SECTION 4. CLASSIFICATION OF PRINCIPAL USES

4.1 Extensive Uses

4.1.1 *Forestry* - Cultivating and harvesting of forest products.

4.1.2 *Farming, or agriculture* – Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market. Horticulture shall include the growing and keeping of nursery stock and the sale thereof. Said nursery stock shall be considered to be produced by the owner or lessee of the land if it is nourished, maintained and managed while on the premises.

4.1.3 *Greenhouse and Farm Stand*- Commercial greenhouse, salesroom, or stand for the sale of nursery, garden agricultural or farming products, including facilities for the sale of produce, wine and dairy products, provided that either during the months of June, July, August and September of each year or during the harvest season of the primary crop raised on land of the owner or lessee, 25 percent of such products for sale, based on either gross sales dollars or volume, have been produced by the owner or lessee of the land on which the facility is located, or at least 25 percent of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, except that all such activities are only permitted on parcels of 5 acres or more or; parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least $1,000 per acre based on gross sales dollars in area not zoned for agriculture, aquaculture, silviculture, horticultures, floriculture or viticulture.

4.1.4 *Earth removal* - See subsection 7.5.

4.1.5 *Conservation use* - Wildlife management, boating, fishing and hunting.

4.1.6 *Private recreation* - Country club, riding academy, playground and tennis, fishing, boating, skating, swimming, fitness clubs and similar facility for organized athletic activities.

4.2 Residential Uses

4.2.1 *Single-family dwelling:* No more than one dwelling unit shall be located upon a lot except as provided in subsections 4.2.2, 4.2.3, and 4.2.4.

4.2.2 *Two-family or additional dwelling unit:*

4.2.2.1 The Board may grant a special permit for the alteration and use of a building existing at the time its lot is placed in a single residence district for not more than two (2) dwelling units, provided the gross floor area, excluding basements, open or screened porches, and decks, of any additions shall not exceed in all one-fifth of the gross floor area, excluding basements, open or screened porches, and decks, of the existing building. Any additions to create an additional dwelling unit pursuant to this section shall be integral to and part of the existing building, without use of a tunnel or pergola, and share a common wall or floor with the existing building.

4.2.2.2 For the purpose of providing small additional dwelling units to rent without adding to the number of buildings in the Town or substantially altering the appearance of the Town and for the purpose of enabling owners of single-family dwellings larger than required for their present needs to share space and the burdens of homeownership, the Board may grant a special permit for one additional dwelling unit in a single-family dwelling for which a final certificate of occupancy was issued at least two years prior to an application for said permit, or if no such certificate was issued, which was legally occupied prior to such date, provide that:

(a) The area of the lot on which the single-family dwelling is located shall not be less than ten thousand (10,000) square feet;

(b) The dwelling unit shall be located within the single-family dwelling as it existed two years prior to the date of application for the special permit;

(c) The dwelling unit shall be a use incidental to the single-family dwelling and shall occupy no more than one-third of the gross floor area (as of two years prior to the date of application for the special permit) of the single-family dwelling exclusive of any garage, shed or similar structure of accessory use attached to the single-family dwelling;

(d) The dwelling unit shall have a minimum gross floor area of three hundred fifty (350) square feet;

(e) No more than one such dwelling unit shall exist within the single-family dwelling;

(f) No more than minimum exterior alterations shall be made to the single-family dwelling;

(g) Either the dwelling unit or the single-family dwelling shall be occupied by the owner of the property except for bona fide temporary absences;

(h) Floor plans of the dwelling unit and the single-family dwelling, with a site plan showing the location of the single-family dwelling on the lot, have been filed with the Building Inspector prior to or at the time of application to the Board;

(i) Application for a building permit or certificate of occupancy shall be made to the Building Inspector and no use or occupancy shall be allowed prior to the issuance of a certificate of occupancy by the Building Inspector;

(j) A site plan, at a measurable scale, shall be submitted with the application to the Board showing the location and arrangement of parking spaces on the property;

(k) Parking for the dwelling unit and the single-family dwelling shall be provided on the property as required in Table IV. Minimum Parking;

(l) Confirmation that the property is served by Town sewer or, alternatively, confirmation that the on-site subsurface disposal system is adequate to accommodate any increased flows generated by the additional dwelling unit.

(m) Additional landscaping and fencing may be required to provide visual and auditory protection to adjacent properties;

(n) The special permit expires upon the sale or transfer of the equity interest in the property to another owner. A new owner may seek a special permit from the Board, and the Board may grant a special permit, for continued use of the dwelling unit provided that the property is in compliance with all other provisions of the Zoning Bylaw.

4.2.3 *Combined business/residence:* A dwelling unit or units may be located on the same lot where commercial uses are conducted provided that:

4.2.3.1 Each such unit is structurally part of the commercial building, having common walls, foundation, roof and floor;

4.2.3.2 For development of four (4) or more units, at least twenty percent of the dwelling units (and no less than one unit) are available as affordable housing;

4.2.3.3 Open space shall be provided on the lot (apart from any paved area) equal to twice the gross floor area of the residential portion of the building. Any deck, balcony or rooftop garden shall be considered as open space if its floor area is more than twenty-five (25) square feet. The Board may grant a special permit to allow less than the required amount of open space if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

4.2.3.4 Except in Limited Business District #2, in a combined business/residence building where more than ten percent of the dwelling units are available as affordable housing, the Board may grant a special permit to allow less than the required amount of open space, an increase in the height of the building to forty (40) feet and/or a decrease in the number of parking spaces if the Board finds that the proposed combined business/residence development is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to take place.

4.2.3.5 In the Thoreau Business District alternative provisions apply. See Section 8.

Commentary: Mixed-use development, termed "combined/business residence," is critical to the vision and success of Thoreau Depot area. The provisions described above, however, can hamper mixed-use development in a village-like setting, such as Thoreau Depot. Based upon the visioning plan, mixed-use development in Thoreau will need an alternate set of provisions controlling their use.

There are several options to deal with this issue:

1. Change the provisions 4.2.3.1-4 of combined business/residence. This option would affect combined business/residence uses throughout town, which could have effects the Town does not wish.
2. Add provisions in 4.2.3.1-4 that specify special provisions for Thoreau Depot. This format is similar to what is done for West Concord in a number of circumstances. The downside is that it can add to the complexity and potentially increase confusion by having special circumstances in this scattered manner.
3. Add a new use for mixed-use developments in a village setting. This would allow mixed-use in Thoreau to be distinguished from other parts of town.
4. Add a new sub-section 4.2.3.5 that provides special regulations for Thoreau.
5. Add a new sub-section 4.2.3.5 that references a new section with provisions applicable to Thoreau.

Any of the above options are viable. MAPC currently recommends Option 5, as it will put most special provisions for Thoreau in one, consolidated place

4.2.4 *Combined industrial/business/residence:* A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and non-retail business uses are conducted provided that:

4.2.4.1 Each such dwelling unit and retail store (including grocery store) is structurally part of an industrial/non-retail business building(s), having at least a common foundation and roof.

4.2.4.2 At least twenty (20) percent of the dwelling units (and no less than one unit) are available as affordable housing; however, if at least ten (10) percent of the industrial use and/or non-retail business use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

4.2.4.3 In a combined industrial/business/residence project, one or more retail store(s) or grocery store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area.

4.2.4.4 In a combined industrial/business/residence project, the industrial and non-retail business uses combined shall be not less than thirty percent (30%) of the total gross floor area.

4.2.4.5 No residential dwelling units shall be located on the ground/first floor.

4.2.4.6 If located in the West Concord Industrial District, the design of the structure and the site for the combined industrial/business/residence project shall adhere to the recommendations of the West Concord Design Guidelines. A special permit shall be issued under this section only if the Board shall find that the combined industrial/business/residence use is in harmony with or advances the recommendations and intent of the 2010 West Concord Master Plan and the criteria listed in Section 11.6 Special Permit.

4.2.4.7 In a combined industrial/business/residence project where at least ten percent of the dwelling units are available as affordable housing and at least ten percent of the industrial or non-retail business use area is available at an affordable rent or lease, the Board may grant a special permit to allow an increase in the height of the building to forty (40) feet, as defined in Section 6.2.11, if the Board finds that the proposed combined industrial/business/residence project is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to be located.

4.2.5 *Residential compound:* A limited subdivision of land for single-family dwellings in accordance with the provisions of Section 8.

4.2.6 *Residential cluster development:* Single-family dwelling in accordance with the provisions of Section 9.

4.2.7 *Planned residential development:* Single-family detached or attached dwelling or multi-unit structures of all types in accordance with the provisions of Section 10.

4.2.8 *Boarding house:* A single-family detached dwelling in which permanent lodging is provided for consideration to more than three (3) persons unrelated to the owner or proprietor. The term "boarding house" shall include dormitories.

4.2.9 *Hotel, Extended-stay hotel and Motel:* An establishment providing four (4) or more rooms or suites for transient lodging accommodations (which may include a kitchen area). Rooms or suites in an extended-stay hotel shall not qualify as a principal residence. The lot on which a hotel, extended-stay hotel or motel is located shall contain open space of not less than twice the gross floor area of the hotel or motel in addition to any area required for parking or vehicular access.

4.3 Institutional Uses

4.3.1 *Educational:* Use of land, buildings and structures for providing learning in a general range of subjects on land owned or leased by the Commonwealth or any of its agencies, subdivisions of bodies politic or by a recognized religious sect or denomination, or by a nonprofit educational entity which may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.

4.3.2 *Child care facility:* An establishment licensed by the Commonwealth of Massachusetts for the purpose of operating either 1) a day care center, which provides daily care for children under the age of seven (7) years, or sixteen (16) years if such children have special needs; or 2) a school age child care program, which provides supervised group care for children enrolled in kindergarten or older children who are not more than fourteen (14) years of age, or sixteen (16) years of age if such children have special needs, provided that:

4.3.2.1 In the residential districts, such activities shall be permitted only on (a) a lot which, with all its structures, conforms to the requirements of the Bylaw, or (b) a lawfully nonconforming lot or structure as to which the area of the lot is not less than ten thousand (10,000) square feet;

4.3.2.2 In the residential districts or on lots which are not in a residential district but are adjacent to a residential district, no outdoor play area (an area designed or set aside for children in a child care facility for recreation or play) shall be located closer to a lot line than the minimum yard setback requirements for a principal use in the district in which it is located;

4.3.2.3 In all districts, the open space between the defined outdoor play area or structure and the property line(s) adjacent to residential districts or residential uses shall be screened with such fence, wall, hedge, or landscaping to provide a dense year-round screen as the Planning Board shall designate.

4.3.3 *Religious:* Use of land, buildings and structures for public worship carried on by a recognized religious sect or denomination which may include religious instruction, maintenance of a convent, parish house and similar facilities and activities whose purpose is substantially related to furthering the beliefs of such sect or denomination.

4.3.4 *Philanthropic:* Charitable or nonprofit library, museum, art gallery or other similar use.

4.3.5 Hospital and nursing home: Hospital and nursing home, provided that in Limited Business Distr. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.

4.3.6 *Assisted living residence:* A structure, or structures, used to provide assistance with the activities of daily living in a residential setting for people who require such services. Assistance with activities of daily living means the provision of physical support, aid or assistance with bathing, dressing/grooming, ambulating, eating, or other similar tasks. An assisted living residence may have central dining facilities, lounges, meeting rooms, laundry rooms, greenhouses, exercise rooms and recreational areas, libraries, offices, medical facilities for diagnosis and out-patient services for residents only and such other common areas or facilities or accessory uses for the residents may be desired. An assisted living residence is a facility that is eligible for certification as an assisted living residence by the Executive Office of Elder Affairs pursuant to M.G.L. Chapter 19D and shall conform with the following:

4.3.6.1 A unit as defined by M.G.L. Chapter 19D shall be a "dwelling unit" as defined by this Bylaw.

4.3.6.2 There shall be retained in perpetuity for conservation or passive recreation use an area of common open space equal to at least thirty percent (30%) of the lot area.

