

III-C HIGHWAY MIXED USE - (HM-II) DISTRICT USE REGULATIONS

1. PERMITTED AND ALLOWED USES:

- a) Small Parcels- On lots located within an HM-II District, containing two hundred thousand (200,000) square feet of land or less, all uses permitted as of right and all uses allowable on such lots on the issuance of a Special Permit by the Special Permit Granting Authority which were permitted or allowable in the zoning district within which said lots were located immediately prior to rezoning to an HM-II District shall respectively continue to be permitted or allowable uses.
- b) Large Parcels- On lots located within an HM-II District, containing over two hundred thousand (200,000) square feet of land or less, the following uses as set forth in Section III-A.2 (USE REGULATIONS SCHEDULE) shall be permitted as a matter of right: Use Nos. 1, 3, 5, 9 and 46C.

(Art. 9, S.T.M. #1 January 21, 1992)

2. OVERALL SITE PLAN

In the event the owner or owners of a lot, or several adjacent lots in an HM-II Zoning District, elect to develop their land under an Over-all Site Plan, then the uses set forth hereafter under § III-C.3 may be permitted upon the grant of a Special Permit and Site Plan Review by the Planning Board in accordance with § VI-DD of these Bylaw.

Where owners of adjacent lots wish to combine said lots for the purpose of seeking a Special Permit and Site Plan Review under this Section, they must submit a recordable agreement to the Planning Board with applications for Special Permit and Site Plan Review. Such agreement must be in a form that is satisfactory to the Planning Board and shall authorize the joint proposed development, and be binding upon their successors in interest. Such agreement shall be recorded with the Decisions for said Special Permit and Site Plan Review prior to the issuance of any building permit. (Art. 23, 2024 Spring ATM, 05/09/2024)

3. ALLOWED USES UNDER AN OVERALL SITE PLAN

The following uses may be allowed in an HM-II District under an Overall Site Plan as described in Section III-C.2: (Art. 9, S.T.M. #1 January 21, 1992)

- a. Business or professional office or agency; bank or other financial institution, administrative office; clerical office; statistical office; establishment for research and-or development; craft, consumer, professional or other service establishment dealing directly with the general public; business training center;
- b. Retail Stores;
- c. Hotel or Motel;
- d. Indoor amusement or recreation place provided that the building or portion of the building dedicated to such use is so insulated and maintained as to confine noise to the premises and is located at least two hundred (200') feet from the nearest residentially zoned district, and at least three hundred-fifty (350') feet from any existing residential structure.
- e. Wholesale or retail office or showroom with inside storage of goods for sale on the premises only;
- f. Printing or publishing establishment;
- g. Off street parking which may be surface or indoor; (Art. 24, ATM 4/11/1995)

- h. Restaurant, tearoom, lunchroom or other eating establishment serving food and beverages, to be chiefly consumed on the premises, provided that any portion of a structure dedicated to such use is located at least two hundred (200') feet from the nearest residentially zoned district;
- i. The serving of food and-or beverages, with or without accompanying entertainment, on the premises of a hotel, including, without limitation, all restaurant, cocktail lounges, room service facilities, meeting and function rooms on said premises, provided that any portion of a structure dedicated to such uses is located at least three hundred fifty (350') from the nearest existing residential structure.
- j. Licensed Nursery Schools and/or Daycare Centers (Art. 16, 1987 ATM, 10/6/1987)
- k. Health Care or Retirement Facility (Art. 1, S.T.M. #5, 11/16/1993)
- l. Wireless Communications Facility, including only a BMWCF, an AWCF, and co-locating a WCF on an existing free standing monopole or lattice tower. (Art. 30, Fall ATM, 10/8/1998)
- m. Creative Production, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible. (Art. 30, Fall TM 10/15/2019)
- n. Specialty Craft Fabrication, where all noise, smoke, dust, odor, vibration or similar objectionable features generated are minimized and confined to the premises to the extent feasible.
(Art. 31, Fall TM 10/15/2019)

