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- 8.9.4. Variety in articulation and form shall be used to provide visual interest and avoid monotony.
- 8.9.5. Proposed buildings shall relate harmoniously to each other with adequate light, air circulation, and separation between buildings. They shall be compatible with the historic character of their context within the Village Center District.
- 8.9.6. For purposes of reconstruction or rehabilitation, existing buildings shall remain compatible with the historic character and scale of contiguous buildings within the Village Center.
- 8.9.7. 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 approval, 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.
- 8.9.8. For applications to replace a razed STRUCTURE, the Planning Board shall find that the replacement STRUCTURE is superior to the razed STRUCTURE and is compatible in design, height, massing and articulation with other historic STRUCTURES in the Village Center District.
  - 8.9.1. Dwelling units and/or common areas must comply with the American Disabilities Act (ADA) and regulations of the Massachusetts Architectural Access Board.

## **ARTICLE 9. RURAL HIGHWAY DISTRICT (RH)**

### **9.1. Purposes.**

The Town shall have a Rural Highway District as shown on the OFFICIAL ZONING MAP. The purposes of the Rural Highway District are to encourage Route 110 to develop in a manner consistent with the visual character of the community, strengthen and stabilize the Town's tax base, and foster a wide range of commercial uses. It is the intent of this Bylaw that development in the Rural Highway District will address the following goals of the Town:

- 9.1.1. Consist of a mix of uses, but mainly business uses.
- 9.1.2. Avoid the appearance and hazards of a strip commercial area by minimizing curb cuts, providing attractive pedestrian walkways along Route 110 and between commercial or MIXED-USE properties, subordinating parking, and providing high-quality architectural design.
- 9.1.3. Avoid "big-box" development.

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9.1.4. Provide goods and services used by residents of the Town and adjacent communities.

9.1.5. Encourage small- and medium-size businesses to locate and stay in Merrimac.

In the Rural Highway 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.

9.2. Permitted Uses and Structures.

9.2.1. Retail Business or Service in Buildings up to 25,000 square feet (ft<sup>2</sup>) of GROSS FLOOR AREA:

9.2.1.1. Retail sale of food items, including confectionery, dairy products, fruits, vegetables, groceries and meats.

9.2.1.2. Sale of baked goods and the manufacture of same for sale.

9.2.1.3. Sale of dry goods, variety merchandise and handicraft work.

9.2.1.4. Sale of clothing and clothing accessories.

9.2.1.5. Sale of hardware, household items including appliances, furniture, furnishings and supplies.

9.2.1.6. Sale of printed matter, pharmaceuticals, stationary and photographic supplies.

9.2.1.7. Roadside stand for the sale of agricultural products, primarily grown or produced locally.

9.2.2. CONVENIENCE STORE in a building up to 2,500 square feet (ft<sup>2</sup>) of GROSS FLOOR AREA, not including gasoline fuel pumps.

9.2.3. Professional, Medical or Business Office

9.2.3.1. Professional office for dental, architectural, engineering, legal, medical, and other similar recognized professions.

9.2.3.2. Real estate, insurance and general business office, banks, telephone office.

9.2.4. Medical and Related Facilities

9.2.4.1. Nursing home.

9.2.4.2. Private hospital.

9.2.4.3. Other care and treatment facilities.

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9.2.5. Hospitality Uses

- 9.2.5.1. Restaurant for the serving of food or beverages inside the premises or outside but on the premises, such as at tables on an adjoining deck or patio.

9.2.6. Service and Other Establishments

- 9.2.6.1. CHILD CARE or day care center.
- 9.2.6.2. Barber or beauty shop.
- 9.2.6.3. Laundry agency, shoe and hat repair, bicycle and household appliance repair, dressmaking, dry cleaning and pressing or tailor shop.
- 9.2.6.4. Shop for custom work involving the manufacture of articles to be sold on premises.
- 9.2.6.5. Shop of an electrician, painter, paper-hanger, plumber, upholsterer, carpenter or cabinet-maker and similar trades.