4.3.6.3 A minimum of twenty percent (20%) of the total number of assisted living units shall be a mix of affordable units for persons who qualify as low, moderate or upper-moderate income and assets. In determining the number of affordable units required, a fractional unit of 0.5 or more shall be considered a whole unit. The minimum percentage of affordable assisted living units shall be maintained as affordable units for the duration of the use of the property under this Section 4.3.6.

4.3.6.4 To the extent determined to be feasible by the Board (taking into consideration legal and economic constraints, including limitations imposed by financing sources) said affordable assisted living units required in subsection 4.3.6.3 shall be made available to eligible Concord residents, and persons related to such residents by consanguinity or affinity, prior to offering such units to other eligible persons

4.3.7 *Cemetery*

4.3.8 *Lodge and club:* Private lodge or club operated for members or employees.

4.3.9 *Registered Marijuana Dispensary:* A non-profit facility or location that has been registered by the Department of Public Health where medical marijuana is grown, processed and/or made available to a qualifying patient or a personal caregiver, provided that:

4.3.9.1 A registered marijuana dispensary shall not be located within three thousand feet (3,000') of an elementary school, middle school, high school, or public library in existence at the time of enactment of the zoning bylaw amendment establishing this use.

4.4 Government and Utility Uses

4.4.1 *Town of Concord Municipal Use:* use of any building, facility and/or area owned or leased by the Town of Concord for (1) the general use and welfare of the Town, its inhabitants or businesses located within the Town; or (2) emergency vehicular or pedestrian access over land owned by the Town to access an adjacent property.

4.4.2 *Underground utility:* underground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility.

4.4.3 *Aboveground utility:* aboveground facilities, equipment, and/or structures that are necessary for conducting a public service provided by a public or private utility, except for large-scale, ground-mounted solar photovoltaic installations.

4.4.4 *Municipal Use that is not by the Town of Concord:* use of any building, facility and/or area for a public purpose by any other town that is not the Town of Concord.

4.4.5 *Large-Scale Ground-Mounted Solar Photovoltaic Installation:* A solar photovoltaic system that is structurally mounted on the ground and is not roof- mounted, and has a rated nameplate capacity of at least two hundred-fifty kilowatts (250 kW) direct current (DC) in accordance with the provisions of Section 7.9.

4.5 Business Uses

4.5.1 *Retail store:* Sale and display of merchandise within a building. Sale of ready-to-consume foods and beverages in disposable containers for consumption outside the building will be permitted only as an accessory use to the principal retail operation. Provided, however, in the West Concord Business District a retail store shall not occupy more than 5,000 square feet of gross floor area and in the West Concord Village District a retail store shall not occupy more than 4,000 square feet of gross floor area of which not more than 3,500 square feet shall be public retail space, unless a special permit is granted to allow a larger retail store by up to twenty percent (20%). A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger retail store serves a public purpose or has a public benefit.

4.5.2 *Personal service shop:* Barber or beauty shop, laundry or dry-cleaning shop, shoe repair shop or self-service dry cleaning or laundry shop or similar service shop.

4.5.3 *Craft shop:* Shop or studio of an artist, potter, sculptor, silversmith, wood carver or similar craftsman, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.4 *Restaurant:* Restaurant, cafeteria, lunchroom or similar establishment whose principal business is the sale of prepared foods or beverages and whose principal method of operation includes either (1) service by a restaurant employee to a table or counter where the food or beverage is consumed, or (2) a cafeteria-type operation where foods and beverages are consumed within the restaurant building. Provided, however, in the West Concord Business District a restaurant shall not occupy more than 5,000 square feet of gross floor area; and,

provided further, in the West Concord Village District a restaurant shall not occupy more than 4,000 square feet of gross floor area, unless a special permit is granted to allow a larger restaurant in the West Concord Village District by up to thirty percent (30%), in which case a maximum of 4,800 square feet may be located on the ground/first floor. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger restaurant serves a public purpose or has a public benefit.

4.5.5 *Indoor amusement:* Theater, motion picture house, bowling alley, dance hall or other indoor amusement or assembly hall operated for profit.

4.5.6 *Outdoor amusement:* Golf driving range, miniature golf course or similar outdoor amusement operated for profit but not including motor-driven amusements.

4.5.7 *Funeral home:* Undertaking or funeral establishment.

4.5.8 *Repair shop and building trade:* Repair shop for household appliances, radio and television sets, office equipment, bicycles, lawn mowers and similar equipment, caterer and shop of a builder, carpenter, electrician, mason, painter, plumber or roofer or similar occupation associated with the building trades, provided that in the Business District all work and storage shall be conducted within a building and no more than five (5) full-time workers, or their equivalent, shall be employed on the premises.

4.5.9 *Veterinary and kennel:* Veterinary, kennel and place for boarding and caring for animals.

4.5.10 *Financial and business office:* Bank, loan agency or business office.

4.5.11 *Professional office:* Office of a doctor, lawyer, accountant, architect, engineer, real estate broker, or similar professionals.

4.5.12 *Medical center and laboratory:* Center for medical, dental, clinical and public health service and supporting service for the foregoing, such as office and laboratory.

4.5.13 *Auto service station:* Sale of motor vehicle fuel and related products and services, including a car wash.

4.5.14 *Auto repair shop:* Establishment for the repair, maintenance, and painting of automobiles or similar light motor vehicles (maximum ten thousand (10,000) pounds gross vehicle weight and 172-inch wheel base), provided that all but minor repairs shall be conducted wholly within a building sufficiently sound-insulated to confine disturbing noise to the premises.

4.5.15 *Vehicular dealerships:* Salesroom and related dealership facilities for automobiles, boats, motorcycles, trucks, off-road vehicles or farm implements.

4.5.16 *Boat sales and rental:* Rental, sale, storage, maintenance and repair of small boats, and equipment and accessories customarily incidental to their normal operation, including outboard motors and boat trailers.

4.5.17 *Parking facility:* Commercial parking lot or parking garage.

4.5.18 *Transportation services:* The parking or storage of ground transportation vehicles, including but not limited to buses, ambulances, limousines, taxis, liveries, wagons, carriages, or other ground transportation vehicles. The primary purpose of the business must be to provide transportation services to passengers, whether the vehicle be motorized or animal drawn. All vehicles stored or parked upon the premises must be registered or licensed.

4.5.19 *Grocery Store:* A retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products and which occupies at least 5,000 square feet but not more than 35,000 square feet of gross floor area. Provided, however, in the West Concord Village District a grocery store shall not occupy more than 10,000 square feet of gross floor area.

4.6 Industrial Uses

4.6.1 *Warehouse:* Warehouse or other building for the storage or wholesale marketing of materials, merchandise, products, or equipment. In the Limited Industrial Park District, warehouse shall be permitted (1) in buildings for which a building permit was issued prior to February 14, 1980, or (2) in office, R&D or light manufacturing buildings provided the gross floor area of the warehouse shall not exceed forty (40) percent of the gross floor area of the entire building.

4.6.2 *Storage yard, open-air sales:* Lumber yard, fuel storage plant, contractor's yard, used car lot or other open-air establishment for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment.

4.6.3 *R&D and Light Manufacturing:* Research and Development (R&D) or light manufacturing including general offices with research, testing, training, light manufacturing or warehouse facilities for computer, telecommunication, photographic, instrumentation, biomedical or similar high-technology or light manufacturing uses. In all cases, light manufacturing shall be (1) limited to fabrication, assembly, processing and packaging employing only electric or other substantially noiseless and inoffensive power, and (2) free from neighborhood disturbing agents including dust, fumes, odors, emissions, smoke, vapor, light, vibration and noise. In the Business District no more than five (5) full-time workers or their equivalent shall be employed in light manufacturing on the premises.

4.6.4 *Manufacturing, packaging, processing and testing:* Printing or publishing plant, bottling works, manufacturing establishment, or other assembling, packaging, finishing or processing use.

In the Business District, only manufacturing of products primarily for sale at retail on the premises shall be conducted, and no more than five (5) full-time workers or their equivalent shall be employed on the premises.

In the Limited Industrial Park District, manufacturing, packaging, processing and testing uses shall be permitted only within the confines of a building for which a building permit was issued prior to February 14, 1980.

4.7 Restricted and Prohibited Uses

4.7.1 *Prohibited uses:* Salvage yard, junk yard, and all open-air storage of junk, waste products and salvage materials (including non-operable automobiles) are expressly prohibited in all zoning districts of the Town as are trailer and mobile home, trailer camp, mobile home park, trailer and mobile home sales and service, billboard, outdoor movie theater, commercial dump, slaughterhouse, rendering plant, fertilizer plant, race track, commercial extraction of sand, gravel or minerals and all other uses which would be obnoxious, hazardous or injurious to the neighborhood or to property in the vicinity are expressly prohibited in all zoning districts in the Town as are all uses not specifically permitted by this Bylaw.

Drive-in or fast food restaurants are expressly prohibited. A drive-in or fast food restaurant is defined as any establishment whose principal business is the sale of foods or beverages in a ready-to-consume state, for consumption within the building or off-premises, and whose principal method of operation includes: (1) sale of foods and beverages in paper, plastic or other disposable containers; or (2) service of food and beverages directly to a customer in a motor vehicle.

4.7.2 *Restrictions:* Without limiting the generality of subsection 4.7.1 or any other section of this Bylaw or of any other Town Bylaw, all manufacturing, packaging, processing, testing, business and commercial activity shall be conducted such as to confine disturbing sounds, fumes, dust, odors and noise to the premises, and no such activity shall be conducted so as to constitute a hazard by reason of the potential for fire, explosion, radiation release or by any bacterial, or viral agent.

CONCORD ZONING – TABLE I - PRINCIPAL USE REGULATIONS

Commentary: MAPC recommends changes to the use table for Thoreau with the goal of retaining a broad spectrum of uses, while focusing them to be uses conducive to a walkable, village-like setting. In the existing bylaw, Districts B, CCB, and NACB are combined with Thoreau Depot. The Town has the option of making the changes to the use table for all of these districts at once, or separating Thoreau and having the changes only apply to this district. The Table below opts for this latter approach and can be refined or changed based on feedback from the Town. Note that TDB needs a footnote to reference the special provisions applicable to that district.

