## 2.3 ZONING DISTRICT REGULATIONS

### 2.3.1 Location of Districts

Zoning Districts are hereby established as shown, located, defined and bounded on a map entitled Base Map and accepted by the Town at the Annual Town Meeting of May 4, l992, signed by a majority of the Planning Board and filed with the Office of the Town Clerk; which map, together with explanatory matter thereon and all amendments made under this Bylaw, is hereby incorporated in and made a part of this Bylaw including the map referred to in the "Lot Frontage" definition.

### 2.3.2 Types of Districts and Permitted Uses

No Building or structure shall be erected or used except as set forth in this section or as exempted by Section 2.1.3.4, or by statute. The uses set forth in the following Districts are to be considered exclusive to the said District and are not to be considered mutual to any other District than that in which the allowed use appears. The use of land within the Town for disposal of solid waste derived from premises other than those of the owner or occupant is prohibited except for such operations as may be conducted by the Town of Bolton.

In all Districts uses which are municipal, rural, agricultural, conservation and/or open space are specifically permitted in addition to the uses set forth below:

(a) Flood Plain: as defined in Section 2.5.3 of the Bylaws of the Town of Bolton

(b) Residential: for single family residential uses.

(c) Business: for retail and service establishments where business is conducted wholly within an enclosed building.

(d) Limited Business: for retail and service establishments subject to Special Permit as required.

(e) Commercial: for uses set forth in (c) above, for removal or processing of earth materials to include stones, soil, loam, sand or gravel, and for retail, wholesale and service establishments where business is conducted wholly or partially outside a building, except restaurants which must be conducted wholly within an enclosed building.

(f) Industrial: for storage areas, office buildings, research and development laboratories, light manufacturing industries and compatible allied uses.

(g) Water Resource Protection District: as defined in Section 2.5.4 of the Bylaws of the Town of Bolton.

(h) Limited Recreation Business District, as defined in Section 2.3.8 of the Bylaws of the Town of Bolton.

2.3.3 Mixed Uses

No business, commercial, or industrial building or outdoor storage (except for agriculture, horticulture, or floriculture) shall be established on a lot on which a dwelling exists.

2.3.4 The following schedule is included as a general reference schedule of permitted uses within the various districts, but in the event of any inconsistencies, the provisions of 2.3.2 and other provisions of this Bylaw shall be controlling.

In the schedule, "Yes" means a permitted use, "No" means a prohibited use, and "SP" means a use allowed on Special Permit acted on by the Board of Selectmen.

* Except "yes" for buildings erected prior to March 2, l970

** See definition

*** Except those listed in 2.3.8.4 and 2.3.8.5

**** Only with a 2.5.2.5 Agricultural/Business Use Special Permit

All uses in the Flood Plain District and the Water Resource District are subject to the provisions of this Bylaw specifically relating to such district.

When an activity might be classified under more than one of the uses, the more specific category shall govern; if equally specific, the more restrictive shall govern.

| TYPES OF USES | ZONING DISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| | Residential | Business | Limited Business | Commercial | Industrial | Limited Recreation Business |
| Rural | | | | | | |
| Agriculture, horticul-ture,floriculture | Yes | Yes | Yes | Yes | Yes | Yes |
| Forestry,lumbering, | Yes | Yes | Yes | Yes | Yes | Yes |
| Open space,conserva-tion | Yes | Yes | Yes | Yes | Yes | Yes |
| Residential | | | | | | |
| Single-family dwelling | Yes | No | No | No | No | No |
| Accessory apartment | Yes | No | No | No | No | No |
| New two-family dwelling | No | No | No | No | No | No |
| Conversion to two-family dwelling | No* | No | No | No | No | No |
| Multi-family dwelling | No | No | No | No | No | No |
| Mobile home** (see Section 2.5.1) | Yes | No | No | No | No | No |
| Mobile home park** | No | No | No | No | No | No |
| Assisted Living Housing | No | No | SP | No | No | No |
| Congregate Living Housing | No | No | SP | No | No | No |
| Nursing Care Facilities | No | No | SP | No | No | No |
| Mercantile | | | | | | |
| Restaurant (no outside service) | No | Yes | SP | Yes | No | No |
| Motel, Hotel | No | Yes | SP | Yes | No | No |
| Business-occupied trailer | No | No | No | No | No | No |
| Office building | No | Yes | SP | Yes | Yes | No |
| Other retail,wholesale or service: | | | | | | |
| wholly within building | No | Yes | SP | Yes | No | No |
| wholly or partially outside a building | No | No | SP | Yes | No | No |
| Manufacturing & Processing | | | | | | |
| Light manufacturing (see 2.5.5) | No | No | No | No | Yes | No |
| Research & Development Laboratories | No | No | No | No | Yes | No |
| Earth Removal (see Town Bylaw 1.10) | No | No | No | Yes | No | No |
| Bulk storage** | No | No | No | Yes | Yes | No |
| Industry-occupied trailer | No | No | No | No | No | No |