9.2.7. Residential and Accessory Uses

- 9.2.7.1. Conversion of an existing single-family home to a TWO-FAMILY DWELLING or a MULTI-FAMILY STRUCTURE of no more than four units, provided that one (1) of the units is occupied by the owner of the property.
- 9.2.7.2. Live-and-work space, e.g. artist's residence and studio.

9.2.8. Other Uses

- 9.2.8.1. Public transportation passenger station and right-of-way passenger bus terminal.
- 9.2.8.2. Municipal use approved by Town Meeting.
- 9.2.8.3. Other government uses.
- 9.2.8.4. Uses exempt under G.L. c.40A, Section 3.

All permitted uses in the Rural Highway District are subject to SITE PLAN REVIEW.

9.3. Uses and Structures Permitted by Special Permit.

In the Rural Highway District, the Planning Board may issue a special permit and site plan approval for the following uses:

- 9.3.1. Retail uses listed as Permitted Uses in Section 9.2.1, in buildings that exceed 25,000 square feet (ft<sup>2</sup>) of GROSS FLOOR AREA.

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- 9.3.2. BED AND BREAKFAST.
- 9.3.3. Mortuary and funeral home.
- 9.3.4. Indoor recreation or amusement facility.
- 9.3.5. Outdoor recreation facilities, such as a golf course or ski tow, except that race tracks or amusement parks are prohibited.
- 9.3.6. Video tape rental and sales, and rental and sales of related equipment.
- 9.3.7. Take-out food establishment or delicatessen where food is prepared but not consumed on the premises and sold retail; or catering services.
- 9.3.8. Residential uses
  - 9.3.8.1. Assisted living facility, CONGREGATE LIVING RESIDENCE for the elderly or disabled, or elderly (over-55) housing in accordance with Article 16 of this Bylaw.
  - 9.3.8.2. Multi-family dwelling when carried out in a MIXED-USE development that includes permitted commercial uses, subject to “Regulations for Multi-Family Housing in the Rural Highway District” at Section 9.10 of this Bylaw.
- 9.3.9. Cinema, theatre or other cultural establishment.
- 9.3.10. Auto sales, AUTOMOTIVE SERVICE STATION or FILLING STATION.
- 9.3.11. Newspaper or job printing.
- 9.3.12. Hotel or motel.
- 9.3.13. VETERINARY CLINIC or animal hospital.
- 9.3.14. Repair garage or body shop for motorized vehicles.
- 9.3.15. HOME OCCUPATION.
- 9.3.16. Cemetery
- 9.3.17. Commercial Solar Power Installations of 250 kilowatt or larger of rated nameplate capacity located at least 300 feet from the center line of West Main Strret (Route 110).

9.4. Prohibited Uses.

- 9.4.1. ADULT USES.
- 9.4.2. Junkyards.

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- 9.4.3. RECYCLING CENTER or recycling collection facilities.
- 9.4.4. Retail uses in buildings that exceed 75,000 square feet (ft<sup>2</sup>) of GROSS FLOOR AREA.
- 9.4.5. The dispensing of medical marijuana
- 9.4.6. Any uses not explicitly provided for in this bylaw.

9.5. Dimensional, Setback and Intensity Regulations.

Development in the Rural Highway District shall be subject to the following LOT area, FRONTAGE, depth and dimensional requirements:

- 9.5.1. Minimum LOT AREA: 80,000 square feet (ft<sup>2</sup>)
- 9.5.2. Minimum FRONTAGE: 200 feet
- 9.5.3. Lot Width: 180 feet
- 9.5.4. Maximum Building Height (Feet): 40 feet
- 9.5.5. Maximum Building Height (Stories): 3 stories
- 9.5.6. Maximum BUILDING COVERAGE: 40%<sup>2</sup>
- 9.5.7. Maximum LOT COVERAGE: 80%
- 9.5.8. Maximum Front Yard Setback: 40 feet
- 9.5.9. Minimum Side Yard Setback: 20 feet
- 9.5.10. Minimum Rear Yard Setback: 50 feet
- 9.5.11. Open Space Percent of LOT AREA: 20%

