits a person or persons to perform in a state of nudity as defined in MGL c. 272, § 31, and which excludes minors by virtue of age.

ADULT ENTERTAINMENT ENTERPRISES

To include adult retailers, adult dance clubs and adult theaters as defined herein.

ADULT RETAILERS

An establishment having as a substantial or significant portion of its stock-in-trade devoted to books, magazines, video-tapes, implements, or other matter of paraphernalia which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272, § 31, and which excludes Minors by virtue of age.

ADULT THEATER

An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing, or relating to sexual conduct or excitement as defined in MGL c. 272, § 31, and which excludes minors by virtue of age.

- (3) Adult entertainment enterprises. Adult Entertainment Enterprises may be allowed in District 4 Business Districts (within sewer) only by special permit granted by the special permit granting authority as provided under Article III of the Webster Zoning Bylaws in conformance with the following controls: No adult entertainment enterprises shall be located less than 500 feet from the property boundary lines on any lots in residential use. No adult entertainment enterprise shall be located less than 1,000 feet from the property boundaries of a lot in public or nonprofit school, library, park or playground. No adult entertainment enterprises shall be located less than 1,000 feet from any other adult entertainment enterprises.
- (4) No pictures, publication, videotapes, movies, covers, or other implements, items or advertising entertainment enterprise merchandise or are erotic, prurient, or related to violence, sadism, or sexual exploitation shall be displayed in the windows of, or on the building of any adult entertainment enterprises, to be visible to the public from pedestrian sidewalks or walkways or from other areas, public or semipublic, outside such establishments.
- (5) Adult entertainment shall be limited to the following area within District 4 Business District (within sewer). The area shall be within the following highway boundaries: From the intersection of Thompson Road and Birch Island Road south to the intersection of Interstate 395, then northerly to Birch Island Road and then westerly to Thompson Road.

§ 650-18. District 5, Business Districts.

[Amended 5-5-1981 ATM, Art. 19; 5-5-1987 ATM, Art. 91; 5-11-2009ATM by Art. 23; 5-10-2021 ATM by Art. 12; 5-10-2021 ATM by Art. 15]

A. Permitted uses:

- (1) All uses permitted in Residence 2 District with exception of § **650-15B(1)** and **(3)**.
- (2) All uses permitted in General Business District 4.

B. Set-back building lines. No part of any enclosing wall of any building shall be nearer than 30 feet to the exterior line of any street. No structure shall be located nearer than 15 feet to the side or rear lot lines, nor nearer than 25 feet to any street line.

[Amended 5-8-2023 ATM by Art. 15]

C. Lot size. The minimum lot size shall be 25,000 square feet and Floor Area Ration to Land Area minimum shall be one to two.

D. Adequate off-street parking area shall be provided to accommodate occupants. (See § **650-39**.)

E. Uses which may be permitted by the Planning Board by special permit and site plan approval:

- (1) Self-service storage facility, associated retail operations, and equipment rental accessory to use.

§ 650-19. District 5A, Gore Business District.

[Added 5-8-2000 ATM, Art. 26; amended 10-20-2008 FATM, Art. 18]

A. Permitted uses.

- (1) All uses permitted within Residence 2 Districts with the exception of § **650-15B(1)** and **(3)**.
- (2) Agencies.
- (3) Mercantile establishments.
- (4) Assembly of appliances.
- (5) Apartment, hotel.
- (6) Automobile service station — no gas.
- (7) Banks, financial institutions.
- (8) Building material sales and storage.
- (9) Bowling alleys.
- (10) Funeral parlor.
- (11) Hotel, motel or tourist court.
- (12) Laundry and/or tailor shop.

[Amended 5-11-2009 ATM, Art. 23]

- (13) Photographic studio.
- (14) Office, business or professional.
- (15) Printing or publishing.
- (16) Shoe repair shop.
- (17) Animal hospital or veterinary.
- (18) Beauty parlor and barber shop.
- (19) Restaurant, tea rooms.
- (20) Self-storage facility.
[Added 10-20-2003 FATM, Art. 32]
- (21) Car wash.
[Added 10-20-2003 FATM, Art. 33]

- B. Setback building lines. No part of any enclosing wall of any building shall be nearer than 30 feet to the exterior line of any street. No structure shall be located nearer than 25 feet to the side or rear lot lines nor nearer than 25 feet to any street line.
- C. Lot size. The minimum lot size shall be 43,560 square feet.
- D. Parking. Adequate off street parking shall be provided for occupants. (See § **650-39**.)