| TYPES OF USES | ZONING DISTRICTS | | | | | |
|---|---|---|---|---|---|---|
| | Residential | Business | Limited Business | Commercial | Industrial | Limited Recreation Business |
| Institutional | | | | | | |
| Educational uses exempt from prohibition under S.3 Ch. 40A, G.L. | Yes | Yes | Yes | Yes | Yes | Yes |
| Religious uses | Yes | Yes | Yes | Yes | Yes | Yes |
| Library,Museums, Hospitals | Yes | Yes | Yes | Yes | Yes | Yes |
| Fraternal,Civic,Charitable organizations | No | Yes | Yes | Yes | Yes | Yes |
| Non-municipal solid waste disposal | No | No | No | No | No | No |
| Other municipal uses | Yes | Yes | Yes | Yes | Yes | Yes |
| Recreational | | | | | | |
| Indoor tennis,health club, bowling | No | Yes | SP | Yes | No | No |
| Extensive outdoor recre-ation** Golf course | Yes | Yes | Yes | Yes | Yes | No |
| Other | No | No | No | Yes | No | No |
| Municipally operated | Yes | Yes | Yes | Yes | Yes | No |
| Commercially operated | No | No | No | Yes | No | No |
| Primary Golf Course (see 2.3.8.5) | No | No | No | No | No | Yes |
| Trail Recreation (see 2.3.8.4) | No | No | No | No | No | Yes |
| Wireless Communication | | | | | | |
| Wireless Communication Facility/ Tower/Communication Devise | SP**** | SP | SP | SP | SP | No |
| Accessory | | | | | | |
| Agricultural/Business Use (see section 2.5.2.5) | SP | SP | SP | SP | SP | SP |
| Roadside produce stands | Yes | Yes | Yes | Yes | Yes | Yes |
| Home occupation (see section 2.5.2.1) | Yes | Yes | Yes | Yes | Yes | Yes |
| Other customary accessory uses | Yes | Yes | Yes | Yes | Yes | No*** |
| Primary Golf Course Acccessory Uses (see 2.3.8.5) | No | No | No | No | No | SP |
| Trail Recreation accessory uses (see 2.3.8.4) | No | No | No | No | No | SP |
| Wireless Communication | | | | | | |
| Wireless Communication Facility/Towers/ Communication Devise | SP**** | SP | SP | SP | SP | No |

2.3.5 Dimensional Regulations

2.3.5.1 General

No structure shall be erected or extended, or lot created or reduced in size, except through a public taking, unless in conformity with the requirements of this section, or unless specifically exempted by statute or this Bylaw.

