

SECTION III USE REGULATIONS

(for clarity only: new is in bold)

§ 3.1. Table of Use Regulations

Except as provided in § 5.1 hereof, no building, structure or land, or part thereof, shall be used for any purpose or in any manner other than for one or more of the uses hereinafter set forth in the following Table of Uses as permitted in the district in which such building, structure or land is located or set forth as permissible by special permit in said district and so authorized. In the Table of Uses the following use designations shall apply:

N	Use is not permitted
P	Use is permitted as a matter of right
SZBA	Use permitted by Special Permit issued By Zoning Board of Appeals
SPB	Use permitted by Special Permit issued By Planning Board

Overlay Districts

Because of their unique characteristics, the requirements in the Overlay Districts supersede the requirements of the underlying districts. To this end the number and types of uses allowed are restricted.

<i>District</i>	<i>See Section</i>
Aquifer Protection	XII
Flood	XIII
Wireless Communications Services	XIV
Farmland Preservation & Receiving Districts	XVII
Municipal	XVIII
Village Center	XIX
Senior Housing	XXVII

TABLE OF USES

USES	DISTRICTS						STANDARDS & CONDITIONS
	R	AR	LoB	LiB	B	I	
AGRICULTURAL	P	P	P	P	P	P	See Note 8. Below
Agriculture/horticulture/floriculture	P	P	P	P	P	P	See Note 8. Below
Farm or nursery, including the display and sale of natural products raised in the Town and the raising of stock	N	P	P	P	P	P	Except as limited by uses permitted by SZBA. See Note 8. Below
Farm stand for the display and sale of natural products not raised in the Town	N	SPB	P	P	P	P	
Commercial Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses exempt under M.G.L. Chapter 40A Section 3, as amended, including: a. Commercial livestock, Dairy, poultry farm b. Farm business, Commercial Greenhouse c. Farm stand	P	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses. Such uses shall be subject to the yard sizes, lot area, setbacks, open space, parking and building coverage requirements of the underlying District.
Commercial Agriculture, Horticulture, Floriculture, Viticulture, Aquaculture uses which are not exempt under M.G.L. Chapter 40A Section 3, as amended, except for the following uses: a. Commercial livestock, Dairy, poultry farm b. Commercial raising of swine and fur bearing animals	N	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses. See Notes 1., 3., 4., 8., 9. below

c. Riding Stable d. Nursery, Truck Gardening, Green- houses, Maple Sugar Production e. Farmstand							
Non-commercial Raising and Keeping farm animals on less than 5 acres	N	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 for agriculturally exempt uses.
RESIDENTIAL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Detached one-family dwelling.	P	P	P	P	P	N	See Note 8. Below
Renting of rooms/furnishing of board for periods exceeding 14 days in duration for not more than four persons in a dwelling regularly occupied for residential purposes and which is not a bed and-breakfast facility.	P	P	P	P	P	N	See Notes 3., 8. below
Accessory use customarily incidental to a permitted main use on the same premises.	P	P	P	P	P	N	Including but not limited to the following: (1) Use of a room or rooms in a dwelling for customary home occupations, such as dressmaking, candy making or for the practice, by a resident, of a recognized profession. (2) Use of premises or building thereon in connection with his trade by a resident carpenter, electrician, painter, plumber, or other artisan, provided that no manufacturing or business requiring substantially continuous employment is carried on. See Note 8. below.
Conversion of a one-family	SZBA	SZBA	SZBA	SZBA	SZBA	N	One-family dwelling must have

dwelling into a two-family dwelling.							existed at the time of adoption of the bylaw (February 18, 1961). See Note 8. below.
Trailers or mobile homes	N	N	N	N	SZBA	N	Each unit must conform to the minimum dimensional lot size requirements for a building or a structure erected in a Business District under § 4.1, Table No. 1. See Note 3. below
New Residential Construction above 350' elevation	SPB	SPB	SPB	SPB	SPB	N	See Sect. 5.8 See Note 8. below.
Senior Housing – conversion of existing structure	SPB	SPB	SPB	SPB	SPB	N	See Notes 1., 3., 7., 8., 9. below.
Senior Housing – new construction	SPB	SPB	SPB	SPB	SPB	N	Requires Senior Housing Overlay District - See Sect. XXVII. See Notes 1., 3., 8., 9. Below.
Home Occupation • Home office • Home business	P SPB	P SPB	P P	P P	P P	N N	See Sect. XX See Note 8. below
Bed and Breakfast Facility • Bed and Breakfast Home • Bread and Breakfast Establishment	SPB N	SPB SPB	N N	SPB SPB	SPB SPB	N N	See Sect. XXII
Accessory Apartments	SPB	SPB	SPB	SPB	SPB	N	See Section XXVI See Notes 8. below
INSTITUTIONAL/ GOVERNMENTAL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Religious and educational uses exempt under M.G.L. Chapter 40A, Section 3.	P	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 for religious and educational exempt uses. Such uses shall be subject to the bulk, height, yard sizes, lot area, setbacks, open space, parking and building coverage requirements of the underlying District