9.6. Special Permits in the Rural Highway District

- 9.6.1. The SPECIAL PERMIT Granting Authority (SPGA) for uses and STRUCTURES in the Rural Highway District shall be the Planning Board.
- 9.6.2. Requirements. An application for a SPECIAL PERMIT in the Rural Highway 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

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<sup>2</sup> BUILDING COVERAGE may be increased to 60% for MIXED-USE developments that include MULTI-FAMILY dwellings in accordance with the MULTI-FAMILY dwelling regulations at Section 9.10 of this Bylaw.

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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.

- 9.6.3. **SITE PLAN REVIEW.** The site plan review requirements of Article 19 of this Bylaw shall apply to the Rural Highway District. For uses allowed by SPECIAL PERMIT, site plan review shall be conducted concurrently with the SPECIAL PERMIT application, review and determination procedures.
- 9.6.4. **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, where applicable, 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 said SPECIAL PERMIT until either comments from referred boards or agencies have been received, or said 35 days have elapsed, whichever is sooner.
- 9.6.5. **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 Rural Highway District. In making its decision, the Planning Board shall consider the following criteria:
  - 9.6.5.1. Consistency with the Merrimac Master Plan.
  - 9.6.5.2. Consistency with “Design Standards for the Rural Highway District” in Section 9.9 of this Bylaw.
  - 9.6.5.3. Consistency with “Regulations for Multi-Family Housing in the Rural Highway District” of Section 9.10 of this Bylaw, as applicable.
  - 9.6.5.4. Protection of adjoining premises against detrimental or offensive uses on the site.
  - 9.6.5.5. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
  - 9.6.5.6. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent WAYS and land.
  - 9.6.5.7. Adequacy of water supplies and distribution for domestic use fire protection.
  - 9.6.5.8. Adequacy of the methods of:

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9.6.5.8.1. Disposal of sanitary sewage, as determined by the Board of Health or regulations of the Merrimac Sewer Commission, where applicable. Connection to the municipal sewer system is required for property located in a designated sewer service area.

9.6.5.8.2. Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.

9.6.5.8.3. Drainage and retention of surface water.

9.6.5.9. Conformance to SIGN regulations in Article 21 of this Bylaw.

9.7. Signs.

SIGNS shall be permitted in accordance with Article 21 of this Bylaw.

9.8. Parking.

OFF-STREET PARKING shall be provided in accordance with the OFF-STREET PARKING Regulations at Article 20 of this Bylaw. No parking shall be included in the front yard or in front of any new development, or in any side yards within 20 feet of the front façade of the principal building.

9.9. Design Standards for the Rural Highway District.

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

9.9.1. Promote safety by avoiding pedestrian or vehicular hazards within the site or egressing from it, facilitating access by emergency vehicles and facilitating visual surveillance by occupants, neighbors and passersby.

9.9.2. Minimize new curb cuts on existing public WAYS. Wherever feasible, access to businesses should be provided through one of the following methods: (a) through a common driveway serving adjacent LOTS or premises; (b) through an existing side or rear street, thus avoiding Route 110 or (c) through a cul-de-sac or loop road shared by adjacent LOTS or premises.

9.9.3. Contribute to a visually pleasing, pedestrian- and bicycle-oriented image throughout the district by providing appropriate landscaping and walkways along Route 110 and between adjoining properties. The first twenty (20) feet of the front yard area should contain plant materials designed to provide a continuous landscaped edge to the property in question, except for points of entry and exit. If no public sidewalk exists across the FRONTAGE of the LOT, a paved sidewalk of at least six feet in width shall be provided within the 20-foot landscaped area, and to the maximum extent possible, the sidewalk shall be designed to create a continuous pedestrian walkway with the abutting properties. To the maximum

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extent practical, tree plantings shall be located along the side of the sidewalk closest to Route 110.