2.3.5.2 Dimensional Schedule.

| | Residential Lot | *** Backland Lot (Residential) | Other Uses i.e. Business, Industrial or Commercial |
|---|---|---|---|
| Minimum lot area** | 80,000 sq. ft. | 4.5 acres | 1.5 acres |
| Minimum lot frontage** | 200 feet | 50 feet | 200 feet |
| Minimum depth: | | | |
| Front yard** | 50 feet | 50 feet | 150 feet |
| Other yards** | 20 feet | 50 feet | 50 feet |
| Minimum lot width for l00 feet back from street line | l50 feet | 2.3.5.5 (b) | l50 feet |
| Maximum lot coverage** | N/A | N/A | see Notes A and B |

** See definition
*** Refer to 2.3.5.5

Note A. Maximum lot coverage shall be 8% and the sum of all impermeable surfaces and other areas subjected to vehicle traffic or parking on a regular basis shall not exceed 50% of the total lot area within the zone of proposed use.

Note B. The definition of Lot Area set forth in Section 2.6, Definitions, shall apply, except that, in Limited Business Zones only, when a landowner has donated to the Town an easement in, or the Town has taken or purchased an easement in, any portion of a tract of land and said easement has been accepted by the Town for the relocation of an already existing public way, said portion of the tract of land shall be included in the calculation of the lot area of the tract for purposes of this bylaw, subject to the following requirements: the easement area is no greater than five (5) percent of the size of the tract; the tract remains the same dimensionally, and is not subdivided, divided, altered, or changed in any way; the boundary lines of said easement shall be considered lot lines for purposes of any setback measurements so that the easement area is not included in any calculations of setback requirements; and any use or structure complies with all other requirements of this bylaw.

2.3.5.3 One Building Per Lot

(a) Residential Use: Not more than a single dwelling shall be erected or moved on a lot.

(b) Other Uses: Not more than a single principal building, regardless of use, shall be erected or moved onto a lot.

2.3.5.4 Dimensional Nonconformancy

(a) (Deleted 5/2/88 Art 9)

(b) Two-dwelling lots. A single lot containing two or more lawfully existing dwellings less than forty (40) feet apart at the closest point of measurement may be divided into separate lots despite not meeting yard requirements, provided all other applicable provisions of this Bylaw are satisfied.

2.3.5.5 Backland Zoning

In Residential Districts backland or reduced frontage lots may be created by Special Permit issued by the Planning Board. Each such lot must meet the following criteria:

(a) A minimum of street frontage on an accepted and/or approved town way of 50 feet.

(b) The minimum allowable lot width between the dwelling site and the access to the public way is 25'. All plans for such lots shall show and indicate what the minimum lot width is in said plan though it may be in excess of 25'.

(c) The minimum lot size shall be 4 l/2 acres.

(d) Not more than one other Backland lot with frontage contiguous to it will be allowed. A Backland lot or lots as allowed under this Backland Zoning Bylaw shall be separated from any other Backland lot or lots by not less than two hundred feet (200') of frontage on an accepted and/or approved right-of-way.

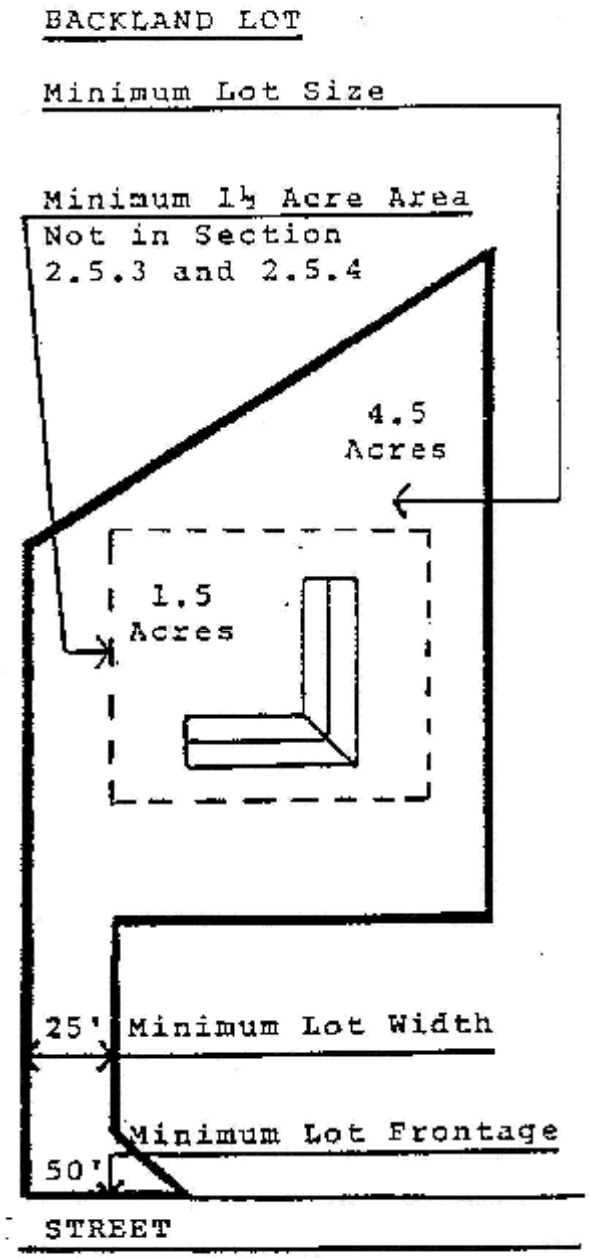
(e) No structure shall be erected within 50 feet of any lot line.