							See Notes 3., 8., 9. below
Religious and educational uses not exempt under M.G.L. Chapter 40A, Section 3.	N	N	N	N	P	P	See Notes 1., 3., 8., 9. Below
Municipal use	SZBA	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9. below
Hospital, sanitarium, convalescent/nursing home	N	N	N	N	P	P	See Notes 1., 3., 8., 9. below
Cemetery	N	SZBA	SZBA	SZBA	SZBA	SZBA	See Notes 1., 3., 8., 9. below
Library or Museum	N	SPB	SPB	SPB	P	P	See Notes 1., 3., 8., 9. below
Essential services	SZBA	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9., 10. below
Public Utilities	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 3., 8., 9. below
COMMERCIAL/RETAIL	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Aviation field, golf course, boat livery, riding stable and ski tow.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Private club not conducted for profit.	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below
Place of amusement or assembly, club conducted for profit	N	N	N	N	SZBA	P	See Notes 1., 2., 3. below.
Open air movie theater	N	SZBA	SZBA	SZBA	P	P	See Notes 1., 2., 3., 8., 9. below.
Business uses in existence and in operation in the Local Business District on the date of passage of this amendment.	N	N	P	N	N	N	Pre-existing business uses shall be limited to the lot upon which they exist on the date of passage of this amendment. See Notes 1., 5., 6., 8., 9. below.
Customary accessory uses, including those allowed in the Residential and Agricultural-Residential Districts.	P	P	P	P	P	P	See Notes 3., 8. Below
Nursery or child-care facility.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
Child care facility/center	P	P	P	P	P	P	Please refer to M.G.L. Chapter 40A, Section 3 and Chapter 15D, Section 1A for child care facility/center exempt uses. Such uses shall be subject to the bulk, height, yard sizes, lot area,

							setbacks, open space, parking and building coverage requirements of the underlying District See Notes 1., 2., 3., 4., 8., 9. below
Family child care home	SZBA	SZBA	SZBA	SZBA	SZBA	N	See Notes 1., 2., 3., 4., 8., 9. below
Large family child care home	SZBA	SZBA	SZBA	SZBA	SZBA	N	See Notes 1., 2., 3., 4., 8., 9. below
Elder care home	SZBA	SZBA	SZBA	SZBA	SZBA	N	See Notes 1., 2., 3., 4., 8., 9., 10. below
Adult Entertainment	N	N	N	N	N	SZBA	See Notes 1., 3., 5., 6. Below See Sect. XXIII
Craft shop or on-premises manufacturer of products to be sold on premises, such as jewelry, leather goods, clothes or food.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 5., 6., 8., 9. Below
Retail business.	N	N	SPB	SPB	P	P	In LiB the Board shall favor businesses compatible with agricultural use, such as a garden center or farm implement store. See Notes 1., 2., 3., 4., 5., 6., 8., 9. below.
Bank, business or professional offices.	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
Personal and consumer service establishment	N	N	SPB	SPB	P	P	See Notes 1., 2., 3., 4., 8., 9. below
Hotel, motel or restaurant	N	N	N	N	P	P	See Notes 1., 3. below
Any wholesale or retail business, service or public utility, not involving manufacture on the premises except of products the major portion of which is sold on the premises by the producer to the consumer.	N	N	N	N	P	P	See Notes 1., 3., 5., 6. Below
Automobile service station, cleaning, repair shop, storage garage or sales room	N	N	N	N	P	P	See Notes 1., 3., 6. Below
Gasoline sales, motor vehicle repair	N	N	N	N	P	P	See Notes 1., 3., 6. Below