	Residential Districts				Commercial Districts						Industrial Districts					
Principal Uses	**RAA**	**RA**	**RB**	**RC**	**WCV**	**B CCB NACB**	**TDB^^**	**WCB**	**LB**	**MP**	**WCI**	**I**	**IPA**	**IPB**	**LIP#1 LIP#2**	**Site I Appr**
4.1 Extensive Uses							no									
4.1.1 Forestry	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.2 Agriculture, horticulture, floriculture and viticulture	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.3 Greenhouse	yes	yes	yes	yes	yes	yes	no	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.4 Earth removal	SP	SP	SP	SP	SP	SP	no	SP	SP	SP	SP	SP	SP	SP	SP	NR
4.1.5 Conservation use	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NR
4.1.6 Private recreation	SP	SP	SP	SP	yes	yes	no	yes	yes[1]	no	yes	yes	yes	yes	yes	R
4.2 Residential Uses							no									
4.2.1 Single-family dwelling	yes	yes	yes	yes	no	yes		no	no	yes	no	no	no	no	no	NR
4.2.2 Two-family or additional dwelling unit	SP	SP	SP	SP	no	SP	SP	SP	no	SP	no	no	no	no	no	NR
4.2.3 Combined business/residence	no	no	no	no	yes***	yes	yes	yes	yes[2,3&7]	SP	no	no	no	no	no	R
4.2.4 Combined industrial/business/residence	no	no	no	no	no	no	no	no	no	no	SP	SP	no	no	no[SP◆◆]	R
4.2.5 Residential Compound	SP	SP	SP	SP	no	SP	SP	no	no	no	no	no	no	no	no	NR
4.2.6 Residential Cluster Development	SP	SP	SP	SP	no	SP	SP	no	no	no	no	no	no	no	no	NR
4.2.7 Planned Residential Development	SP	SP	SP	SP	no	SP	SP	no	no	no	no	no	no	no	no[SP◆◆]	NR
4.2.8 Boarding house	SP	SP	SP	SP	no	yes	yes	no	no	no	no	no	no	no	no	NR
4.2.9 Hotel, Extended-stay hotel and Motel	no	no	no	no	no	yes	yes	SP	yes[1]	no	no	no	yes	no	no	R
4.3 Institutional Uses							yes									
4.3.1 Educational	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.2 Child care facility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.3 Religious	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	R
4.3.4 Philanthropic	SP	SP	SP	SP	yes	yes	yes	yes	SP[8]	yes	yes	yes	yes	yes	yes	R
4.3.5 Hospital and nursing home, provided that in Limited Business Dist. #6 only nursing, rest or convalescent home and hospital parking shall be permitted.	no	no	no	no	no	yes	SP	no	SP[6]	yes	no	no	no	no	no	R
4.3.6 Assisted living residence	no	no	no	no	no	no	no	no	SP[8]	no	no	no	no	no	no	R
4.3.7 Cemetery	yes	yes	yes	yes	no	yes	yes	no	no	no	no	no	no	no	no	NR

4.3.8 Lodge and club	SP	SP	SP	SP	SP***	yes	yes	SP	no	no	SP	yes	yes	yes	yes	R
4.3.9 Registered Marijuana Dispensary	no	no	no	no	no	no	No	no	no	SP	no	no	no	no	no	R
4.4 Governmental and Utility Uses							yes									
4.4.1 Town of Concord Municipal Use	yes	yes	yes	yes	yes	yes		yes	yes	yes	yes	yes	yes	yes	yes	NP
4.4.2 Underground Utility	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	yes	NP
4.4.3 Aboveground Utility	yes	yes	yes	yes	yes	yes	SP	yes	yes	yes	yes	yes	yes	yes	yes	NP
4.4.4 Municipal Use not by the Town of Concord	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	SP	R
4.4.5 Large Ground-Mounted Solar Photovoltaic Installation	yes	yes	yes	yes	yes	yes	SP	yes	yes	yes	yes	yes	yes	yes	yes	R

CONCORD ZONING – TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses	Residential Districts				Commercial Districts						Industrial Districts				
	RAA	RA	RB	RC	WCV	B CCB NACB	TDB^^			MP	WCI	I	IPA	IPB	LIP#1 LIP#2
4.5 Business Uses							yes								
4.5.1 Retail store	no	no	no	no	yes	yes		yes	no	no	no**	no**	no	no	no
4.5.2 Personal service shop	no	no	no	no	yes	yes	yes	yes	no	no	SP	no	no	no	no
4.5.3 Craft shop	no	no	no	no	yes	yes	yes	yes	no	no	yes	yes	yes	yes	no
4.5.4 Restaurant	no	no	no	no	yes	yes	yes	yes	yes[1]	no	yes	yes	yes	yes	no
4.5.5 Indoor amusement	no	no	no	no	yes	yes	yes	yes	no	no	yes	yes	yes	yes	yes
4.5.6 Outdoor amusement	no	no	no	no	yes	yes	yes	yes	yes[1]	no	yes	yes	no	no	no
4.5.7 Funeral home	no	no	no	no	no	yes	yes	SP	yes[3]	no	SP	yes	yes	yes	no
4.5.8 Repair shop and building trade	no	no	no	no	no	yes	yes	yes	no	no	yes	yes	yes	yes	no
4.5.9 Veterinary and kennel	no	no	no	no	no	no	no	no	no	no	SP	yes	yes	yes	no
4.5.10 Financial and business office	no	no	no	no	yes	yes	yes	yes	yes*◆	no	yes	yes	yes	yes	yes
4.5.11 Professional office	no	no	no	no	yes***	yes	yes	yes	yes◆	yes	yes	yes	yes	yes	yes
4.5.12 Medical center and laboratory	no	no	no	no	no	yes	no	no	SP[6]	yes	yes	yes	yes	yes	SP
4.5.13 Auto service station	no	no	no	no	no	yes	no	SP	yes[1]	no	SP	yes	yes	yes	no
4.5.14 Auto repair shop	no	no	no	no	no	yes	no	SP	no	no	SP	yes	yes	yes	no
4.5.15 Vehicular dealerships	no	no	no	no	no	yes	no	no	no	no	no	yes	yes	yes	no
4.5.16 Boat sales and rental	no	no	no	no	no	yes	no	no	yes[5]	no	yes	yes	yes	yes	no
4.5.17 Parking facility	no	no	no	no	no	yes	SP	no	no	no	yes	yes	yes	yes	yes
4.5.18 Transportation services	no	no	no	no	no	SP	no	SP	no	no	SP	SP	yes	yes	yes
4.5.19 Grocery Store	no	no	no	no	yes	yes	yes	yes	no	no	no	no	no	no	no
4.6 Industrial Uses															
4.6.1 Warehouse	no	no	no	no	no	yes	no	no	no	no	yes	yes	yes	yes	yes
4.6.2 Storage yard, open-air sales	no	no	no	no	no	yes	no	no	no	no	SP	SP	no	no	no
4.6.3 R&D and Light manufacturing	no	no	no	no	SP***	yes	no	SP	no	no	yes	yes	yes	yes	SP
4.6.4 Manufacturing, packaging, processing and testing	no	no	no	no	no	yes	no	no	no	no	yes	yes	yes	yes	SP
4.7 Restricted and Prohibited Uses															
4.7.1 Prohibited uses	no	no	no	no	no	no	no	no	no	no	no	no	no	no	no

^^See Section 8 for special provisions applicable to the Thoreau Depot Business District.

***** 1,2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

****** Except as provided by Special Permit in a Combined industrial/business/residence building.

*******Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

◆ Except as provided by Special Permit in Limited Business District #8

◆◆ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is

permitted in all LB districts (see Section 3.2.2).

CONCORD ZONING

SECTION 5. ACCESSORY USES

***Commentary*:** Because these uses are accessory to the principal uses on a lot, MAPC is not recommending changes to this section at this time. If the Town wishes, this section can be reviewed and updated for the Thoreau Depot.

SECTION 6. DIMENSIONAL REGULATIONS

6.1 Dimensions

Minimum lot area, frontage, lot width, yard, and corner clearance requirements and maximum lot coverage, height and floor/area ratio requirements shall be as prescribed in Section 6, Table III, Dimensional Regulations. For special dimensional regulations applicable to Thoreau Depot Business District, see Section 8.

Commentary: Under the current zoning bylaws, exceptions to the dimensional standards are provided within each subsection (see, e.g., last paragraph of Section 6.2.6 with exceptions for West Concord Village). The Town could add additional exceptions for Thoreau in this manner; however, MAPC recommends an approach of consolidating Thoreau's dimensional standards in a separate Section 8. This also makes it easier to provide nuance for two subsections. If the Town in the future wishes, it can add additional village centers to this section.

This draft assumes this recommended approach. If the Town wishes to maintain the current format, MAPC can adjust the regulations to all be within this Section 6.1.

6.2 Interpretation

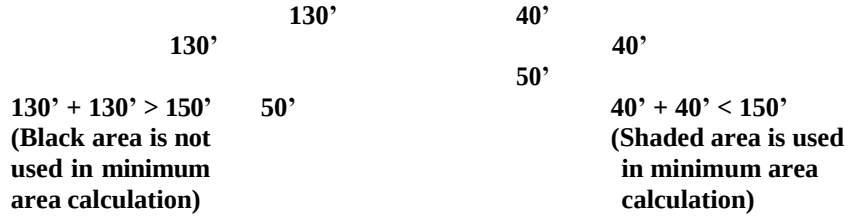
For purposes of interpretation the following shall apply:

6.2.1 *Lot area:* In determining lot area, no part thereof within the street lines or within a private way or right-of-way for travel by motor vehicles shall be included. Street lines shall determine lot boundaries.

6.2.2 *Minimum lot area:*

6.2.2.1 When computing minimum lot area for any lot laid out and submitted for approval by the Planning Board, in accordance with Chapter 41 of the General Laws, after September 1, 1991, a minimum of fifty (50) percent of such lot area required in that zoning district shall be provided by land located outside of the Flood Plain Conservancy District and Wetlands Conservancy District.

6.2.2.2 When the distance between any two (2) points on lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be considered in computing the minimum lot area unless the distance along such lot lines between such two (2) points is less than one hundred fifty (150) feet.



line of
right-of-way

Street

Minimum Lot Area

6.2.3 *Frontage:* Frontage, as defined in Subsection 1.3.11, shall be measured in a continuous line along the sideline of the street between the points of intersection of the side lot lines with said sideline of the street.

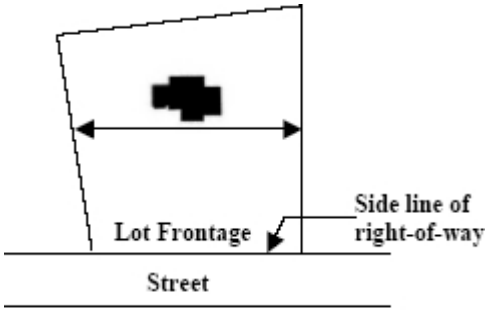
6.2.4 *Frontage exception:* A dwelling in Residence AA, A and B Districts may be constructed on a lot having eighty (80) percent of the minimum lot frontage, provided that the lot width at the nearest point on the front wall of the dwelling to the sideline of the right-of-way shall not be less than the minimum lot frontage and, that the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees.

Lot Width: (not less than
Required frontage)

Res. AA	200'
Res. A	150'
Res. B	125’

Frontage Exception: (not less
Than 80% of required frontage)

Res. AA	160’
Res. A	120’
Res. B	100’



Frontage Exception

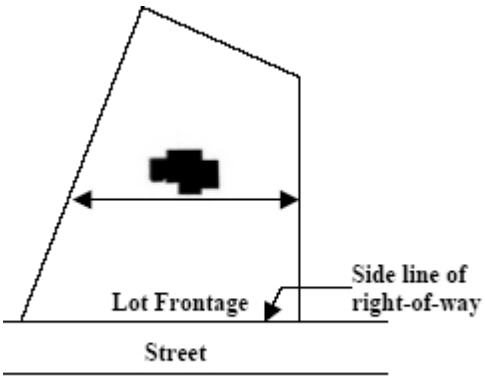
6.2.5 *Lot width:* Each lot shall have, in addition to the required frontage, a width of not less than eighty (80) percent of the required frontage at all points between the sideline of the right-of-way along which the frontage of the lot is measured and the nearest point on the front wall of the dwelling upon such lot and, that the angle formed by the intersection of the side lot line and the sideline of the right-of-way shall not be less than 45 degrees. Such width shall be measured along lines, which are parallel to such sideline.