§ 650-20. District 6, Industrial.

A. Permitted uses:

- (1) Any use permitted and as regulated in an Agricultural Residential District.
- (2) Any manufacturing or industrial use, including processing, fabrication and assembly, provided that no such use shall be permitted which would be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reason of dirt, odor, fumes, smoke, gas, sewerage, refuse, noise, excessive vibration or danger of explosion or fire.
- (3) Wholesale Distributing Plant.
[Added 6-26-1989 ATM, Art. 24]
- (4) Wholesale Warehouse.
[Added 6-26-1989 ATM, Art. 24]
- (5) Building Materials, Sales and Storage.
[Added 6-26-1989 ATM, Art. 24]
- (6) Trucking Terminals or Bus Garage.
[Added 6-26-1989 ATM, Art. 24]
- (7) Office Space, regular business hours.
[Added 6-26-1989 ATM, Art. 24]

- B. Use which may be permitted by the Board of Appeals under MGL c. 40A. To grant a special permit for an exception as provided by sections of this bylaw when it shall have

found that the use involved will not be detrimental to the established or future character of the neighborhood and Town and subject to appropriate conditions of safeguards if deemed necessary.

- (1) Automobile dismantling or used-parts yard.
 - (2) Junkyard.
 - (3) Marijuana cultivator.
[Added 10-15-2018 ATM by Art. 17]
 - (4) Craft cultivator cooperative.
[Added 10-15-2018 ATM by Art. 17]
 - (5) Marijuana product manufacturer.
[Added 10-15-2018 ATM by Art. 17]
 - (6) Marijuana independent testing laboratory.
[Added 10-15-2018 ATM by Art. 17]
 - (7) Marijuana research facility.
[Added 1-13-2020 STM by Art. 8]
- C. Lot size. In any Industrial Area the Floor Area Ratio to Land Area, the minimum shall be one to two with a minimum lot size for Industrial use of 43, 560 square feet.
- D. Adequate off-street parking area shall be provided for occupants. (See § **650-39**.)
- E. All marijuana establishments shall be equipped with a heating, ventilation, air conditioning, filtration system or other accepted system which is designed to minimize attendant odors and noise escaping the structure which are associated with said use. It is the Applicant's burden to establish that such system is sufficient to mitigate odor and noise impacts to the surrounding neighborhood so that such impacts do not constitute a health hazard or nuisance, as may be reasonably determined by the Planning Board.
[Added 10-15-2018 ATM by Art. 17]
- F. All marijuana establishments shall operate within a fully enclosed building that is monitored by surveillance cameras, alarm systems, and all other security measures in accordance with CCC Regulations deemed appropriate to ensure community safety and deter unauthorized access to the premises.
[Added 10-15-2018 ATM by Art. 17]

§ 650-21. District 7, Lake Residential.

[Amended 4-15-1986 STM, Art. 10]

- A. Uses permitted. Any uses permitted in a Residence 1 District.
- B. Lot Size. In Lake Districts the floor area ratio to land area, the minimum shall be one to two.
- C. Set-Back Building Lines. In any Lake Residential District, no part of any enclosing wall shall be nearer than 20 feet to the exterior line of any street. No structure shall be located nearer than 10 feet to the side or rear lot lines.
[Amended 5-8-2023 ATM by Art. 16]
- D. No structure shall be located nearer than 10 feet from the side lot lines. No structure shall be located nearer than 10 feet from the rear lot line except where the rear lot line is

coincidental with the lake line. In those instances boat houses, docks, and wharves may be located directly on the coincidental lake line/rear lot line.

[Amended 12-8-2014 STM, Art. 12]

- E. Sections **650-31** and **650-32** of Article **V** shall apply in all cases to the Lake Districts Lots.
- F. No permit for building shall be issued until a disposal works Construction Permit has been obtained from the Board of Health.
- G. Uses which may be permitted by the Boards of Appeals after a hearing with due notice given:
 - (1) Marinas.

§ 650-22. District 8, Floodplain.