and servicing							
New motor vehicle sales	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
Used motor vehicle sales	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
Car wash	N	N	N	N	P	P	See Notes 1., 3., 6. Below
Commercial parking facility	N	N	N	N	SPB	P	See Notes 1., 3., 6. Below
Bars, taverns or establishments focused on primarily serving liquor and/or entertaining	N	N	N	N	SPB	SPB	See Notes 1., 3., 6. Below
Undertaking Establishments	N	N	N	N	P	P	See Notes 1., 3., 6. Below
Laundry, dry cleaning	N	N	N	N	P	P	See Notes 1., 2., 3., 4., 5. below
Kennel or veterinary hospital	N	SZBA	N	N	P	P	See Notes 1., 2., 3., 4., 5. below
INDUSTRIAL/ MANUFACTURING	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Research and Development	N	N	N	N	SPB	SPB	See Notes 1., 3., 10. Below
Manufacturing or industrial use, including processing, fabrication and assembly, shall not be detrimental or offensive or tend to reduce property values in the same or adjoining districts by reasons of dirt, odor, fumes, gas, sewage, refuse, noise, excessive vibration or danger of explosion or fire.	N	N	N	N	N	P	See Notes 1., 3. Below
Warehousing, wholesale trade and distribution	N	N	N	N	N	P	See Notes 1., 3. Below
Freight, trucking or bus terminal or other transportation service	N	N	N	N	N	SPB	See Notes 1., 3. Below
Accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research and scientific development or related production, whether or not on the same parcel as activities permitted as a matter of right.	N	N	N	N	SPB	SPB	Provided the Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good. See Note 1., 3. below

Removal of Earth Products: <ul style="list-style-type: none"> When Building Inspector / Zoning Enforcement Officer determines its incidental to and in conjunction with the construction of a building or other activity authorized by this bylaw. Other 	P	P	P	P	P	P	See Sect. IX See Notes 1., 8., 9. below
Wireless Communications services, towers and facilities	SPB	SPB	SPB	SPB	SPB	SPB	Requires Wireless Communications Services District. See Sect. XIV See Notes 1., 8., 9. below
The collection, treatment, storage, burial, incineration, or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste.	N	N	N	N	N	N	See Sect. X
Automobile Dismantling or used parts yard	N	N	N	N	N	N	
Junkyard	N	N	N	N	N	N	
Small scale ground mounted energy systems	P	P	P	P	P	P	See Section XXVIII Solar Energy Systems.
Large scale ground mounted energy systems	N	SPB	N	N	N	SPB	See Section XXVIII Solar Energy Systems. See Note 1. Below
Registered Marijuana Dispensary (RMD)	N	N	N	N	N	SPB	See Section XXIX See Notes 1., 3., 5. 6. Below
Off-Site Medical Marijuana Dispensary (OMMD)	N	N	N	N	SPB	SPB	See Section XXIX OMMDs are not permitted in the Village Center Overlay District. See Notes 1., 3., 5. 6. Below
OTHER	R	AR	LoB	LiB	B	I	STANDARDS & CONDITIONS
Transfer of Development Rights <ul style="list-style-type: none"> Farmland Preservation 	N	SPB	N	N	N	N	Requires Farmland Preservation District – See Sect. XVII

District	N	N	N	N	SPB	SPB	
• Farmland Receiving District							
Stormwater Management Permit	SPB	SPB	SPB	SPB	SPB	SPB	See Sect. XXIV for procedures and exemptions
NOTES							
1. Also requires Commercial Site Plan Approval (see Section VIII)							
2. In LiB Districts, total business use on any one lot shall not exceed 2,500 square feet of gross floor area.							
3. In B and I Districts, any otherwise permitted use involving new construction or change in the outside appearance or a change of use of a building or buildings or premises of more than 75,000 cumulative square feet total gross floor area after such construction or exterior alteration or change in use, on the same parcel of land or on land which has been in common or affiliated ownership within the three years prior to application filing date, will also require a special permit under the Farmland Preservation Bylaw with purchase of development rights as specified in Section XVII for all floor area over 75,000 square feet. This does not apply to the construction or enlargement of any single-family or two-family dwelling or building accessory to such dwelling or any building used exclusively for agriculture, horticulture or floriculture uses.							
4. In LiB Districts, business buildings shall resemble, as far as practicable, residential and agricultural buildings in style, materials and landscaping and that parking, lighting, fencing, and signs are unobtrusive and in conformity with the historic, scenic and agricultural-residential nature of the district. The regulations shall also set out procedures for the review of plans.							
5. In all zoning districts any proposed new structure or expansion of an existing structure for retail use, excluding the reuse or reconstruction of an existing structure, with a total floor area exceeding 75,000 square feet is prohibited							
6. In all zoning districts a group of adjacent stores, shops and similar retail commercial establishments with a combined total footprint of all buildings in the group exceeding 60,000 square feet is prohibited.							
7. Conversion of existing structures to senior housing. The purpose is to permit existing buildings in all zoning districts to be converted to senior housing dwelling units compatible with such districts, to create new housing involving little new construction, to preserve existing buildings and neighborhoods, and protect open space. <ul style="list-style-type: none"> • Requirements. Properties meeting the following requirements shall be eligible for consideration for a special permit, in accordance with Section VI of the Hadley Zoning Bylaw: <ul style="list-style-type: none"> ○ Parcels with one or more existing buildings in all districts with not less than 50 feet of frontage on an approved Town way, with access to Town water and sewer. ○ Any structure older than 25 years prior to the adoption of Section XXVII of the Hadley Zoning Bylaw may be converted to senior housing dwelling units. ○ The exterior design of the structure shall not be substantially altered and shall maintain the aesthetic and character of older buildings in Hadley. ○ The total number of senior housing dwelling units that can be created under a senior housing conversion special permit is the same as the standards set forth in § Section 27.5 of this bylaw. ○ No building (including both buildings converted to senior housing dwelling units and accessory buildings not converted 							

to senior housing dwelling units) shall be externally enlarged except with the approval of the Planning Board, and in no event shall such an enlargement add to any one building more floor area than a number equal to 25% of the above-grade floor area of such building, the floor area of porches and decks to be included in the calculations of the floor area.

- No new building for dwelling purposes may be built on the parcel. New accessory structures, such as swimming pools, fences, small sheds, garages, and other accessory structures for accessory purposes, shall be subject to the approval of the Planning Board as to the number, design, location, uses and sizes.
- An application for special permit for such conversion shall be made and processed in accordance with the provisions of Section VI of the Hadley Zoning Bylaw. In addition to those items required for plan submission for special permit, the following items shall also be required to be shown on the plan: proposed renovation/rehabilitation plan for the exterior of buildings, including facade treatments and elevations, proposed site improvements, existing and proposed buildings and their proposed uses and densities.

8. In LoB Districts:

- Buildable area. The area available for the construction of buildings shall be defined as in Tables 1 and 2 of Section IV, Intensity Regulations, and § 5.4, Parking requirements.
- For the purposes of meeting the requirements of Section IV, the dimensions for each lot in this district shall be calculated only by using the boundaries of each lot as the lot existed on the date of passage of this amendment.
- The maximum height and associated setbacks shall comply with Section IV, Intensity Regulations, Tables 1 and 2.

9. All permitted uses in LoB Districts which are subject to Section VIII, Commercial Site Plan Approval, shall be subject to the following:

- Noise-generating activity (e.g., shipping, receiving) shall be regulated by hours of operation to mitigate impacts on neighbors.
- Lighting shall comply with all provisions of § 8.8.9.
- Signage shall comply with all provisions of § 7.7.
- The architecture guidelines of Section XIX, Village Center Overlay District, shall apply, except vertical siding with a wood texture/appearance is permitted.

10. Definitions:

- Elder Care Home - A private residence where care protection and supervision are provided for a fee at least twice a week to no more than 6 adults over the age of 60 at one time including participating elder adults living in the residence.
- Essential Services - Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are buildings or overhead transmission towers.
- Limited manufacturing - any manufacturing activity related to research uses which are subject to the issuance of a Special Permit and where; (1) no manufacturing activity customarily occurs within 50 feet of a residential district; and (2) substantially all manufacturing activity customarily occurs inside of buildings with any manufacturing activities customarily occurring outside of buildings subject to conditions imposed in the special permit.
- Research and development uses - any 1 or more of investigation, development, laboratory and similar research uses and any

related office and, subject to the following limitations, limited manufacturing uses and uses accessory to any of the foregoing.