Lot Frontage:

Res. AA	200'
Res. A	150'
Res. B	125'
Res. C	80'

Lot Width:

Res. AA	160'
Res. A	120'
Res. B	100'
Res. C	64'



Lot Width

6.2.6 *Front yards:* Front yards shall be measured between the sideline of the right-of-way and the nearest point of any structure, with the exception of uncovered steps and ramps or the construction of walls and fences. In all cases, corner lots shall be considered to have two (2)

front yards and two (2) side yards. A lot having frontage on two (2) streets shall have two (2) front yards, each of which shall comply with the requirements of the front yard provisions.

In the West Concord Business and West Concord Village Districts, there shall be a maximum front yard of ten (10) feet, that is, no portion of a building shall be set back from the front lot line by more than ten feet unless a special permit is granted to allow a greater front yard depth. A special permit shall be granted by the Planning Board only upon a written determination as provided in Section 11.6 and that the larger front yard serves a public purpose.

6.2.7 *Side yards:* Side yards shall be measured from the nearest point of any dwelling or structure to each side lot line, provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, the width of one side yard may be reduced by an amount not to exceed three (3) feet if the width of the other side is correspondingly increased. Notwithstanding the foregoing, a building of accessory use may be placed not less than five (5) feet from a sideline so long as such building is not to be located nearer the sideline of the right-of-way than the rearmost point of the dwelling or any structure attached thereto.

In the Residence C and Residence B Districts, any part of the principal structure that extends into the three (3) foot side yard exception area shall be no greater than fifteen (15) feet in height as defined in subsection 6.2.11. The Board may grant relief from the fifteen foot height limitation in the three (3) foot side yard exception area provided the Board finds that there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

6.2.8 *Rear yards:* Rear yards shall be measured from the nearest point of any dwelling or structure attached thereto to the rear lot line provided that nothing shall prevent the projection of uncovered steps and ramps or the construction of walls and fences. In the residential districts or for single-family dwellings in the Business or Medical-Professional districts, no building of accessory use shall be placed nearer to the rear lot line than five (5) feet.

6.2.9 *Landscape buffer:* Side yards, rear yards and the other lot lines noted in Table III shall be suitably landscaped. Such landscaping shall be designed to reduce the visual impact of the principal use upon adjacent property by the use of trees, shrubs, walls, fences, or other landscape elements. Where the developed area adjoins land developed for residential use, suitable landscaping shall consist of a substantially sight-impervious screen of evergreen foliage at least eight (8) feet in height or planting of shrubs and trees complemented by a sight-impervious fence of at least five (5) feet, but not more than eight (8) feet, in height, or such other type of landscaping as may be required under site plan approval. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of this Section 6.

6.2.10 *Corner clearance:* Between the sidelines of the intersecting streets and a straight line joining points on such sidelines ten (10) feet distant from their point of intersection or, in

the case of a rounded corner, a straight line joining the points of intersection of their tangents, no building or structure may be erected and no vegetation may be maintained three (3) feet above the plane through their curb grades.

6.2.11 *Height:* The height of a building shall be measured as the vertical distance from the mean ground level of each side of the building to either the highest point of the exterior in the case of a flat roof or to the mean average finished grade between the plate and the ridge in the case of a pitched roof. Chimneys, spires, towers, and other projections not used for human occupancy or storage may extend above the height limits herein fixed except wind turbine facilities, which can only exceed the maximum height requirement by special permit granted by the Board.

In the Medical-Professional District south of Route 2, no portion of a building shall exceed thirty-five (35) feet in height unless such portion sets back from each street and such Medical-Professional District boundary line an amount equal to the sum of (1) the applicable minimum yard requirement and two (2) feet for each foot of height in excess of thirty-five (35) feet, provided that in no case shall any portion of a building exceed one hundred ten (110) feet in height.

In the Residence AA, Residence A, Residence C and Residence B Districts, the height of a building shall be measured as the vertical distance from the 'base elevation' to the peak of the roof, or the highest point of the exterior in the case of a flat roof. The 'base elevation' is the average of the elevations of the ground where the two corners of the lowest foundation wall of any existing structure meet the ground. In the absence of an existing structure, the base elevation shall be the average elevation (measured as indicated in the previous sentence) of the ground at the location on the site where the new building is to be placed, prior to any grading or mounding.

In the Residence AA, Residence A, Residence C, and Residence B Districts, any accessory structure located within the required minimum side or rear yard shall be limited in height to not more than twenty-four (24) feet to the peak of a pitched roof or eighteen (18) feet to the highest point of the exterior in the case of a flat roof.

The Board may grant relief from the above definition for the height of a building in the Residence AA, Residence A, Residence C and Residence B Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

In the Residence C and Residence B Districts any part of the principal structure that extends into the three (3) foot side yard exception as defined in subsection 6.2.7 shall be no greater than fifteen (15) feet in height.

In the West Concord Business and West Concord Village Districts, the minimum height of the side and rear portions of a principal building shall be fifteen (15) feet; the front façade shall have a minimum height of eighteen (18) feet.

6.2.12 *Maximum lot coverage:* The total ground area covered by the principal and accessory structures (and in the I, IP, LIP, and LB#4 and #8 districts, all paved areas) shall not exceed the maximum coverage of the total lot area as noted in Section 6, Table III.

6.2.13 *Maximum floor area ratio:* The total gross floor area of all buildings on a lot shall not exceed the maximum square footage per acre of lot area as noted in Section 6, Table III, except as provided in G.L. c.40A, sec. 9C for a child care facility as an accessory use. Excluded from the gross floor area in the Residence Districts are basements, open or screened porches, decks and accessory structures with no permanent foundation or less than 100 square feet in area. The Board may grant relief from the Maximum Floor Area Ratio in the Residence Districts provided the Board finds that a literal application of this requirement would be unreasonable because there are no reasonable alternatives available and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. Non-residential principal uses in the Residence AA, A, B & C Zone Districts shall be exempt from the Maximum Floor Area Ratio in Table III.

6.3 Special Dimensional Exceptions

6.3.1 *Single lot exemption:* Any increase in area, frontage, width, yard or depth requirement of this Bylaw shall not apply to a lot for a single-family dwelling which, at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements and had less than the proposed requirements but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage.

6.3.2 *Hammerhead lots:* In the residential districts, the Board by special permit may authorize hammerhead lots in accordance with the following:

6.3.2.1 Each hammerhead lot shall contain:

(a) A minimum lot area of not less than five (5) times the minimum lot area of the zoning district within which it is situated (Residence C: Fifty thousand (50,000) square feet; Residence B: One hundred thousand (100,000) square feet; Residence A: Two hundred thousand (200,000) square feet; Residence AA: Four hundred thousand (400,000) square feet);

(b) A minimum frontage and a minimum lot width of fifty (50) feet;

(c) A minimum front, side, and rear yards of fifty (50) feet; and

(d) An area of land which permits the placement of a circle with a diameter of not less than 200 feet in the Residence C and Residence B Districts and with a diameter of not less than 300 feet in the Residence A and Residence AA Districts without the circumference of said circle intersecting any lot lines and within which circle the planned single-family dwelling shall be located.

6.3.2.2 A special permit shall be granted under this section only if the Board shall find:

(a) The hammerhead lot results in a pattern of development sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable;

(b) The plan submitted clearly shows the hammerhead lot conforms with all the dimensional regulations provided above and the applicant has demonstrated that access from the lot frontage to the planned single-family dwelling is sufficient for the needs of vehicular traffic;

(c) No more than two hammerhead lots have contiguous frontage; and

(d) A deed restriction has been shown on the plan of land to be recorded providing that the hammerhead lot is subject to a special permit recorded therewith and shall not be further subdivided.

6.3.3 *Reduced frontage, lot width, lot area and/or side and rear yard setback lots:* For the purpose of preserving existing historically significant structures or dwellings on a lot wholly or partially in the residential district, the Board by special permit may authorize the division of land into two or more building lots so that one or more building lot(s) contains reduced frontage, lot width, lot area and/or side and rear yard setback provided that the existing historically significant structure or dwelling remains on one of the lots created and a standard Approval Not Required Plan or Preliminary Definitive Subdivision plan is submitted showing that the lots could otherwise be created without exceptions from the Subdivision Rules and Regulations.

6.3.3.1 The Planning Board shall submit to the Board written recommendations including at least:

(a) An evaluation of the standard Approval Not Required Plan or the Preliminary Definitive Subdivision Plan,

(b) An evaluation and opinion of the appropriateness of the design for any additional structure in relation to the existing historically significant structure,

(c) An evaluation of the proposed development as to whether the lot layout and design constitute a suitable development for the neighborhood within which it is located, and

(d) A recommendation for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as conditions for granting the special permit.

6.3.3.2. The Historical Commission shall submit to the Board a written evaluation of the historical significance of the existing structure or dwelling, an opinion of the appropriateness of the proposed lot layout and setbacks requested, and an evaluation or recommendation of the significant structural features that should be included in a preservation plan.

6.3.3.3. A special permit shall be granted under this section only if the Board shall find:

(a) The reduced frontage, lot width, lot area and/or side and rear yard setback lot(s) results in a pattern of development sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable;

(b) A restriction has been shown on the plan of land to be recorded providing that the reduced frontage, lot area and/or side and rear yard setback lot(s) and any other lots created are subject to a special permit recorded therewith and shall not be further subdivided.

(c) The existing historically significant structure or dwelling shall be preserved consistent with a preservation plan approved as part of or as a condition to the special permit.

6.3.4 Dedication of Land to the Town of Concord for Municipal or Other Public Uses:

6.3.4.1 In the Limited Industrial Park District, in order to encourage the dedication to the Town of Concord of the fee interest in land for municipal or other public uses, the Board by special permit may authorize:

(a) A reduction in the minimum lot area, frontage, lot width or yard requirements otherwise applicable where a parcel of land is subdivided, a portion is dedicated to the Town for municipal or other public uses, and the remaining land and building(s) do not comply with the requirements in Section 6 Table III - Dimensional Regulations.

(b) An increase in the maximum lot coverage or floor area ratio requirements otherwise applicable where a parcel of land is subdivided and a portion is dedicated to the Town for municipal or other public uses, or where the owner of two or more parcels of land in the Limited Industrial Park District dedicates one or more parcels of such land to the Town for municipal or other public uses, provided in either case that the increased maximum lot coverage and floor area ratio applicable to the land not dedicated to the Town does not exceed either (1) the maximum lot coverage and floor area ratio otherwise applicable to the aggregate of the land dedicated to the Town and the land held by the owner but not dedicated or (2) twice the maximum lot coverage and floor area ratio otherwise applicable to the land not dedicated to the Town.

6.3.4.2 The Planning Board and Natural Resources Commission shall submit to the Board written recommendations including at least an evaluation of the proposed reduction or increase in the dimensional regulations, an evaluation of the land proposed to be dedicated to the Town for municipal or other public uses, and a recommendation as to whether the special permit should be granted.

6.3.4.3 A special permit shall be granted under this section only if the Board shall find:

(a) The proposed reduction in minimum lot area, frontage, lot width or yard requirements and the proposed increase in maximum lot coverage and floor area ratio are consistent with the purposes of this Bylaw generally;

(b) Any proposed increase in the maximum lot coverage or floor area ratio will not result in more development in the Conservancy Districts than would have been permitted but for the operation of Subsection 6.3.4; and

(c) The dedication to the Town of Concord of the fee interest in land for municipal or other public uses results in a pattern of land use sufficiently advantageous to the Town to depart from the requirements of this Bylaw otherwise applicable.

6.3.4.4 If a special permit is granted, the Board shall impose a condition that neither the special permit nor the conveyance of land to the Town shall be recorded until the Board of Selectmen vote to accept the proposed dedication of land to the Town for municipal or other public uses. A special permit granted hereunder shall be deemed to have been substantially used upon (1) the vote of the Board of Selectmen to accept the proposed dedication of land

to the Town for municipal or other public uses and (2) upon the recording of both the special permit and the deed to the Town of Concord of the fee interest in the land for municipal or other public uses.