- 9.9.4. Protect the natural environment by reducing the number of mature trees removed, reducing the volume of earth materials cut or filled, reducing soil erosion during and after construction and reducing 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.
- 9.9.5. Serve functional needs by avoiding inconvenience to pedestrians because of stormwater ponding and flow and by assuring accessibility by the handicapped.
- 9.9.6. Enhance the visual character and built environment of Route 110 in the following ways:
  - 9.9.6.1. All buildings should be designed to achieve visual compatibility with the character and scale of buildings found throughout Merrimac. “Compatibility” does not mean “uniformity.” Diversity of architectural styles is welcome in the Rural Highway District. However, new development should avoid the removal, obscuring or disruption of existing STRUCTURES of historic value and should be compatible with adjacent or nearby buildings.
  - 9.9.6.2. To retain the small-scale character of Merrimac and to promote diversity of design, a single building with a width of more than 40 feet facing the street should be divided visually into sub-elements, preferably expressing the functional diversity within the building.
  - 9.9.6.3. Provide continuous visual interest, emphasizing such design features as bay windows and recessed doorways.
  - 9.9.6.4. Avoid unarticulated and monotonous building facades and window placements, regular spacings, and building placements that will be viewed from the street as continuous walls.
  - 9.9.6.5. Provide human-scale features, especially for pedestrians and at lower levels.
  - 9.9.6.6. Building detailing should provide small-scale elements of interest from a pedestrian viewing distance.
  - 9.9.6.7. Locate taller buildings away from Route 110 and from abutting and off-site residential areas.
  - 9.9.6.8. The Town prefers materials characteristic of the area. These materials include painted clapboard, or brick and other unit masonry (painted or unpainted). Uncharacteristic materials include rough, imitation or reflective materials such as unpainted wood, field stone, exposed metal, imitation materials (e.g., false brick siding), mirror glass,



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porcelain enamel or polished stone. Such appearance should generally be avoided; however, variation within the range of characteristic materials, colors and textures is encouraged when they are compatible with surrounding buildings.

- 9.9.6.9. Provide visual relief from buildings and hard materials with landscape treatment using shrubs, trees, flower boxes and other greenery around buildings or in recessed places.
- 9.9.7. Use GREEN BUILDING TECHNOLOGIES and materials, wherever possible, to limit environmental impacts.
- 9.9.8. Recognize that major visual exposure comes not only from the building front, and give full attention to the treatment of sidewalks, landscaping, parking areas and the building wall at the rear and sides.
- 9.9.9. 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 approval, 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.

#### 9.10. Regulations for Multi-Family Housing in the Rural Highway District

The Planning Board may grant a SPECIAL PERMIT for MULTI-FAMILY housing in the Rural Highway District under the following conditions:

- 9.10.1. Multi-family housing in the Rural Highway District is intended to be part of a MIXED-USE development and contribute to the MIXED-USE character of the district as a whole. To qualify for a MULTI-FAMILY housing SPECIAL PERMIT, the applicant must integrate dwelling units with a proposed commercial development. Integration may be achieved by one or both of the following methods:
  - 9.10.1.1. Locating units above the ground floor of a commercial building, i.e., an accessory dwelling in a structure occupied principally for commercial uses.
  - 9.10.1.2. Constructing "free-standing" or separate MULTI-FAMILY buildings on the same lot, provided they are located behind a commercial development that is oriented toward Route 110 and are connected to the commercial development by pedestrian walkways, appropriate landscaping, lighting and other elements of the site plan.
  - 9.10.1.3. The Town strongly prefers that some of units be located above the ground floor of one or more commercial buildings in a development,

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and the Planning Board may require the same as a condition of SPECIAL PERMIT approval.