[Amended 5-4-1982 ATM, Art. 11; 5-5-1987 ATM, Arts. 92, 93 and 94; 6-28-1993 STM, Art. 2; 5-13-2002 ATM, Art. 13; 5-9-2011 ATM, Art. 12; 5-8-2023 ATM by Art. 11]

- A. Statement of purpose. The purposes of the Floodplain District are to:
 - (1) Ensure public safety through reducing the threats to life and personal injury;
 - (2) Eliminate new hazards to emergency response officials;
 - (3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
 - (4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
 - (5) Eliminate costs associated with the response and cleanup of flooding conditions;
 - (6) Reduce damage to public and private property resulting from flooding waters.
- B. Definitions.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

FLOOD BOUNDARY AND FLOODWAY MAP

An official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

FLOOD HAZARD BOUNDARY MAP (FHBM)

An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

FLOODWAY

The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59; also Referenced Standard ASCE 24-14]

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

HISTORIC STRUCTURE

Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs. [US Code of Federal Regulations, Title 44, Part 59]

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard adopted by the authority having jurisdiction, including any subsequent improvements to such structures. New construction includes work determined to be substantial improvement. [Referenced Standard ASCE 24-14]

RECREATIONAL VEHICLE

A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY

See "floodway."

SPECIAL FLOOD HAZARD AREA

The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AO, AH, V, VE. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION

- (1) The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual "start of construction" means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.
- (2) Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE

For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL REPAIR OF A FOUNDATION

When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]

VARIANCE

A grant of relief by a community from the terms of a floodplain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3 is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A

An area of special flood hazard without water surface elevations determined.

ZONE A99

Area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONE AE

Area of special flood hazard with water surface elevations determined.

ZONE AH

Areas of special flood hazards having shallow water depths and/or unpredictable flow paths between one foot and three feet, and with water surface elevations determined.

ZONE AO

Area of special flood hazards having shallow water depths and/or unpredictable flow paths between one foot and three feet. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE V

Area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area).

ZONE VE (for new and revised maps)

Area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area).

ZONES, FLOOD

All terms are defined in the US Code of Federal Regulations, Title 44, Part 64.3.

- C. District delineation. The Floodplain District is herein established as an overlay district. The district includes all special flood hazard areas within the Town of Webster designated as Zone A, AE, AH, AO, A99, V, or VE on the Worcester County Flood Insurance Rate Map (FIRM) dated June 7, 2023, issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The exact boundaries of the district shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Worcester Flood Insurance Study (FIS) report dated June 7, 2023. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk.
- D. Designation of Webster Floodplain Administrator. The Town of Webster hereby designates the position of Zoning Enforcement Officer to be the official Floodplain Administrator for the Town.

- E. Permits are required for all proposed development in the Floodplain Overlay District. The Town of Webster requires a permit for all proposed construction or other development in the Floodplain Overlay District, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.
- F. Assure that all necessary permits are obtained. The Town's permit review process includes the requirement that the proponent obtain all local, state and federal permits that will be necessary in order to carry out the proposed development in the Floodplain Overlay District. The proponent must acquire all necessary permits, and must demonstrate that all necessary permits have been acquired.
- G. Floodway encroachment.
 - (1) In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available federal, state, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town's/City's FIRM or Flood Boundary and Floodway Map encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- H. Unnumbered A Zones. In A Zones, in the absence of FEMA BFE data and floodway data, the Building Department will obtain, review and reasonably utilize base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A and as the basis for elevating residential structures to or above base flood level, for floodproofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.
- I. Drainage requirements in AO and AH Zones. Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.
- J. Subdivision proposals. All subdivision proposals and development proposals in the Floodplain Overlay District shall be reviewed to assure that:
 - (1) Such proposals minimize flood damage.
 - (2) Public utilities and facilities are located and constructed so as to minimize flood damage.
 - (3) Adequate drainage is provided.
- K. Base flood elevation data for subdivision proposals. When proposing subdivisions or other developments greater than 50 lots or five acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

- L. Recreational vehicles. In A1-30, AH, AE Zones, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.
- M. Watercourse alterations or relocations in riverine areas. In a riverine situation, the Zoning Enforcement Officer shall notify the following of any alteration or relocation of a watercourse:
 - (1) Adjacent communities, especially upstream and downstream.
 - (2) Bordering states, if affected.
 - (3) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.
 - (4) NFIP Program Specialist, Federal Emergency Management Agency, Region I.
- N. Requirement to submit new technical data. If the Town/City acquires data that changes the base flood elevation in the FEMA mapped special flood hazard areas, the Town/City will, within six months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s). Notification shall be submitted to:
 - (1) NFIP State Coordinator, Massachusetts Department of Conservation and Recreation.
 - (2) NFIP Program Specialist, Federal Emergency Management Agency, Region I.
- O. Variances to Building Code floodplain standards.
 - (1) The Town will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.
 - (2) The Town shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and ii) such construction below the base flood level increases risks to life and property.
 - (3) Such notification shall be maintained with the record of all variance actions for the referenced development in the Floodplain Overlay District.
- P. Special permits related to community compliance with the National Flood Insurance Program (NFIP).
 - (1) The Special Permit Granting Authority (SPGA) shall be the Planning Board. Upon receipt of the special permit application, the SPGA shall transmit one copy each to the Board of Appeals, Fire Department, Conservation Commission, Health Department, and the Building Commissioner for their written recommendations. Failure to respond within 35 days of transmittal shall indicate approval by said agencies.
 - (2) A variance from these floodplain bylaws must meet the requirements set out by state law, and may only be granted if:
 - (a) Good and sufficient cause and exceptional non-financial hardship exist;

- (b) The variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and
 - (c) The variance is the minimum action necessary to afford relief.
- Q. Abrogation and greater restriction section. The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.
- R. Disclaimer of liability. The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.
- S. Severability section. If any section, provision or portion of this bylaw is deemed to be unconstitutional or invalid by a court, the remainder of the bylaw shall be effective.

§ 650-23. District 9, Conservation.

[Amended 10-16-2000 FATM, Art. 2]

- A. Purpose. The purpose of the Conservation District is to protect large areas of the natural landscape for the benefit of the health, safety and welfare of the public by promoting preservation of ecologically sensitive systems, protection of wildlife, of surface and groundwater and of other natural resources, and conservation of soils, while allowing for reasonable use and development of private property, in a manner consistent with such preservation, protection and conservation.
- B. Permitted uses. The following uses are permitted in the Conservation District:
- (1) Uses exempted by MGL c. 40A, § 3, and uses customarily incidental thereto.
 - (2) Municipal use.
 - (3) Windmills, wind powered generators, subject to the requirements of § **650-42**.
 - (4) Forestry and wildlife management.
 - (5) Private clubs for boating, fishing and hunting where otherwise lawfully permitted.
 - (6) Bicycle, equestrian and foot paths and trails, and unpaved recreation areas, which do not alter existing topography.
 - (7) Public and private water supplies and maintenance and improvement of ponds, brooks and other water bodies.
 - (8) Outdoor recreation uses including facilities for riding, fishing, boating, skating, hiking and cross-country skiing, but not including driving ranges, skateboard or rollerblade parks, amphitheaters, racetracks or similar outdoor amusement and entertainment facilities.
- C. Uses permitted by special permit. The following uses may be authorized by special permit of the Board of Appeals of MGL c. 40A, § 9, provided the Board shall find that the use and associated site development: Will not be detrimental to the character of the neighborhood and Town; will not be inconsistent with the purpose of the Conservation District or with generally acceptable conservation practices regarding woodlands and park areas; and will meet, at a minimum, the performance standards set forth in Subsection **D** below:

- (1) Campgrounds and campsites, and structures and uses customarily incidental to campgrounds and campsites;
 - (2) Golf Courses and structures and uses customarily incidental to golf courses;
 - (3) Structures and uses customarily incidental to permitted outdoor recreation uses.
- D. Performance standards. All uses in the Conservation District shall, at a minimum, meet the following performance standards, which are intended to insure that uses are developed and conducted in a manner which does not adversely affect the surrounding, natural environment or the peaceful enjoyment of that environment.
- (1) The use shall be adequately served by water, sewerage and other necessary utilities.
 - (2) The use shall not result in an increase in the volume or rate of surface water runoff to neighboring properties or streets and shall not result in pollution or degradation to surface water or groundwater.
 - (3) The use shall not result in undue disturbance to adjoining property owners or the public due to air pollution, odors, glare, transmission of heat or heated air, vibration, electrical disturbance, noise, soil erosion or sedimentation.
 - (4) The use shall not create undue traffic congestion and will not unduly impair pedestrian safety.
 - (5) The use shall preserve, to the maximum extent feasible, existing topography and will minimize removal of existing vegetation.
- E. Lot size and frontage. In the Conservation District, the minimum frontage shall be 100 feet.
- F. Setbacks. In the Conservation District, no part of any enclosing wall of any building and no structure shall be nearer than 30 feet to the exterior line of a street or to any side or rear lot line.
- G. Parking. Adequate off-street parking area shall be provided to accommodate each use in accordance with § 650-39.

§ 650-24. District 10, Lake Watershed Protection District.

[Added 5-8-2006 ATM, Art. 28]

- A. Purpose. The purpose of the Lake Watershed Protection District is to protect, preserve and maintain the existing and potential ground and surface water resources of the Town of Webster and the watershed of Webster Lake.
- B. Use regulations. The Lake Watershed Protection District shall be considered to be superimposed over any other district established in the bylaw. Land in the Lake Watershed Protection District may be used for any use otherwise permitted in the underlying district, subject to the following limitations. However, these limitations shall not be construed to authorize regulation exceeding the limitations on zoning authority over agricultural and other uses as contained in MGL c. 40A, § 3.
 - (1) Prohibitions. The following are prohibited on any lot or portion of a lot within a Lake Watershed Protection District.

- (a) All uses required to be prohibited in wellhead protection zones by 310 CMR 22.21 (2)a. Generally, those are the following [see 310 CMR 22.21 (2)a, on file with the Building Inspector, for exact provisions]:
- [1] Landfills, open dumps, and sludge or septage landfills;
 - [2] Auto graveyards or junkyards;
 - [3] Stockpiling and disposal of snow from outside of the District, if containing ice control chemicals;
 - [4] Treatment or disposal works for non-sanitary wastewaters that are subject to 314 CMR 5.00, except the following:
 - [a] The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and
 - [b] Treatment works approved by the Department designed for the treatment of contaminated ground or surface waters.
 - [c] Publicly owned treatment works.
 - [5] Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.00, except:
 - [a] Very Small Quantity Generators as defined under 310 CMR 30.390;
 - [b] Household hazardous waste centers and events under 310 CMR 30.00;
 - [c] Waste oil retention facilities required by MGL C 21, § 52A;
 - [d] Remediation treatment works approved under 314 CMR 5.00.
- (b) All uses required to be prohibited in wellhead protection zones by 310 CMR 22.21(2)b, unless designed in accordance with specified performance standards. Generally, those are the following [see the 310 CMR 22.21 (2)b, on file with the Building Inspector, for exact provisions]:
- [1] Storage of sludge and septage unless in accordance with 310 CMR 32.30 and 310 CMR 32.31;
 - [2] Storage of commercial fertilizers and soil conditioners unless within a structure designed to prevent generation and escape of contaminated runoff or leachate;
 - [3] Storage of animal manure unless covered or contained;
 - [4] Storage of liquid hazardous materials as defined in MGL C. 21E unless in a free standing container within a building or above ground with adequate secondary containment.
 - [5] Earth removal to within four feet of historical high groundwater unless regraded to a higher level within 45 days, except for excavations for building foundations or utility works;
 - [6] Storage of liquid petroleum products, except:

- [a] Normal household use, outdoor maintenance, and heating of a structure;
- [b] Waste oil retention facilities required by MGL C. 21, § 52A;
- [c] Emergency generators required by statute, rule, or regulation;
- [d] Treatment works approved under 314 CMR 5.00 for treatment of contaminated ground or surface waters;

provided that such storage is in a free standing container within a building or above ground with adequate secondary containment;

- [7] Development resulting in impervious surface of more than 15% or 2,500 square feet on any lot, unless a system for artificial recharge of precipitation is provided that will not result in degradation of groundwater quality [see also Subsections **B(2)(a)** and **C(4)**].
- (c) As a principal use, manufacturing, processing, mixing, storage, transport, or disposal of hazardous materials in excess of quantities which, as wastes, are allowed small quantity generators as defined in DEP Regulations 310 CMR 30.
- (d) Motor vehicle service, washing, or repair.
- (e) Storage of more than 100 tons of coal.
- (f) Dry cleaners, laundromat.
- (g) Storage of ice removal chemicals.
- (2) Uses requiring special permits. Within the Lake Watershed Protection District, the following shall be allowed only if granted a Special Permit from the Special Permit Granting Authority (See Subsection **D**) and if the use is not otherwise prohibited.
 - (a) Covering with impervious surface more than 40% of the portion of lot area within the Lake Watershed Protection District.
 - (b) Removal of existing groundcover vegetation from more than 70% of lot area.
 - (c) Discharge to surface water requiring a permit under 314 CMR 3.00 ('NPDES' permit).
 - (d) Stable, barn, or similar confinement for four or more horses, cows, goats, and/or sheep, or more than 50 poultry, or a number of other animals equivalent to the above in waste production.
 - (e) Contractor's yard.
- (3) Change of use. Change in activity resulting in exceeding any limitations established in a special permit, or crossing the thresholds of Subsection **B(1)** or **(2)**, shall constitute change of use and is allowed but only or approval of a special permit, regardless of whether classified under Subsection **B(1)** or **(2)**.
- C. Design and operation guidelines. Within the Lake Watershed Protection District, the following design and operations guidelines shall be observed in all new construction except for single-family dwellings.
 - (1) Safeguards. Provisions shall be made to protect against hazardous materials discharge or loss through corrosion, accidental damage, spillage, or vandalism

through such measures as provision for spill control in the vicinity of chemical or fuel delivery points, secure storage areas for hazardous materials, and indoor storage provisions for corrodible or dissolvable materials.

- (2) Location. Where the premises are partially outside of the Lake Watershed Protection District, such potential pollution sources as on-site waste disposal systems shall, to the degree feasible, be located outside the District.
- (3) Disposal. Provisions shall be made to assure that any waste disposed on the site shall contain no hazardous materials, or shall be disposed in strict accordance with 310 CMR 30, Hazardous Waste Regulations.
- (4) Drainage.
 - (a) Provision shall be made for on-site recharge of all stormwater runoff from impervious surfaces unless, in cases where such surfaces are no more than 15% of lot area or 2,500 square feet, whichever is larger, the Planning Board in conducting Site Plan Review and following consultation with the Conservation Commission, determines that either recharge is infeasible because of site conditions or is undesirable because of uncontrollable risks to water quality from such recharge following consultation with the Conservation Commission.
 - (b) Recharge shall be by surface infiltration through vegetative surfaces unless otherwise approved by the Planning Board following consultation with the Conservation Commission. Dry wells shall be used only where other methods are infeasible and shall employ oil, grease, and sediment traps. Drainage from transfer areas for hazardous materials shall be separately collected for safe disposal.
- (5) Sewerage. Sanitary sewers within the Lake Watershed Protection District shall be designed and constructed in a manner such that groundwater levels, flows, and/or recharge will not be significantly lowered, diverted, or otherwise altered by such construction, and that risk of leakage is minimized.

D. Special permits.

- (1) Authority and procedure. The Special Permit Granting Authority (SPGA) shall be the Planning Board. Upon receipt of the Special Permit application, the SPGA shall transmit one copy each to the Board of Appeals, Conservation Commission, Board of Health, and the Building Inspector for their written recommendations. Failure to respond within 35 days of transmittal shall indicate approval by said agencies.
- (2) Submittals. In applying for a Special Permit under this Section, the information listed below shall be submitted, unless the SPGA, prior to formal application, determines that certain of these items are not germane:
 - (a) A complete list of all hazardous materials to be used or stored on the premises, accompanied by a description of the measures proposed to protect all storage containers or facilities from vandalism, corrosion, and leakage, and to provide for control of spills.
 - (b) A description of potentially hazardous wastes to be generated, including storage and disposal methods.
 - (c) Evidence of qualified professional supervision of design and installation of any proposed storage facilities or containers for hazardous materials or waste.

- (d) For disposal on-site of domestic wastewater with an estimated sewage flow greater than 10,000 gpd per Title 5, evidence of qualified professional supervision of design and installation, including an assessment of nitrate or coliform bacteria impact on groundwater quality.
- (3) Special permit criteria.
- (a) Special Permits under Subsection **D** shall be granted only if the SPGA makes the following determinations:
 - [1] If on-site disposal is the reason a special permit is required [Subsection **B(2)(b)**, **(c)** and **(d)**], that for the portion of the site within the Lake Watershed Protection District, nitrate loading would not exceed 10 parts per million based upon the following estimates, or other figures approved for the specific project:

Sewage volume based on realistic estimate (not simply design volume as required under Title 5).

Rainfall = 42 inches.

Fertilizer adds 0.6 pounds of nitrates per 1,000 square feet of lawn or garden.

Nitrate concentrations:

 - Leachate effluent = 40 ppm.
 - Pavement runoff = 3.0 ppm.
 - Roof runoff = 0.75 ppm.
 - Natural area recharge = 0.05 ppm.

Recharge percentages:

 - Leachate effluent = 95%.
 - Pavement and roof = 95%.
 - Natural and fertilized areas = 45%.

and also that for other contaminants, similar analysis would indicate groundwater meeting all standards for drinking water (310 CMR 22.00).
 - [2] That no public or private well located off-site will be degraded below State drinking water standards as a result of development on this site, for which determination the delineation of water table contours and future contaminant plumes may be required;
 - [3] That proposed control and response measures adequately and reliably mitigate risk to groundwater quality resulting from accident or system failure.
 - (b) In its written decision the SPGA shall explain any departures from the recommendations of other Town agencies.
 - (c) The Special Permit Granting Authority may retain qualified experts at the reasonable expense of the applicant if necessary in order to evaluate the application.
- (4) Conditions. Special permits shall be granted only subject to such conditions as necessary to assure adequate safeguarding of water quality, which may include the following, among others:

- (a) Monitoring wells to be located downgradient of potential pollution sources, with periodic sampling to be provided to the Board of Health at the owner's expense.
 - (b) Pollutant source reduction, including limitations on use of parking area de-icing materials and periodic cleaning or renovation of pollution control devices, such as catchbasin sumps.
- E. Violations. Written notice of any violation shall be provided to the owner of the premises, specifying the nature of the violation and specifying a time for compliance including cleanup of any spilled materials which is reasonable in relation to the public health hazard involved and the difficulty of compliance, but in no event shall more than 30 days be allowed for either compliance or finalization of a plan for longer-term compliance.

§ 650-25. District 11, Redevelopment Overlay District.

[Added 10-20-2008 FATM, Art. 21]

- A. Purposes. The purposes of the Redevelopment Overlay District (ROD) are to encourage the redevelopment and reuse of existing nonresidential buildings, to preserve the character and historic built form of Webster's central business district, to protect the value of property, and to create opportunities for housing within walking distance of goods and services.
- B. Applicability. This bylaw applies to any nonresidential property that is placed within the ROD by amendment to the Zoning Map in accordance with the procedures set forth in MGL c. 40A, § 5. In the ROD, all requirements of the underlying district shall remain in effect except where these regulations provide an alternative to such requirements, in which case these regulations shall supersede. In the event that a property owner wishes to develop in accordance with the regulations hereunder, the rules and regulations of the ROD shall apply, and by submitting an application for a building permit, site plan review, or a special permit under the provisions of this Section, the owner shall be deemed to accept and agree to them.
- C. Qualifications for Placement in the ROD. The following qualifications shall apply to any property placed within the ROD:
 - (1) The property shall be located in District 4 (Business-Within Sewer District);
 - (2) The parcel shall contain at least 5,000 square feet of upland;
 - (3) The existing nonresidential building shall be at least 50 years old as of the date that Town Meeting votes to place the property in the ROD; and
 - (4) The property shall have access to public water and public sewer service.
- D. Establishment and Delineation of the ROD. The ROD shall be as shown on the Town of Webster Zoning Map, updated January 14, 2008 or as subsequently amended, on file in the Office of the Town Clerk.
- E. Definitions: Where the following terms are used in this Section, they shall have the meanings listed below:

BUILDING REUSE PROJECT

Redevelopment and reuse of an existing nonresidential building in the ROD for any of the uses authorized under this Section.

GROSS FLOOR AREA RATIO

The sum of the gross horizontal areas of the several floors from the ground floor up of all buildings on a lot, measured in square feet, divided by the gross area of the existing lot, excluding wetlands subject to control under the Wetlands Protection Act, measured in square feet.