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Residence AA	80,000	200	160	160	40	15	Lesser of: 30' or 25% of lot depth	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence A	40,000	150	120	120	40	15	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence B	20,000	125	100	100	20	15[1]	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Residence C	10,000	80	80	64	20	15[1]	" "	10	35[2]	---------	.24+(1200÷ actual lot area in sq. ft.)
Business	---------	---------	---------	---------	10	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------
Concord Center Business	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------
Thoreau Depot Business	---------	---------	---------	---------	See Section 8.			10	See Section 8.	---------	---------
Nine Acre Corner Business	---------	---------	---------	---------	10	none, except where a business or industrial use abuts a residential district: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	35	---------	---------

1 Refer to Zoning Bylaw Subsection 6.2.7 for Residence C and Residence B Districts.

2 Refer to Zoning Bylaw Subsection 6.2.11 for Residence AA, A, B and C Districts

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
West Concord Business	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	Maximum height 35 Minimum height side and rear 15; minimum height front façade 18	---------	---------
West Concord Village	---------	---------	---------	---------	0	none, except where a business or industrial use abuts a residential dist.: 10' of which 5' shall be a landscaped buffer along those side and rear lot lines which abut the residential district unless otherwise specified under site plan approval.		10	Maximum height 35; Minimum height side and rear 15; minimum height front façade 18	---------	---------
Limited Business 1	---------	150	---------	---------	100	100' from residential district boundary lines.		---------	25	20	---------
2	---------	---------	---------	---------	10	---------	---------	---------	27.5	---------	---------
3	---------	---------	---------	---------	10	---------	---------	10	35	---------	---------
4	---------	---------	---------	---------	100	100' from all lot lines of which 20' shall be a landscaped buffer.		---------	35	35, the same to include the gross ground of all buildings and all paved areas.	---------
5	---------	---------	---------	---------	10	---------	---------	---------	25	50	---------
6	---------	---------	---------	---------	100	100' from all lot lines of which 20' shall be landscaped buffer.		---------	35	50, the same to include all paved areas and 25% maximum lot coverage by all structures.	---------
7	40,000	80	---------	---------	10	10' from all lot lines of which 5' shall be landscaped buffer.		---------	35	18	---------
8	5 acres	---------	---------	---------	20	20	20	---------	40 ft., but not more than three stories	50, the same to include all paved areas and 25% maximum lot coverage by all structures.	---------

3 In the West Concord Business and West Concord Village Districts, the maximum front yard is ten (10) feet unless a special permit is granted for a greater front yard depth.

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Medical/Prof.	North of Route 2 10,000	80	---------	---------	20	15	Lesser of: 30' or 25% of lot depth	10	North of Route 2: 35	---------	---------
	South of Route 2 80,000	125	---------	---------	40	15	Lesser of: 30' or 25% of lot depth	10	South of Route 2: 35 to 110 in accordance with subs. 6.2.11	---------	---------
Industrial	20,000	100	---------	---------	10	10' in all cases of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.		10	35	75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever is greater.	---------
Industrial Park A and Industrial Park B	4 acres	50' on a private interior street constructed as part of the development of a site or 200' on an existing public way.	---------	---------	20' from the side lines of private streets constructed as part of a development of a site and 100' from existing public ways. No parking areas may be placed closer than 30' from the side lines of any public way or 20' from the side lines of private streets within the boundaries of the Industrial Park development.	20' except 100' from property lines of parcels zoned residential and in residential use, 50' of which must be a landscaped buffer. No parking areas may be placed within the minimum side or rear yard except where joint parking areas are permitted by the Planning Board through site plan approval.		10	40, but not more than 3 stories, excluding basements.	50%, the same to include all paved areas and 20% maximum lot coverage by all structures.	---------

CONCORD ZONING – TABLE III – DIMENSIONAL REGULATIONS

Zoning Districts	*Minimum Lot Area in Sq. Ft.*	*Minimum Lot Frontage in Feet*	*Frontage Exception in Feet*	*Minimum Lot Width in Feet*	*Minimum Front Yard in Feet*[3]	*Minimum Side Yard in Feet*	*Minimum Rear Yard in Feet*	*Corner Clearance in Feet*	*Maximum Height in Feet*	*Maximum Lot Coverage %*	*Maximum Floor Area Ratio*
Limited Industrial Park #1 and Limited Industrial Park #2	5 acres	50' on a private interior street within the LIP development or 200' on a public way.	---------	---------	100' from public ways in existence prior to January 1, 1981 and 50' from all other streets. No parking area may be placed within the minimum front yard.	20' for buildings for which a building permit was issued prior to February 14, 1980 and for any additions thereto, 50' for all other buildings and for any additions thereto, and 200' from property lines of parcels zoned residential and in residential use, 100' of which must be a landscaped buffer. No parking area may be placed within 20' of the side and rear lot lines except where joint parking areas are permitted by the Planning Board through site plan approval.		10	40, but not more than 3 stories, excluding basements.	35%, the same to include the gross ground floor area of all buildings and all paved areas.	6,000 sq.ft. gross floor area per acre for Educational in LIP #2, R&D and light manufacturing uses, or 3,000 sq.ft. gross floor area per acre for other uses.
West Concord Industrial	20,000	100	----------	---------	10	10' in all cases, of which 5' shall be landscaped buffer along those side and rear lot lines which abut the residential districts unless otherwise specified under site plan approval.		10	35	75, the same to include the gross ground floor area of all buildings and all paved areas, or open space equal to 50% of the gross floor area of the building, whichever measure of lot coverage is greater.	---------
By-Pass	---------	200	---------	---------	---------	---------	---------	---------	---------	---------	---------

7.6 Off-street Parking, Loading, and Design Standards

***Commentary*:** As with Dimensional Standards, MAPC currently recommends special parking provisions for Thoreau (and other future villages) be provided within Section 8. An alternative would be to include the special provisions in this section.

7.6.1 *Purpose:* The purpose of this section is to ensure that all uses be provided with sufficient off-street parking and loading facilities to meet the needs of persons employed at or having commerce at such uses; to ensure that off-street parking and loading facilities are designed so as to reduce hazards to pedestrians and drivers; to reduce congestion in the streets; to reduce nuisance to abutters from noise, fumes, and headlight glare ordinarily associated with parking lots; to reduce environmental deterioration to surrounding neighborhoods resulting from the glare, heat, dust, light spillover, light pollution, accelerated storm water run-off, and unattractive views associated with large expanses of pavement and vehicles.

7.6.2 *Parking and Loading Regulations*

7.6.2.1 *Required spaces:* Table IV, Minimum Parking, indicates the minimum number of parking spaces required for each principal use.

TABLE IV
MINIMUM PARKING

Principal Use	*Required Spaces*
Extensive Uses:	
Greenhouse	One (1) space per two hundred fifty (250) square feet of gross floor area of inside sales or display room.
Private recreation:	
camps	One (1) space per employee, plus one (1) space per camp vehicle kept on the premises.
handball, racquetball, tennis courts	Three (3) spaces per court plus one (1) space per employee on the largest shift.
golf courses	Five (5) spaces per hole plus one (1) space per employee on the largest shift plus fifty (50) percent of the spaces otherwise required for accessory uses (bars, restaurants, etc.)
swimming pool	One (1) space per seventy-five (75) square feet of gross water area.
fitness clubs	One (1) space per two-hundred-fifty (250) square feet of gross floor area.

SPECIAL PROVISIONS

Principal Use	*Required Spaces*
Extensive Uses Cont.:	
other outdoor recreational facilities including country clubs	One (1) space per four (4) persons generally expected on the premises at any one time.
Residential Uses:	
Single- and two-family dwelling and planned residential development	
Combined business/residence	One (1) space per bedroom up to two bedrooms and a maximum of 3 spaces per unit. Spaces for business uses as listed in this Table IV and subject to the provisions of 7.7.2.2
Boarding house and tourist home	Two (2) spaces plus one (1) space per rentable room or suite.
Hotel, Extended-stay hotel and Motel	One (1) space per rentable room or suite, plus one (1) space per two (2) employees on the largest shift, plus one (1) space per four (4) persons to maximum rated capacity of each meeting or banquet room, plus fifty (50) percent of the spaces otherwise required for accessory uses (bars, restaurants, shops, etc.)
Institutional Uses:	
Educational:	
elementary and middle schools	One (1) space per staff member plus one (1) space per classroom.
senior high school	One (1) space per staff member plus one (1) space per five (5) students.
other nonprofit educational use	To be determined by the Building Inspector based upon the most comparable other use in Table IV

Principal Use	*Required Spaces*
Institutional Uses Cont.:	
Child care facility	One (1) space for every teacher and employee, one (1) space for visitors plus one (1) space for every six children based on the largest enrollment on site at any given time; the Board or the Planning Board, whichever is responsible for site plan approval, may allow a reduction in the number of required parking spaces for the purposes of improving site utilization but not to increase permitted enrollment if the number of spaces provided is adequate to provide one space for every teacher and employee and to support, without detriment to the neighborhood, drop-off and pick-up areas for the maximum number of children arriving and departing the facility at any one time in accordance with a parking and traffic management plan approved by the Planning Board. In the case of a parking and traffic management plan, the Planning Board shall have the authority to monitor compliance and to amend the plan as necessary to achieve compliance with the standards set forth in the plan.
Religious	One (1) space per four (4) seats or one (1) space per four (4) persons to maximum rated capacity of the hall or meeting room.
Philanthropic (community and recreation centers, libraries and museums)	One (1) space per two hundred fifty (250) square feet of gross floor area.
Assisted living residence	0.35 parking spaces per dwelling unit, plus one (1) parking space per two employees during the largest shift, plus one (1) space per company vehicle kept on the premises.
Hospital	One (1) space per two (2) beds plus three (3) spaces per staff doctor plus one (1) space per other employee on the largest shift.
Nursing home	One (1) space per two (2) beds.
Lodge or club	One (1) space per four (4) persons to maximum rated capacity of the facility.

SPECIAL PROVISIONS

Business Uses:

Retail store	One (1) space per two hundred fifty (250) square feet gross floor area.
Personal service shop and craft shop	Three (3) spaces per operator in a barber or beauty shop; otherwise one (1) space per two hundred fifty (250) square feet of gross floor area.
Restaurant	One (1) space per three (3) seats rated capacity, plus one (1) space per employee on the largest shift.
Indoor amusement	One (1) space per four (4) persons to maximum rated capacity of the facility.
Outdoor amusement:	
driving range	One (1) space per tee.
miniature golf	One (1) space per hole.
skating rink or other outdoor amusements	One (1) space per three hundred (300) square feet of gross area of facility plus one (1) space per employee on the largest shift.
Funeral home	One (1) space per four (4) patron seats.
Repair shop and building trade	One (1) space per employee on the largest shift and one (1) space for each company vehicle kept on the premises.
Medical center and laboratory	Three (3) spaces per staff doctor, dentist or other professional [e.g. nurse practitioner, dental hygienist, phlebotomist] plus one (1) space per other employee on the largest shift.
Auto service station and auto body shop	Three (3) spaces per lubrication or repair bay excluding such bays, plus one (1) space per employee on the largest shift plus one (1) space per company vehicle kept on the premises.
Vehicular dealerships and boat sales and rentals	One (1) space per fifteen hundred (1500) square feet of gross floor area of indoor and outdoor display area.
Veterinary and kennel	Three (3) spaces per doctor plus one (1) space per other employee on the largest shift.