- 9.10.2. The following density and dimensional rules shall apply to MULTI-FAMILY housing:
- 9.10.2.1. No more than 60% of the GROSS FLOOR AREA of a proposed MIXED-USE development shall be used for MULTI-FAMILY dwelling units.
  - 9.10.2.2. Multi-family dwellings shall not exceed six units or twelve bedrooms per acre.
  - 9.10.2.3. A building designed exclusively for MULTI-FAMILY use shall contain no more than six units, and shall not exceed a building height of 35 feet and two and one half stories.
  - 9.10.2.4. Buildings designed exclusively for MULTI-FAMILY housing shall avoid monotonous, look-alike designs and promote high standards of exterior quality and appearance.
- 9.10.3. **Parking.** Applicants shall provide 1.5 parking spaces per one-bedroom unit and 2 parking spaces per two- or three-bedroom unit. At least one space per unit shall be located so as to provide convenient access to its assigned dwelling unit. Parking garages will be permitted as a parking space if located and designed so as to complement the building design and site layout.
- 9.10.4. **Setbacks.** All buildings must be located at least 50 feet from any side or rear LOT line and 50 feet from any established street layout or, where applicable, any defined street line of a public road, which street setback area shall be undeveloped and/or landscaped. Upon a finding by the Planning Board that a setback of lesser width would be sufficient to screen and/or separate the development from adjacent property, the setback may be reduced. The Board may require no-cut easements, conservation restrictions or the like where the setback has been reduced. Buildings shall be located at least 20 feet from interior roadways and driveways that are not considered streets or public roads.
- 9.10.5. **Distance between STRUCTURES.** The distance between two STRUCTURES shall be no less than their average height or 35 feet, whichever is greater. Such distance shall include any garages or other accessory STRUCTURES.
- 9.10.6. **Road construction.** Roads that serve MULTI-FAMILY housing in a MIXED-USE development shall be constructed in accordance with the standards of the Subdivision Rules and Regulations of the Town of Merrimac with the exception of width, which shall be determined by the Planning Board. Inspection of the roads during construction shall be in accordance with the procedures contained in the Subdivision Rules and Regulations and the inspection process shall be administered by the Planning Board. Such procedure shall include the payment of any fees or deposits for the inspections as required by the Subdivision Rules and Regulations at the time of site plan submittal.

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- 9.10.7. SPECIAL PERMIT granting criteria. Before the Planning Board may issue a SPECIAL PERMIT for MULTI-FAMILY housing in the Rural Highway District, it shall consider the following criteria:
- 9.10.7.1. Consistency with the Merrimac Master Plan.
  - 9.10.7.2. Compliance with all applicable provisions of this Bylaw.
  - 9.10.7.3. Desirability of architectural design.
  - 9.10.7.4. Desirability of the number and mix of units proposed, and the provision of housing units accessible to persons with disabilities.
  - 9.10.7.5. Protection of adjoining premises against detrimental or offensive uses on the site.
  - 9.10.7.6. Adequacy of space for vehicular access to the site and off-street parking and loading/unloading on the site.
  - 9.10.7.7. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent WAYS and land.
  - 9.10.7.8. Adequacy of water supplies and distribution for domestic use fire protection.
  - 9.10.7.9. Adequacy of the methods of:
    - 9.10.7.9.1. Disposal of sanitary sewage, as determined by the Board of Health or regulations of the Merrimac Sewer Commission, where applicable. Connection to the municipal sewer system is required for property located in a designated sewer service area.
    - 9.10.7.9.2. Storage and disposal of refuse and solid wastes resulting from the uses permitted on the site.
    - 9.10.7.9.3. Drainage and retention of surface water.

## **ARTICLE 10. HIGHWAY SERVICES DISTRICT (HS)**

### **10.1. Purposes.**

The Town shall have a Highway Services District as shown on the OFFICIAL ZONING MAP. The purposes of the Highway Services District are to manage traffic flows on Broad Street between I-495 and Route 110, provide goods and services that serve local and non-local customers, enhance the Town's tax base, foster a wide range of commercial uses, and make the best use of land in an area that is characterized by predominantly small commercial lots. It is the intent of this Bylaw that development in the Highway Services District will address the following goals of the Town: