

[Type here]

compliance, additions or alterations that adhere to the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings will generally be presumed to maintain or promote such status.

ARTICLE 6. AGRICULTURAL RESIDENTIAL DISTRICT (AR)

6.1. Purpose.

The Town shall have a designated Agricultural Residential District as shown on the OFFICIAL ZONING MAP. The purposes of the Agricultural Residential District are to preserve the Town's rural character and scenic landscapes, encourage farming, provide for residential uses appropriate to a rural setting, and protect open space. In the Agricultural Residential District, no STRUCTURE shall be erected or altered and no building, STRUCTURE, premises or land shall be used for any purpose or in any manner other than as permitted as follows.

6.2. Permitted Uses and Structures.

6.2.1. SINGLE-FAMILY DWELLING.

6.2.2. The renting of rooms or the furnishing of board in a dwelling occupied as a private residence.

6.2.3. Home professional office.

6.2.4. Home personal service.

6.2.5. Home business workshop.

6.2.6. Wood lots, portable wood working mills and machinery.

6.2.7. AGRICULTURE, as defined by G.L. 128, Section 1A, on parcels of more than five acres of land.

6.2.8. AGRICULTURE on LOTS of five acres or less provided that the sale of products is confined to those raised or grown on the premises and so long as such use is not noxious, injurious or offensive to the neighborhood.

6.2.9. Real estate SIGNS not over six square feet in area advertising only the sale or rental of the premises on which they are located. Professional announcement SIGNS, farm produce SIGNS, lodging, boarding and tourist SIGNS, having an area of not more than four square feet, provided that there is only one such SIGN for each household so engaged. Illuminated SIGNS shall be non-flashing.

6.2.10 ACCESSORY USES

6.2.11. Rooftop residential solar installations.

6.3 Permitted Uses Subject to Site Plan Review.

[Type here]

- 6.3.1 Private boat, canoe or motor boathouses.
- 6.3.2 Private bathhouses.
- 6.3.3 Public recreational uses.
- 6.3.4 Churches and other places of worship, parish houses.
- 6.3.5 Public schools, public libraries and museums, and private schools, including preschools and colleges.
- 6.3.6 CHILD CARE or day care center.
- 6.3.7 Membership clubs, lodges, social recreational and community center buildings and grounds for games and sports, except those having as a principal purpose any activity which is usually carried on as a business (fairs and public benefits excluded).
- 6.3.8 Municipal use authorized by Town Meeting.
- 6.3.9 Other government uses.
- 6.3.10 Telephone exchanges, provided that there is no service yard or garage.

6.4 Uses and Structures Permitted by Special Permit.

In the Agricultural Residential District, the Planning Board may issue a SPECIAL PERMIT for the following uses except that where an accessory apartment or the conversion of a single-family to a multi-family dwelling is allowed by special permit, THE Special Permit Granting Authority shall be the Board of Appeals in accordance with Article 17 Accessory Dwelling Units and Conversion of Existing Single Family Dwellings;

- 6.4.1 BED AND BREAKFAST.
- 6.4.2 One accessory dwelling unit in a single-family dwelling in existence for at least five years prior to the application for a building permit, subject to “Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings” in Article 17 of this Bylaw.
- 6.4.3 The conversion of a single-family dwelling in existence for at least ten years prior to the application for a SPECIAL PERMIT to a two-family dwelling, subject to “Accessory Dwelling Units and Conversion of Existing Single-Family Dwellings” in Article 17 of this Bylaw.
- 6.4.4 Home specialty retail.
- 6.4.5 Public or semipublic institutions of a philanthropic or charitable character, nursing homes, acute care and rehabilitation facilities.
- 6.4.6 Assisted living facility or CONGREGATE LIVING RESIDENCE for the elderly or disabled, subject to “Regulations for Assisted Living Facilities and Elderly

[Type here]

Housing” at Article 16 of this Bylaw.

6.4.7 Open Space-Residential Development, subject to “Open Space-Residential Development” regulations at Article 15 of this Bylaw.

6.4.8 Cemetery

6.5 Prohibited Uses.

6.5.1 Use of a MOBILE HOME on a residential LOT.

6.5.2 Parks for MOBILE HOMES.

6.5.3 Outdoor storage of more than one unregistered motor vehicle for more than ninety days, except on a farm.

6.5.4 Auto dismantling, junkyards, privately developed and operated septage waste disposal/treatment facilities and refuse disposal facilities are expressly prohibited.