Principal Use	*Required Spaces*
Business Uses Cont.:	
Financial and business office: bank, loan agency, travel or other consumer services offices	One (1) space per two hundred fifty square feet of gross floor area, plus two spaces per Automated Teller Machine (ATM).
general offices, administrative offices and executive offices	One (1) space per three hundred (300) square feet of gross floor area.
Professional office	One (1) space per two hundred fifty (250) square feet of gross floor area.
Industrial Uses:	
Warehouse and storage yard/open air sales	One (1) space per one thousand (1,000) square feet of gross floor area plus one (1) space per company vehicle kept on the premises.
R&D and Light manufacturing	One (1) space per three hundred (300) square feet of gross floor area used for office and one (1) space per four hundred (400) square feet of gross floor area used for research, testing, training or light manufacturing.
Manufacturing, packaging, processing and testing	One (1) space per four hundred (400) square feet of gross floor area.
Repair garage	One (1) space per employee on the largest shift plus one (1) space per company vehicle kept on the premises.

7.6.2.2 Parking requirements for Thoreau Depot Business. Refer to Section 8 for parking requirements and potential reductions applicable to the Thoreau Depot Business District.

7.6.2.3 *Increased parking demand:* When a building or use undergoes a change which involves any increase in the number of dwelling units, gross floor area, seating capacity or other unit of measurement used as a means of determining off-street parking, and when such change would result in a requirement for a greater number of parking spaces than exists on the site, the off-street parking shall be increased to meet the requirements of subsection 7.7.2.1, Table IV, for the entire building or use as changed.

7.6.2.4 *Use of required parking as commercial or public lot:* No parking area designated as required parking in connection with a building or use shall be operated as a commercial or public parking lot providing spaces for the general public or for the tenants, customers, clients or residents of any other use or activity for a fee or other compensation except in accordance with subsection 7.7.2.4. In no event shall tenants of a building be charged an optional fee for use of required parking.

7.6.2.5 Joint parking facilities: Off-street parking facilities for different buildings or uses may be provided and used collectively or jointly in any zoning district in which the separate uses would be permitted, subject to the following provisions:

(a) Up to fifty (50) percent of the parking spaces required for educational, religious, lodge and club, indoor amusement, and restaurant uses may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and other uses not normally open, used, or operated during similar hours if specifically approved by the Planning Board. The approval may be rescinded and additional parking shall be provided by the owners in the event that the Planning Board, after notice and public hearing thereon, determines joint use is resulting in a public nuisance or other adverse effects on the public health, safety, and welfare.

(b) A written agreement, assuring the continued joint use of the common parking area, executed by all parties concerned and approved as to form and length of time by the Planning Board, shall be filed with and made part of the application for a building or occupancy permit.

7.6.2.6 *Fractional numbers:* Where the computation of required parking spaces results in a fractional number only the fraction of one-half or more shall be counted as one (1).

7.6.2.7 *Mixed use facilities:* Buildings or lots which contain more than one principal use are considered mixed use facilities. For the purpose of determining parking requirements for such a facility, each use component shall be treated as a separate principal use.

7.6.2.8 *Location:* All required parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where, in the opinion of the Planning Board, there are practical difficulties in satisfying the requirement for parking spaces and/or if the public safety and convenience would be served better by another location, the Planning Board may authorize an alternative location for nonresidential parking subject to the following provisions:

(a) The property to be occupied as parking shall be in the same possession as the facility served either by deed, by easement, or by long-term lease. If the property is leased, the terms of the lease shall be subject to Planning Board approval as to form and length of time and a copy of the lease shall be filed with and made part of the application for a building or occupancy permit.

(b) The distance between the use or building and its parking area shall not be more than six hundred (600) feet.

(c) The separated parking area shall not create unreasonable traffic congestion or create a hazard to pedestrians or vehicular traffic.

(d) The parking area shall be located on property zoned for the same or less restrictive use as the principal use being served by the parking.

7.6.2.9 *Reserved parking spaces:* The Planning Board may, based upon documentation of the special nature of the use, or building, authorize a phased development of required off-street parking with the following provisions:

(a) The total number of spaces required to be shown on the site plan shall be determined in accordance with the standards set forth in subsection 7.7.2.1, Table IV.

(b) The spaces that are not intended for construction immediately shall be labeled "Reserve Parking" on the site plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer, setback, or open space under other provisions of this Bylaw.

(c) No more than fifty (50) percent of the total number of required spaces may be reserved for later construction.

(d) If, at any time after the certificate of occupancy is issued for the building or use, the Building Inspector determines that additional spaces may be needed, he shall notify the Planning Board concerning his finding and that Board may require that all or any portion of the spaces shown on the approved site plan as "Reserved Parking" shall be constructed.

7.6.2.10 Use of parking area: No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

7.6.2.11 Off-street loading: For every building or part thereof which is to be used by retail, industrial, hospital, hotel, extended-stay hotel or similar uses requiring the regular receipt or distribution by vehicles of materials or merchandise, off-street loading space(s) shall be provided according to the following schedule:

Sq. Ft. of Gross Floor Area in Use	*No. of Loading Spaces*
0 to 10,000	None
10,000 to 50,000	1
50,000 to 100,000	2
Each additional 100,000 or fraction thereof	1

However, an assisted living residence, as defined in Section 4.3.6, shall not be required to install more than one of-street loading space provided that the facility has no more than 100,000 square feet of gross floor area.

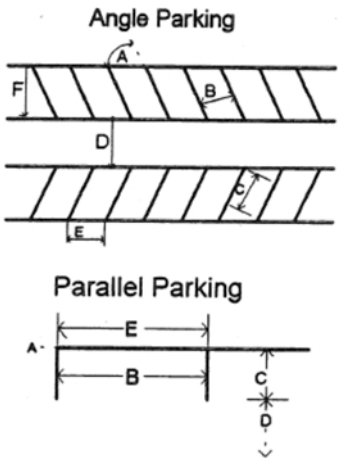
7.6.2.12 Exceptions: The parking and loading requirements set forth in subsection 7.7.2.1, Table IV, shall not apply to any building or use in existence on January 31, 1985, provided that existing off-street parking or loading areas are not reduced and provided further that the building is not substantially altered nor its use changed.

7.6.2.13 Relief from parking requirements: The Board may, upon advice of the Planning Board, grant relief from the parking and loading requirements in Section 7.7.2 provided the Board finds that a literal application of such requirements would be unreasonable and that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. The Board may require the applicant to submit a written report, prepared by a qualified parking consultant, defining and evaluating the nature and impact of the requested relief.

7.6.3 Design Standards.

7.6.3.1 Parking dimensions: The minimum dimensions of parking spaces and maneuvering aisles shall be as follows:

A. Parking Angle
B. Stall Width
C. Distance of Stall to Curb
D. Aisle Width
E. Curb Length Per Car
F. Stall Depth



9' x 18'
FULL SIZE SPACES

	A	B*	C**	D		E	F
				1-way	*2-way*		
(parallel)	0	22'	9'	12'	24'	22'	NA
	45	9'	17'	14'	24'	12.7'	18'
	60	9'	18.5'	18'	24'	10.4'	18'
	75	9'	19'	22'	24'	9.3'	18'
	90	9'	18'	24'	24'	9'	18'

8' x 16'
SMALL CAR SIZE SPACES

	A	B*	C**	D		E	F
				1-way	*2-way*		
(parallel)	0	20'	8'	12'	24'	20'	NA
	45	8'	15.5'	14'	24'	11.3'	16'
	60	8'	16.8'	18'	24'	9.2'	16'
	75	8'	17'	22'	24'	8.3'	16'
	90	8'	16'	24'	24'	8'	16'

* Non-parallel end spaces, restricted on one of the long sides by curbs, walls, fences or other similar obstructions, shall have a minimum width of ten (10) feet, and maneuvering space at the aisle end of at least five (5) feet in depth and nine (9) feet in width.

** Non-parallel spaces may include no more than two (2) feet of landscaped island or setback area at the front of the space, provided there are no obstructions to the vehicle's bumper overhang and provided, further, that the bumper overhang does not interfere with availability of the island or setback area for snow storage.

7.6.3.2 Loading space dimensions: Each loading space shall be at least ten (10) feet in width, thirty (30) feet in length, and shall be provided with a fourteen-foot-high clearance.

7.6.3.3 Circulation: Driveways and parking areas shall be designed with due regard to topography, integration with surrounding streets, general interior circulation, and separation of pedestrian and vehicular traffic so as to reduce hazards to pedestrians and motorists.

7.6.3.4 Layout: Required parking and loading facilities shall be laid out so that each vehicle may proceed to and from its parking space without requiring the movement of any other vehicle. The Planning Board may waive this requirement for parking facilities under full-time attendant supervision.

In no case shall parking or loading spaces be so located as to require the backing or maneuvering of a vehicle onto the sidewalk or onto a public way in order to enter or leave the space.

7.6.3.5 Driveways: All driveways shall be located and designed so as to minimize conflict with traffic on public streets and to provide good visibility and sight distances for observation of approaching vehicular and pedestrian traffic.

7.6.3.6 Small car spaces: In parking lots with more than thirty (30) spaces, up to a maximum of thirty (30) percent of the total number of required spaces may be designed for small cars. In parking lots of thirty (30) or less spaces, up to a maximum of twenty (20) percent of the total number of required spaces may be designed for small cars.

Small car spaces shall be located such that they are grouped in one or more areas which are neither more nor less convenient to the use or building served than the full size spaces. Small car spaces shall be suitably and conspicuously identified through appropriate signing or pavement markings.

7.6.3.7 Handicapped parking: Parking facilities shall provide specially designated parking spaces for the physically handicapped in accordance with the rules and regulations of the Architectural Access Board of the Commonwealth of Massachusetts.

Signs for the handicapped shall be clearly identified by a sign indicating that the spaces are reserved for physically handicapped persons. Such spaces shall be located nearest to the entrance to the use or building served.

7.6.3.8 Bicycle parking: Bicycle parking or storage shall be provided for use by residents, employees and other users of the site. Long-term bicycle parking for residents and employees shall be located in secure, weather-protected, restricted access facilities. Short-term bicycle parking for visitors and users of a site shall be located in convenient and accessible locations.

7.6.3.9 Surfacing, drainage and curbing: All parking facilities shall be graded, surfaced with asphalt, concrete or similar nonerosive material, and drained in a manner deemed adequate by the Planning Board to prevent nuisance of erosion or excessive water flow across public ways or abutting properties.

Entrance and exit driveways shall be defined clearly with curbing, signs, and pavement markings. Parking and loading spaces shall be marked clearly in accordance with the dimensions specified in subsections 7.7.3.1 and 7.7.3.2, above.

7.6.3.10 Landscaping: In order to separate parking areas from abutting streets, to provide areas for disposal of snow, and to provide visual relief from expanse of pavement andvehicles, landscaping shall be provided in all parking areas containing five (5) or more parking spaces according to the Planning Board site plan rules and regulations in effect at the time.

7.6.3.11 Lighting: Exterior lighting shall be designed for safety and for personal security. Glare and light spillover, as defined below, shall be controlled to protect inhabitants from the consequences of stray light shining into inhabitant's eyes or onto adjoining properties. Light pollution, as defined below, control shall be required to minimize the negative effect of misdirected upward light. All exterior lighting shall be aimed, located, designed, fitted and maintained so that it illuminates the task intended and does not shine directly onto neighboring properties, roadways or distribute excessive light skyward.

(a) *Glare* shall mean the sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted so as to cause annoyance, discomfort or loss in visual performance and visibility. The magnitude of the sensation of glare depends upon factors such as the size, position, and luminance of the source, the number of sources, and the luminance to which the eyes are adapted.