(f) Once a Backland lot is created and approved by the Planning Board, it cannot be subsequently divided to less than four and one-half (4 l/2) acres.

(g) At least l l/2 acres of contiguous land which is not in a:

(1) Flood Plain District (Section 2.5.3)
(2) Water Resource Protection District (Section 2.5.4)

(h) Granting of a Special Permit under this Bylaw does not constitute a waiver of any other applicable Bylaw or statute.



2.3.5.6 Building Height

This bylaw is intended to limit new commercial, business or industrial buildings to a maximum of two stories, plus a basement, with either a flat or a pitched roof.

All buildings, except residential and agricultural uses, shall meet the following height limitations:

(a) The surface of the top occupiable floor, including mezzanines and balconies, shall be no more than fifteen (l5) feet above the average ground elevation. Occupiable space as defined and as set forth in the State Building Code shall be the definitive standard of this bylaw.

(b) The highest portion of the roof, excluding spires, steeples, chimneys and antenna, shall be no more than thirty-two (32) feet above the average ground elevation.

The average ground elevation to be used in the above calculations shall be the lower of the average ground elevation on the street side of the building, or the average ground elevation on all sides of the building. In the case of built-up land, the ground elevations prior to such change in contour shall be used.

2.3.5.7 Lot Shape

a. The shape of all lots, except for the exceptions listed below, shall conform to the following formula:

$16(A) / P^2 > 0.5$
(Sixteen times the area in square feet divided by the square of the perimeter in feet must be greater than one-half) where:

A = Area of the lot in square feet; and,
P = Perimeter of the lot in feet.

b. Exceptions:

1. This requirement shall not apply to lots greater than four and one-half (4.5) acres in size.

2. This requirement shall not apply to backland lots created in accordance with Section 2.3.5.5, Backland Zoning.

3. The Planning Board may waive this requirement if it determines that a less stringent requirement will result in a better potential house siting, less environmental damage to the site, or better land use.

2.3.6 Farmland And Open Space Planned Residential Development

2.3.6.l A Farmland and Open Space Planned Residential Development (FOSPRD) can be created for a residential development by using a special permit.

2.3.6.2 Purpose:
(a) To preserve agriculture and open space
(b) To preserve the rural and historic character of Bolton
(c) To provide land owners with an alternative to traditional subdivisions that allows houses to be built in a way that is more in harmony with local site conditions, without increasing the density of new developments.

2.3.6.3 Prerequisites:
The entire FOSPRD must be in the Town of Bolton, in a residential zone. It must be at least 10 acres, or within fifty (50) feet of another FOSPRD.