4. INTENSITY REGULATIONS:

- a) Small Parcel Uses: Uses permitted within "Small parcels" as defined in Section III-C1 hereof shall conform to Section IV-B Intensity Regulations of the Zoning Bylaw for the Zoning District in which said small parcel was located immediately prior to rezoning to an HM-II District.
- b) Large Parcel Uses: Uses permitted within "Large Parcels" as defined in Section III-C1 hereof shall conform to the Section IV-B Intensity Regulations for the RSA Zoning District. (Art. 9, S.T.M. #1 January 21, 1992)

5. INTENSITY REGULATIONS UNDER OVERALL SITE PLAN DEVELOPMENT

Where a lot or a group of lots are proposed to be included as one large parcel for purposes of seeking Site Plan Approval and a Special Permit under Section III-C.2. in addition to any general requirements of Section IV-A, the following regulations shall apply:

- a. MINIMUM AREA REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 8 acres.
- b. MINIMUM CONTINUOUS FRONTAGE REQUIRED FOR INCLUSION IN A FINAL SITE PLAN: 200 feet along the major highway or along the access road from the parcel to the major highway.
- c. MINIMUM LOT AREA: 100,000 square feet.
- d. MINIMUM LOT DEPTH: 200 feet.
- e. MINIMUM LOT FRONTAGE ON MAJOR HIGHWAY OR THE ACCESS ROAD: 100 feet.
- f. MINIMUM SETBACK OF BUILDINGS AND PARKING FROM MAJOR HIGHWAYS: 85 feet (excluding staircases, ramps and other facilities required by law for the safe use of the structure).

- g. **MINIMUM SIDE AND REAR SETBACKS:** No buildings shall be located closer than 100 feet to the side or rear lines of the parcel. Where the parcel abuts residentially zoned land the setback of structures shall be no less than two (2) times the height of such structure, but not less than 100 feet. However, notwithstanding the foregoing, where the parcel abuts other commercially zoned land, or where the parcel abuts town owned land regardless of zoning classification, the side or rear yards of any lots so abutting shall be not less than fifty (50') feet. There shall be excluded from the computation of such setback or yard depth, protrusions for staircases, ramps, and other facilities required by law for the safe use of the structure. (Art. 1, STM #4, 10/05/93)
- h. **MAXIMUM BUILDING COVERAGE:** 25 per cent, including accessory buildings; provided however, that a garage structure, to the extent that it provides parking for the number of parking spaces required in accordance with this By-Law, shall not be counted in determining building coverage. The portion of the garage building "footprint" to be counted towards building coverage shall be a fraction of the total building footprint area; said fraction having as its numerator the square foot area in the building devoted to accommodate the excess parking spaces, and having as its denominator the total square foot area in the garage building devoted to parking.
- i. **MAXIMUM HEIGHT OF BUILDINGS:** 55 Feet, however, buildings may be 75 feet high if setback at least 200 feet from residential districts. (Art. 1, STM #4, 10/5/93)
- j. **BUFFERING REQUIREMENTS:** A strip of landscaped buffer area at least 50 feet in width shall be maintained at all side and rear boundaries of the parcel. Landscaping requirements for such buffer strip shall be not less than those provided in Section IV-B(x) of these By-laws. However, the Planning Board may provide for additional tree and-or understory plantings, fencing, berms, or any combination thereof which serve to adequately screen the uses on the parcel from surrounding residential uses; any such trees so required shall not be spaced closer than 15 linear feet and shall not be required to be taller than 12 feet when planted. Where the topography requires buildings shall be so sited as to minimize their being visible from surrounding residences. Said buffer area may be interrupted for drainage channels, ponding areas, pedestrian, vehicular and utility installations.
- k. **GARAGES AND PARKING:** Garages may be used for indoor storage of motor vehicles. Where roof parking is desired, all vehicles shall be screened laterally by a suitable parapet wall and roof lighting shall be screened laterally.

For the purpose of this HM-II district, and notwithstanding any other provision of these By-Laws, an off-street parking space may have a width of not less than 7.5 feet and a length of not less than 15 feet for angle parking or 18 feet for parallel parking, provided that no more than 50 percent of the off-street parking spaces are so dimensioned. It is the intent of this provision to reduce the amount of paved area that is included in a Site Plan to provide no more parking spaces than would otherwise be provided if standard size spaces were used.

(III-C.2, 3 and 5 amended - Art. 4 S.T.M. #3, October 27, 1981)

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