6.5.5 The dispensing of medical marijuana.

6.5.6 Any use not explicitly provided for in this Bylaw.

6.6 Dimensional and Intensity Regulations.

No building or STRUCTURE shall be located, constructed, changed, enlarged or permitted and no use of premises in the Agricultural Residential District shall be permitted except in conformity to the intensity and dimensional regulations as set forth herein. If a LOT is determined by the rules of Article 14 to be within a Water Resources Protection Overlay District, then the more restrictive regulations of Article 14 shall prevail.

6.6.1 Minimum LOT AREA: 87,120 square feet (ft²)

6.6.2 Minimum FRONTAGE: 200 feet

6.6.3 LOT WIDTH: 180 feet

6.6.4 Maximum Building Height (Feet): 35 feet

6.6.5 Maximum Building Height (Stories): 2 ½ stories

6.6.6 Maximum LOT COVERAGE: 25%

6.6.7 Minimum Front Yard Setback: 50 feet (2)

6.6.8 Minimum Side Yard Setback: 30 feet (2)

6.6.10 Minimum preservation of existing wooded area: 25%

1 Side and rear yard setbacks shall be a minimum of 50 feet on LOTS that abut an exempt agricultural use.

[Type here]

2 Front, side and rear yard setbacks shall be a minimum of 20 feet on LOTS lawfully in existence prior to 2004, unless otherwise regulated within this bylaw

6.7 Special Permits in the Agricultural Residential District.

6.7.1 The SPECIAL PERMIT Granting Authority (SPGA) for uses and STRUCTURES in the Agricultural Residential District shall be the Planning Board.

6.7.2 Requirements. An application for a SPECIAL PERMIT in the Agricultural Residential District shall include a written description of the proposal for which a SPECIAL PERMIT is requested and a Site Plan prepared by a Registered Professional Engineer and/or Registered Land Surveyor at an appropriate scale to clearly show dimensions, legend, and all other information deemed necessary to describe the site and its conditions.

6.7.3 SITE PLAN REVIEW. The site plan review requirements of Article 19 of this Bylaw shall apply to SPECIAL PERMITS in the Agricultural Residential District. For uses allowed by SPECIAL PERMIT, site plan review shall be conducted concurrently with the SPECIAL PERMIT application, review and determination procedures.

6.7.4 Referral. The Planning Board shall refer a SPECIAL PERMIT application to the Police, Fire, Water and Sewer Departments, the Board of Health, the Conservation Commission and the Merrimac Historical Commission, for written comments and recommendations before taking final action on said SPECIAL PERMIT application. Any board or agency to which applications are referred shall make recommendations and send copies thereof to the Planning Board and the applicant within thirty-five (35) days of receipt of the referral request by said board or agency or there shall be deemed no opposition or desire to comment. The Planning Board shall not act upon the SPECIAL PERMIT until either comments from referred boards or agencies have been received, or said 35 days have elapsed, whichever is sooner.

6.7.5 Special Permit Granting Criteria. The Planning Board may approve a SPECIAL PERMIT for a proposed use or STRUCTURE upon finding that the application complies with the purposes of this Bylaw, to the degree consistent with a reasonable use of the site for the purpose permitted within the Agricultural Residential District. In making its decision, the Planning Board shall consider the following criteria:

6.7.5.1 Consistency with the Merrimac Master Plan.

6.7.5.2 Consistency with "Design Standards for the Agricultural Residential District" in Section 6.10 of this Bylaw.

6.7.5.3 Consistency with special regulations that apply (if any) to the proposed use.

[Type here]

- 6.7.5.4 Protection of adjoining premises against detrimental or offensive uses on the site.
- 6.7.5.5 The degree to which the proposed use protects open space, farmland and historic resources in the Agricultural Residential District.
- 6.7.5.6 The degree to which the proposed use furthers the Town's interest in providing a range of housing types, where applicable.
- 6.7.5.7 The degree to which the proposed use, viewed in its entirety, is of superior design or provides more environmental, social or fiscal benefits to the Town than the alternative of a use permitted as of right.
- 6.7.5.8 Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
- 6.7.5.9 Adequacy of water supplies and distribution for domestic use fire protection.
- 6.7.5.10 Adequacy of the methods of:
 - 6.7.5.10.1 Disposal of sanitary sewage.
 - 6.7.5.10.2 Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.
 - 6.7.5.10.3 Drainage and retention of surface water.
- 6.7.5.11 Conformance to SIGN regulations in Article 21, where applicable.

6.8 Signs.

One SIGN only shall be permitted at the entrance to the site, in accordance with the SIGN Regulations at Article 21 of the bylaw.

6.9 Parking.

OFF-STREET PARKING shall be provided in accordance with Article 20 of this Bylaw.

6.10 Design Standards for the Agricultural Residential District

The following design guidelines apply to site improvements, buildings and STRUCTURES in the Agricultural Residential District. They must be addressed in applications for SITE PLAN REVIEW or SPECIAL PERMITS, as applicable. To the maximum extent possible, development in the Agricultural Residential District shall:

- 6.10.1 Protect views from the road, open space and scenic landscapes. Toward that end:

[Type here]

- 6.10.1.1 Applicants are strongly encouraged to seek a SPECIAL PERMIT for Open Space-Residential Development in lieu of a conventional subdivision. See also, "Open Space-Residential Development" regulations in Article 15 of this Bylaw.
- 6.10.1.2 Every feasible effort shall be made to avoid the removal of mature trees and stone walls, reduce the volume of earth materials cut or filled, reduce soil erosion during and after construction and reduce the extent of alteration in the amount, timing and location of stormwater runoff from the site. The Town encourages the use of Low Impact Development Best Management Practices for Stormwater Management, where applicable.
- 6.10.2 Minimize new driveway openings and curb cuts on existing public WAYS. For small developments comprised of Approval Not Required (ANR) LOTS, the Town encourages common driveways.
- 6.10.3 Respect the Town's rural-agricultural legacy by avoiding the removal, obscuring or disruption of existing STRUCTURES of historic value and assuring design compatibility between new construction and adjacent or nearby buildings. The following design principles should be addressed by all applicants for a SPECIAL PERMIT and/or site plan approval in the Agricultural Residential District:
 - 6.10.3.1 Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
 - 6.10.3.2 Provide a variety of building heights and varied roofline articulation that stresses New England vernacular architecture.
 - 6.10.3.3 Provide variety in building mass, entry and porch design, window pattern, and other architectural features.
 - 6.10.3.4 Consider climatic response in the orientation of dwelling units on the site, the number and location of windows, and the design treatment of building entries.
 - 6.10.3.5 Avoid dominating the streetscape with garages.
 - 6.10.3.6 Use materials characteristic of the area. These materials include painted clapboard, shingles, or brick and other unit masonry (painted or unpainted). Variation within the range of characteristic materials, colors and textures is encouraged when they are compatible with surrounding buildings.
 - 6.10.3.7 Preserve attractive views from major vantage points, especially from major roads and residential neighborhoods.
 - 6.10.3.8 Provide visual relief from buildings and hard materials with landscape treatment using shrubs, trees, flower boxes and other greenery around

[Type here]

buildings or in recessed places.

- 6.10.3.9 Provide access to open spaces for the physically handicapped, elderly, and children.
- 6.10.4 Use GREEN BUILDING TECHNOLOGIES and materials, wherever possible, to limit environmental impacts.
- 6.10.1 Preserve established architectural traditions. Buildings or STRUCTURES listed on the National Register of Historic Places or the State Register, or that are more than 50 years old as of the date of application for a SPECIAL PERMIT or SITE PLAN REVIEW, or that are located within a local historic district as established by G.L. c. 40C, may be converted, constructed, reconstructed, restored or altered only in a manner that maintains or promotes their status as listed or eligible historic resources. For purposes of zoning compliance, additions or alterations that adhere to the U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Buildings will generally be presumed to maintain or promote such status.

6.11 Reduced Lot Frontage in the Agricultural Residential District

6.11.1 Purpose. A reduction in lot frontage may be permitted in order to encourage flexible development, preserve rural character and reduce overall density.

6.11.2 Requirements. The Planning Board may issue a SPECIAL PERMIT to reduce lot frontage consistent with the following criteria:

6.11.2.1 The LOT has a minimum continuous street FRONTAGE of not less than fifty (50) feet.

6.11.2.2 The area of a LOT with a reduced FRONTAGE shall be at least two times the minimum LOT size of the zoning district in which it is located.

6.11.2.3 The LOT shall have at least one area suitable for the construction of a dwelling that can accommodate a circle with a diameter of 150 feet.

6.11.2.4 Not more than two reduced frontage lots shall abut each other.

6.11.2.5 Two abutting reduced frontage lots shall be served by a Common Driveway, subject to Article 23 of this Bylaw.

6.11.2.6 Reduced frontage lots shall be located such that they will not block future extensions or connections of a dead end street, do not interfere with the use and enjoyment of an abutting LOT, and do not adversely affect the neighborhood.