2.3.6.4 Maximum Number of Dwellings:
(a) The maximum number of dwellings which can be built in a FOSPRD is equal to the number of dwellings which, is demonstrated to the satisfaction of the Planning Board, could be built on the land in a traditional subdivision.
(b) The applicant shall propose a number of dwellings to the Planning Board by submitting a preliminary plan showing how a traditional subdivision might be laid out, including: roads, lots, house locations and well and septic locations.
(c) Evidence must be submitted to prove that the lots shown would satisfy Board of Health requirements for sewage treatment. This evidence must include a description of soil types and positive percolation tests. The percolation tests shall be done for all the proposed lots, but the Planning Board may waive testing of certain areas if the Planning Board decides that the local soil conditions are suitable for development.

2.3.6.5 Restricted Areas:
(a) Size of Restricted Areas
At least 33% of the area of the FOSPRD must be restricted with either a Farmland Restriction (FR) or an Open Space Restriction (OSR). The 33% requirement may be reached with FR land, OSR land, or some of each. The two types of restrictions are defined below in Sections C & D. No more than 25% of the minimum amount of restricted land can be in a Water Resource Protection District or Flood Plain District, as defined in Sections 2.5.4 and 2.5.3.

(b) How Restricted Areas Are Selected
1. The Planning Board, after consultation with the applicant, Selectmen, Conservation Commission, Board of Health, abutters and general public, shall determine: location of FR land, location of OSR land, location of active use land within OSR land, location and amount of any footpaths. Active use is defined to include ballfields and playgrounds. The Planning Board shall balance the interests of conservation of natural resources, the value of land and

existing buildings, and any demonstrated hardship, financial or otherwise that would affect the applicant in determining the location of the restricted area.

2. The intent of this bylaw is for the Planning Board to give preference to FR over OSR, for land that is being farmed or is good farming soils.

3. The required open space shall be configured to the extent practicable, so that it shall be aggregated into a contiguous area, or abut existing significant open space, or achieve one or more of the purposes described in Section 2.3.6.2.

c) Farmland Restriction (FR)

1. Only agricultural or horticultural uses are allowed in the FR area. These uses are defined in Mass General Laws Chapter 6lA.

2. No buildings are allowed in the FR area, except 5% of the area can be covered with barns and other accessory farming buildings.

3. The FR land can be owned by either: the Town of Bolton, a conservation trust, a homeowners association of the residents of the FOSPRD, or other owner, such as a farmer. In no event may the FR in any manner be combined, included or joined with or considered as part of the individual dwelling lot area(s). No portion of the FR may be included in determining the minimum dwelling lot area(s) as prescribed in 2.3.5 or 2.3.6.7 a) 1). In all cases the land must be subject to an agricultural preservation restrictions under Mass General Law Chapter l84 s 31 & 32 and that the provisions of that restriction must be reviewed and approved by the Planning Board. The farming rights to the land owned by the Town of Bolton may be sold or leased to farmers.

4 . If agricultural activities cease for 3 or more years, then the Town may mow to save any fields or orchards. Fifteen (15) years after the agricultural activity ceases, the Planning Board may, after public hearing and review, cause the FR to be converted to OSR land.

5. No septic systems are allowed in the FR area other than to serve any buildings mentioned in item (c2) above.

6. All five of the above restrictions must be written into the deed of the land in the FR area.

(d) Open Space Restriction (OSR):

l. No new buildings may be constructed on OSR land. No dwellings are allowed in the OSR area.

2. OSR land can be owned by: the Town of Bolton, a conservation trust, or a homeowners association of the residents of the FOSPRD. The restrictions are owned by the Town of Bolton. In no event may the OSR in any manner be combined, included or joined with or considered as part of the individual

dwelling lot area(s). No portion of the OSR may be included in determining the minimum dwelling lot area(s) as prescribed in 2.3.5 or 2.3.6.7 a) 1).

3. The OSR land can be used for passive recreation or active recreation. Active recreational uses can not cover more than 10% of the OSR land.

4. The above 3 restrictions must be written into the deed of the land in the OSR area.

2.3.6.6 Roadways:
(a) When constructing new right-of-way, the applicant must file a subdivision plan and meet all the normal requirements, not withstanding the other provisions of the zoning bylaw:

1. Street widths will be controlled by the Town of Bolton's Subdivision Rules and Regulations and in no case will be less than 18 feet in width.
2. Common driveways serving up to 5 (five) houses each may be obtained under 2.4.1.2 even if none of the lots are backland lots.