(b) *Light spillover* shall mean illumination produced by a light fixture, which extends beyond the boundaries of the lot or parcel upon which the light fixture is located.

(c) *Light pollution* shall mean illumination which extends beyond an object, structure or area, which the light fixture is designed to serve, so as to produce glare, or otherwise interfere with viewing of natural vistas such as the night sky.

7.6.3.12 Maintenance: Parking and loading facilities and landscaping shall be continuously maintained in good condition and appearance. Whenever necessary, surfacing, lighting, curbing, markings and plantings shall be repaired or replaced with new materials, and drainage structures shall be cleaned or replaced in order to insure continued compliance with the provisions of Section 7.7. Failure to maintain parking facilities properly shall be considered a violation of the Zoning Bylaw.

7.6.3.13 Relief from design standards: The Board may, upon advice of the Planning Board, grant relief from the design standards contained in section 7.7.3 where the variation in the standards can be supported by a study prepared by a qualified consultant and where the Board finds that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw.

SECTION 8. THOREAU DEPOT BUSINESS

Commentary: MAPC recommends a new section with the special provisions applicable to the Thoreau Depot area. This section could be expanded to include other villages, as well. If the Town does not wish to create a new section, these provisions could also be incorporated separately into the various existing sections. MAPC has placed Thoreau Depot as Section 8, which would require all following sections to be adjusted accordingly. It could also be placed further on in the bylaw.

Note: During the visioning phase of the project, MAPC recommended two sub-districts to provide different standards to account for the different characteristics within the district. This draft achieves the same end in a more simplified manner without creating multiple sub-districts. Instead of sub-districts, the standards set forth alternatives based upon the street the building(s) front on. That is, buildings along Sudbury Street will have different requirements (setbacks, etc.) than those on Thoreau Street.

8.1 Purpose

The purpose of Section 8 is to facilitate building renovation and new development that contributes to a vibrant, walkable, mixed-use neighborhood. Applicants are strongly suggested to refer to the Town's Thoreau Depot Vision Plan (2020 or latest iteration), copies of which are located in the Planning Department of Concord Town Hall and online at the Planning Department's website. The standards set forth herein are intended to:

- Promote development that is consistent with the Town's vision to facilitate reinvestment and create a vibrant, authentic, diverse, connected, and resilient district.
- Guide the physical character of development by providing context-based building and site development standards that reflect scale, design characteristics, and settlement patterns envisioned for the district.
- Create a public realm with high quality streetscape, enhanced outdoor recreation areas, and active public and publicly-oriented gathering spaces that enhance development and reinforce pedestrian orientation and multi-modal transportation in the district.
- Encourage a range of business development opportunities as well as food, entertainment, cultural, educational, and civic venues.
- Encourage high quality housing production for a variety of age groups, household types, and income ranges.
- Reduce automotive trips associated with new development by locating housing proximate to public transit.

8.2 Lot Standards

8.2.1 *Applicability*. The following standards are in addition to those set forth in Table III Dimensional Standards. Where the provisions of this Article conflict with those found elsewhere in this bylaw, the provisions of this Article apply.

8.2.2 *Intent*. The lot standards set forth in this section are intended to ensure future development occurs in a manner consistent with the context of different locations within the TDB.

8.2.3 Primary and Secondary Streets. For purposes of this bylaw, Primary Street refers to Sudbury Road within the TDB. Secondary Street refers to all other roadways within the TDB.

8.2.4 Lots on more than one street. Where lots have frontage on multiple streets, each street will be considered a front yard.

8.2.5. Front Yard Setbacks. Where a front yard setback is greater than 0 ft, the following standards shall apply:

a. Within the front yard setback, the space shall be used for one or more combination of:
   i. Outdoor seating associated with a ground-floor eating establishment.
   ii. Publicly available open space, such as a plaza, or the like.
   iii. Garden space or other highly landscaped area, which in the opinion of the Planning Board contributes to the neighborhood's vibrancy
   iv. Other uses, which in the opinion of the Planning Board contributes to the area's vibrancy
b. The Planning Board may allow for greater setbacks whereby in its judgement, doing so will contribute to an improved public realm. Space within the additional front setback shall not be used to for parking purposes.
c. Parking is prohibited within the front yard setback.

X

	Setb k Requ emer				
		--	**A**	Primary street setback (min/max)	12 ft / 20 ft
	Minimum lot size	--	**B**	Secondary street setback (min/max)	0 ft / 12 ft

	Minimum frontage	--	**C**	Side and rear setback	10 ft or 0 ft if a common wall
	Minimum lot width	--	**D**	Rear setback (min)	10 ft. If abutting a residential district 5 ft of which must be landscaped
	Open space	15% if containing residential; 0% otherwise. See Section 8.2.8			

8.2 Building and Design Standards

8.2.1 TDB Dimensional Standards Table. The following table provides standards for new buildings constructed in the TDB. Refer to subsequent subsections of this Section 8.2 for explanatory detail and additional requirements.

TDB Dimensional Standards Requirements	
Building height (max)	38 ft. See Section 8.2.2 for circumstances allowing greater height
Ground floor height (min)	12 ft commercial; 10 ft otherwise
Second story height (min)	10 ft
Ground floor glazing (min)	60% commercial (See Section 8.2.4) 30% other
Space between multiple buildings on the same lot	10 ft or 0 ft if a common wall
Building length (max)	100 ft (See Section 8.2.3)
Vertical façade modulation (min)	40 ft (See Section 8.2.5)

8.2.2. Building Orientation. Buildings shall be placed on the site to define the edges of streets and public spaces, constructed to be parallel to the street or public space. Multiple buildings on single lots are permitted. Where multiple buildings exist, to the extent practicable they shall be arranged to form a grid-like pattern. All buildings must be connected via a combination sidewalks, pedestrian paths, and crosswalks.

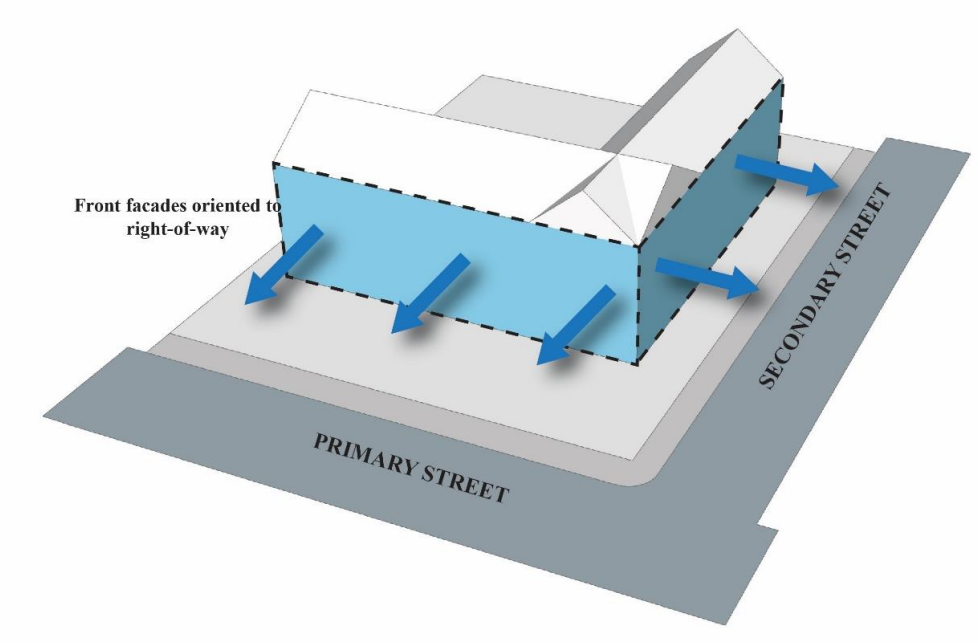


Figure 1: Diagram Illustrating Building Orientation

8.2.2 Building Heights. The Planning Board may grant a Special Permit to allow for a four-story building on under the following conditions.

- The height of the four-story building must be set back from the public right-of-way by no less than 100 feet.
- In order for a four-story structure to be considered, one or more buildings of no less than 34 feet must occupy a substantial portion of the frontage to help screen the four-story structure from the viewpoint from the public right-of-way. The Planning Board shall make the determination as to whether buildings along the frontage substantially screen the four-story structure.
- The four-story portion of the building may not be within 125 feet of a residential district.
- If the structure contains a step-back, whereby there is a recession in the profile of a building intended to reduce building mass and/or reduce shadows, while allowing for additional height towards the interior of the building, the requirements apply on to the four-story portion of the building.

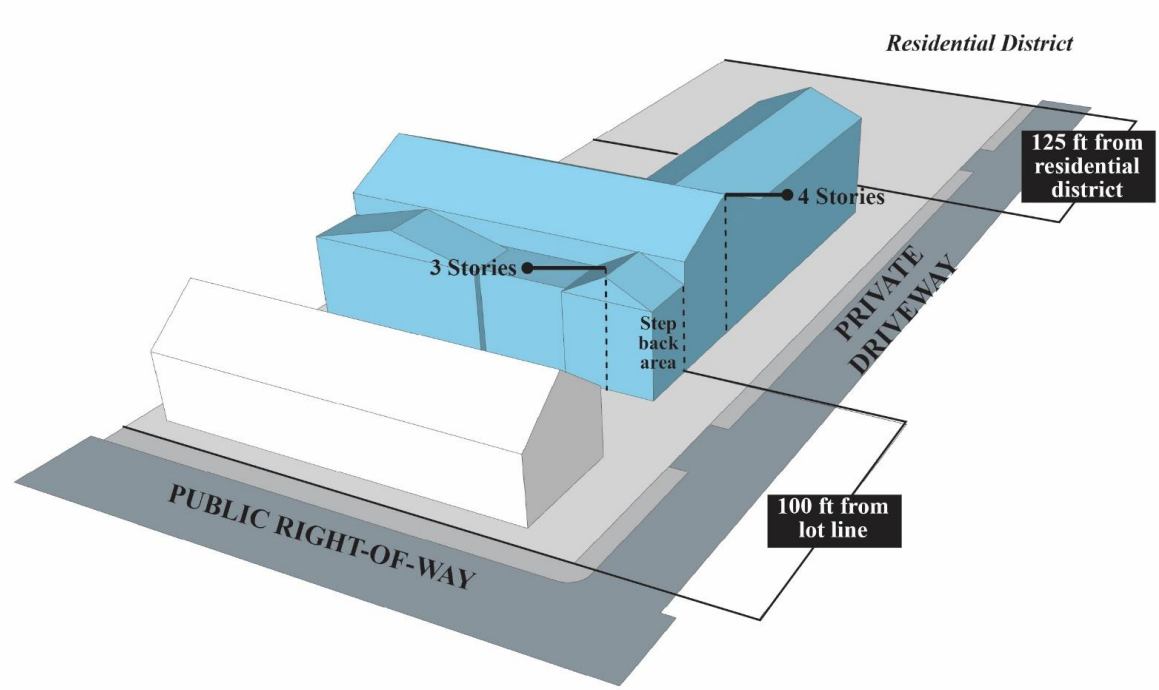


Figure 2: Diagram depicting circumstance for greater height

8.2.3 Building Length. For purposes of this Section 8.2, the building length maximum is applicable only to the side of the building facing the public right-of-way.

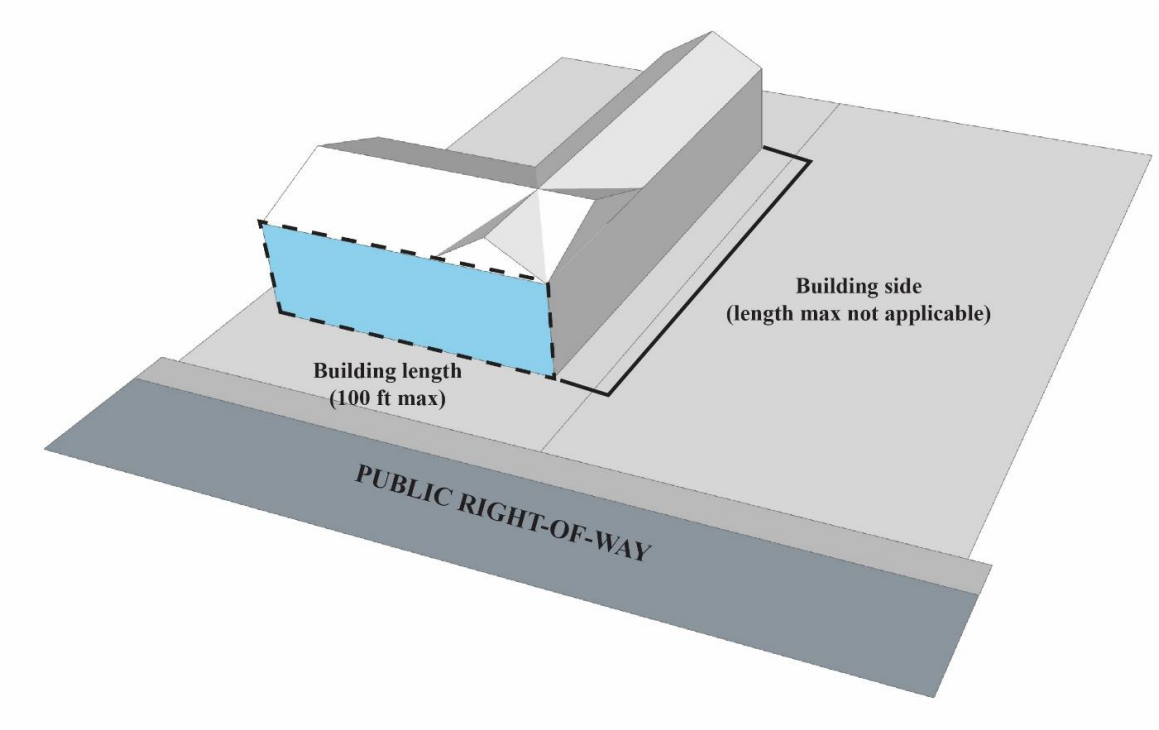


Figure 3: Diagram depicting façade applicable for building length requirement

8.2.4. Glazing. To help encourage a vibrant public realm, the following glazing standards apply:

- Facades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a façade
- Facade glazing of a ground story facade is measured between two (2) feet and twelve (12) feet above the adjacent Public Realm.
- Façade glazing requirements are applicable to buildings facing a public right-of-way and other front facades.

Figure 4: Diagram depicting glazing requirements area

8.2.5 Vertical Façade Modulation. Vertical façade modulation reduces the visual bulk of large buildings by designing buildings to visually read as smaller buildings. The following vertical modulation standards apply:

- Where a building facade is greater than 60 feet in length, vertical modulation requirements apply.
- To achieve the intended effect, where buildings require vertical modulation they shall be articulated through changes in the vertical plane of the building (minimum one foot and maximum 4 feet), vertical architectural details such as columns, pilasters, and the like, and fenestration patterns that suggests smaller buildings.

Figure 5: Diagram depicting example of vertical modulation

8.2.6 Horizontal Modulation. To maintain and enhance the traditional New England village feel of the district, building facades should be horizontally articulated with a clearly defined base, middle, and top. For buildings three (3) stories and taller, the following standards apply:

- The bottom story of a building should be visually integrated as an appropriately scaled expression of the building's base. The base should be visually differentiated from the stories above by horizontal expression elements, such as a cornice, canopy, or other elements that provide a similar effect, and should also include a change in color, building material, or pattern of fenestration.
- The central portion of each facade should be visually integrated as an expression of the building's middle. The middle should be visually differentiated from the base and top by a horizontal expression line or cornice and include a change in color, building material, or pattern of fenestration.
- The top story of each facade should have a cornice, parapet, roof element, or change in massing as an expression of the building's top.

Figure 6: Diagram depicting horizontal articulation

8.2.7 Roofs. The shape and proportion of the roof should be visually compatible with traditional architectural styles. *The following standards shall apply:*

- Building roofs shall be of front gable, side gable, or Mansard style. The Planning Board may grant a Special Permit for other roof styles if it can be determined that the style helps achieve the intent of this section.
- Flat roof lines visible from the ground level are not permissible. Buildings may contain a portion of a flat roof to house HVAC equipment and the like or for areas of useable open space.

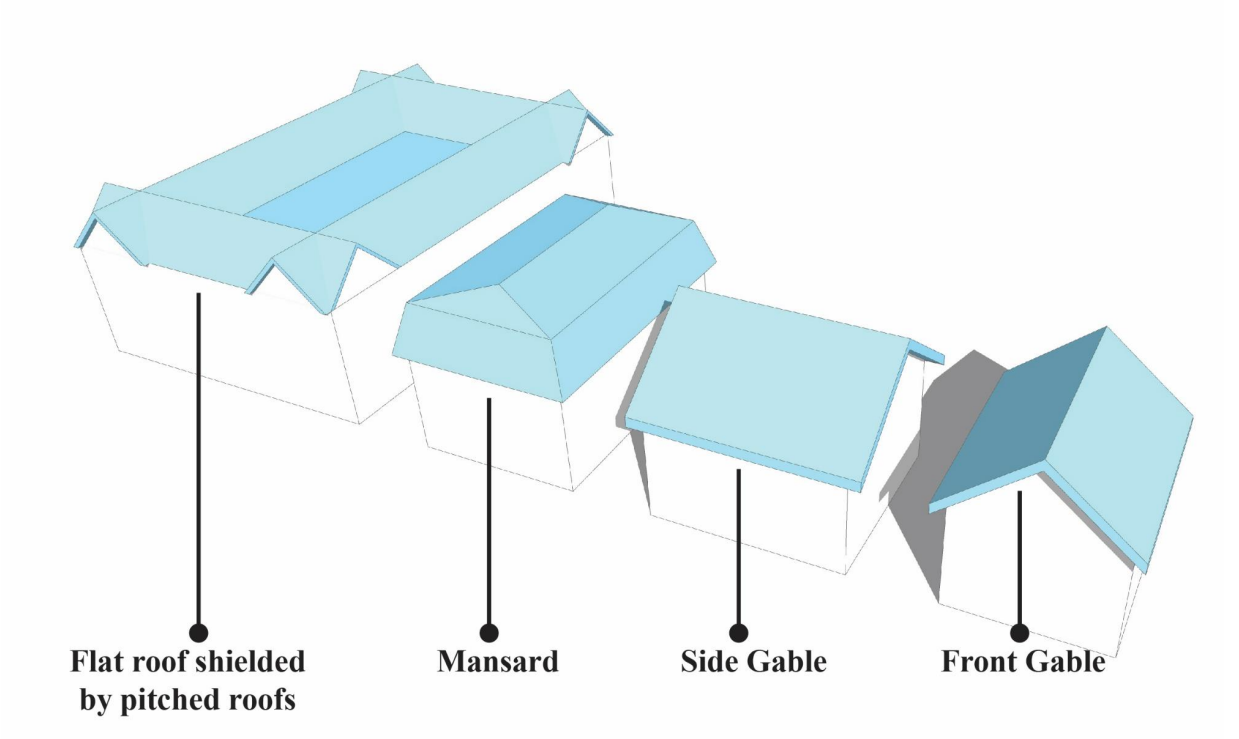


Figure 7: Diagram depicting roof types permissible in the TDB

8.2.8 Open Space Requirements. The purpose of the open space requirements is to ensure the presence of a variety of functional, well-designed civic and open spaces that complement the Town's character and add vibrancy to the community. The following standards apply:

- Open Spaces are intended to provide a benefit to the residents, business patrons, and other visitors. To the extent practicable, open spaces should be publicly accessible, such as but not limited to, plazas, seating areas, playgrounds, passive open spaces, and seating associated with on-site eating establishments.
- Required open space is not required to be contiguous, however, open space must be designed as usable for sitting, recreation, or other active uses and shall not include buffer strips.
- The Planning Board may grant a special permit to satisfy all or part of the open space requirement through the provision of improvements to existing parks, improving access to existing parks, or the provision of walking trails within or connecting to the district.

8.2.9 Additional Requirements. The following are additional requirements applicable to the District:

- Buildings with ground-floor commercial spaces must have one principal entrance for each commercial space in addition to any principle entrance(s) necessary for residential areas.
- All service, loading and trash storage areas viewable from a public right of way or from an adjacent residential area shall be screened by one or combination of masonry, a wood screen, or evergreen plantings to reduce their visual impact.
- Garage doors and loading spaces are prohibited on the front façade of any building unless no other location is feasible.

***8*. 3 Alternative Requirements for Combined Business/Residence.** The following stipulations are applicable to the combined business/residence in the TDB. Where there is a conflict with this section and 4.2.3 the provisions of this section shall prevail.

8.3.1 Dwelling units may be located on the same lot where commercial uses are conducted. Said dwelling units may structurally part of the commercial building or one or more separate buildings on the same lot.

8.3.2 Dwelling units may be stand-alone structures, attached single-family dwelling units (townhomes), or a multi-family structure.

8.3.3 Buildings adjacent to the public right-of-way must contain ground-floor commercial use along the entirety of the building façade facing the public right-of-way.

8.3.4 For development of between five (5) and ten (10) units, at least 10 percent of the dwelling units (and no less than one unit) must available as affordable housing; For greater than ten units, 20 percent must be affordable.

8.3.5 Open space requirements as set forth in this Section 8 apply.

8.4 Parking Requirements. To account for parking needs that differ in a walkable, mixed-use, and neighborhood with multimodal transportation options from other Zoning Districts in the Town, the following provisions apply to the Thoreau Depot Business District. Where the provisions of this section conflict with other provisions of the Zoning Bylaws, this section shall prevail.

*8.4.1 Reduction for Smart Growth Location***.** The parking requirement for any non-residential use may be reduced by 10% from Section 7.6. Table IV. Further reductions in 8.3.2 through 8.3.3 are applied in addition to this reduction.

8.4.2 Shared Parking. Where two or more activities or uses provide the required parking or loading in a common parking facility or loading area, the number of parking spaces or loading bays ordinarily required may be reduced below the sum of the spaces or bays required for the separate activities or uses, if it can be demonstrated that the hours, days, or peak parking or loading demand for the uses are so different that a lower total will provide adequately for all uses or activities served by the parking facility or loading bay. A special permit authorizing such deviation from the normal standard shall only be granted upon the submission of calculated parking demand for combined land uses based on methodologies and indices of the Institute of Transportation Engineers, Urban Land Institute, or other recognized methodology approved in writing by the Planning Board.

8.4.3. . Reduction of Required Parking for Specific Use. Where it can be demonstrated that a use or establishment needs a lesser number of parking spaces or loading bays than is required by Section 7.6 Table IV, the number of such parking spaces or bays may be reduced by not more than thirty percent (30%). Additional reduction in parking may be allowed (no limit) if the applicant can show enough available land (parking reserve or landscaped reserve) to create additional parking in the future if the use or parking demand increases. An applicant shall submit documentary evidence satisfactory to the Board that the parking or loading experience of the specific use justifies a lesser number of spaces or bays. A Special Permit granted under this authority shall lapse upon change to a different type of use or an increase in intensity of the existing use, and shall not be considered to constitute a legal nonconformity with respect to parking for any new use.

APPENDIXC