- F. Permitted Uses. The following uses shall be permitted in the ROD as a matter of right, subject to Site Plan Review under Article VII.
- (1) Uses exempt from local zoning under MGL c. 40A, § 3.
 - (2) A Building Reuse Project that includes any of the following:
 - (a) Office (Business or Professional).
 - (b) Bank or Financial Institution.
 - (3) Accessory uses incidental and clearly subordinate to a principal use.
- G. Uses Allowed by Special Permit. The following uses shall be allowed only upon the issuance of a special permit by the Planning Board under such conditions as it may require:
- (1) A Building Reuse Project that includes any of the following:
 - (a) Multi-family housing.
 - (b) Assisted living facility, which may include an adult day treatment or day care center as an accessory use.
 - (c) Continuing care retirement facility that includes independent living units, assisted living units, nursing home accommodations, and accessory medical, support services, food services, recreational uses, or adult day treatment or adult day care; and for which there is a legal agreement that assures life care to residents and support services appropriated to each type of housing.
 - (d) Retail store not exceeding 5,000 sq. ft. per individual retail establishment.
 - (e) Restaurant, not exceeding 2,500 sq. ft. per establishment, with food service limited to the interior of the building, except that seasonally, seating may also be provided on a patio or outdoor seating directly connected to the restaurant, subject to approval by the Planning Board.
 - (f) Personal service, such as a barber shop, hair salon, dry cleaning service, laundry service or laundromat, or similar type of establishment.
 - (g) Mixed-use building containing multi-family units, provided that the ground floor of the building shall contain only retail, personal services, or professional or business office uses.
 - (h) Hotel.
 - (i) Theatre.
 - (2) Accessory uses incidental and clearly subordinate to a principal use that requires a special permit.
- H. Prohibited Uses. Any use not listed in Subsections F and G above.
- I. Multiple Buildings and Uses. In the ROD, a lot may contain more than one building and a building may contain more than one use, provided that each building and/or its use(s)

comply with the requirements of this Section and the Planning Board approves a site plan for the same under Article **VII** of this bylaw. For new construction, buildings and structures shall be designed to be similar to the existing building(s) on the lot, in architectural style, materials and details, to the extent commercially reasonable.

- J. Density and Dimensional Regulations. The following dimensional requirements shall apply to development in the ROD:
- (1) Minimum lot area: none.
 - (2) Minimum lot frontage: 50 feet.
 - (3) Minimum lot width: 50 feet.
 - (4) Minimum setbacks: The following front, side, and rear yard setbacks shall apply in the ROD, except that the Planning Board may grant a special permit to waive such requirements when necessary to serve the purposes of the ROD:
 - (a) Minimum front setback: 10 feet.
 - (b) Minimum side and rear yard setbacks: for lots abutting a residential district, 25 feet, and for all other lots, no minimum yard setback shall apply.
 - (c) The provisions of § **650-34A** and **B** shall not apply in the ROD.
 - (5) Minimum open space: at least 10% of the lot area shall be open space, which may be land left in a natural state or landscaped, provided that at least 60% of the open space on the lot shall be in front of or on the side(s) of the building, visible from the street. The Planning Board may waive this requirement by special permit only upon determining that it is impractical for the proponent to comply due to existing conditions on the lot or the shape or size of the lot. In such cases, the Planning Board may require the proponent to provide an alternative public benefit, such as but not limited to a pedestrian plaza or outdoor seating area.
 - (6) The maximum building height shall be the height of the existing building as of the date that a property is placed within the ROD, except that the Planning Board may grant a special permit to increase the height by not more than one additional story, subject to any conditions the Planning Board may require.
 - (7) The maximum gross floor area ratio shall be the gross floor area ratio of the existing building as of the date that a property is placed within the ROD, except that:
 - (a) The Planning Board may grant a special permit to increase the existing floor area by not more than 30% over the existing floor area, subject to any conditions the Planning Board may require.
 - (b) For a Building Reuse Project that includes underground parking or parking at grade under the building, the floor area used for parking facilities shall not be included in the calculation of the maximum gross floor area ratio.
- K. Off-Street Parking. The off-street parking regulations in § **650-39** shall apply in the ROD, except as follows:
- (1) For an assisted living facility, the minimum number of parking spaces shall be one space for every two units.
 - (2) For a nursing home, the minimum number of spaces shall be one space for every two patient rooms plus one space per employee on the largest shift.

- (3) For a continuing care retirement facility, the minimum number of spaces shall be one space for each independent living unit and one space for every two assisted living units or patient rooms, plus one space per employee on the largest shift.