2.3.6.7 Dimensional Requirements:
(a) Must meet all dimensional requirements of the Bolton Zoning Bylaws (Section 2.3.5) except:

1. Minimum lot area reduced to 1 acre
2. Minimum lot frontage reduced to 25 feet
3. No "Minimum lot width at l00 feet back from the street" requirement

2.3.6.8 Approval Process:
(a) The Planning Board shall be the special permit granting authority for a FOSPRD. The applicant must comply with all the other zoning bylaws of the Town of Bolton.

(b) The Planning Board may issue regulations to go with this bylaw, which specify the application procedure and may charge a fee to cover engineering and legal review and other expenses.

(c) When considering whether or not to grant a special permit, the Planning Board should consider:

1. Whether the proposed plan restricts development on significant farms, farm soils, fields, orchards, hilltops, scenic vistas, stone walls, and other areas important to Bolton's rural character.

2. Whether the proposed plan results in the preservation of buildings with historic significance, which includes buildings more than 100 years old.

3. Whether the proposed plan serves the intent of this bylaw as described in Section 2.3.6.2 better than the alternative of a traditional subdivision.

2.3.6.9 Submission Requirements

The applicant shall submit to the Planning Board copies of the following:

(a) A traditional Preliminary or Definitive Plan meeting the informational requirements of the Bolton Subdivision Rules and Regulations: and

(b) A FOSPRD Preliminary or Definitive Plan meeting the informational requirements of the Bolton Subdivision Rules and Regulations

2.3.6.10 Relations to Subdivision Regulations:

In so far as a FOSPRD constitutes a subdivision (per M.G.L. C41, Section 81-L), both the subdivision and the special permitting approval processes may run concurrently. However, subsequent approval by the Planning Board of such portions of the development which constitutes a subdivision shall be required as set forth in the Bolton Subdivision Rules and Regulations, including the approval of the streets and utility system. A favorable action which may be made by the Board on a special permit application for a FOSPRD shall not, therefore, be deemed either to constitute subdivision approval under Bolton Subdivision Rules and Regulations, nor imply that such approval will be given.

2.3.7 Major Residential Development

2.3.7.1 Applicability

Lands affected by this section 2.3.7 includes residentially zoned property, or set of contiguous properties, in common ownership, or in common ownership as of June 10, 1996. The term "common ownership" shall be defined as ownership by the same person or persons or legal entities, or ownership by any two or more persons or entities, as evidenced by control, pursuant to established law.

A Major Residential Development shall mean any subdivision(s), as defined and limited in Massachusetts General Law Chapter 41, section 81L, which in any five year period, either:

a) comprises 15 acres or greater of new residential lots and road rights-of-way;

b) results in the creation of greater than 7 residential lots, or

c) results in the construction of greater than 500 feet of new roadway.

Any subsequent subdivision proposal which, if approved, would result in total development in excess of any of the preceding thresholds in any five year period, shall itself be subject to this section 2.3.7, and shall cause any previously approved subdivision(s) which contributed to the aforesaid threshold calculation to then also be subject to this section 2.3.7 as a part of that subsequent subdivision proposal.

2.3.7.2 Approval

Major Residential Development shall be allowed only through the special permit process set forth in Section 2.3.6 Farmland and Open Space Planned Residential Development and this section.

2.3.7.3 Purpose

The purpose of this section is to preserve the natural and cultural resources of Bolton by insuring the larger-scale conversion of land to residential use does not consume all of the town's woodlands, fields, farmlands, historic structures and landscapes, orchards, cart paths, rock walls, geologic formations, water courses, wetlands, riparian zones, groundwater recharge areas, hilltops, scenic vistas, and other significant open spaces.

2.3.7.4 Decision

The Planning Board shall make a decision for all Major Residential Developments whether the plan developed in accordance with Section 2.3.6 provides a superior alternative in consideration of the criteria set out in Section 2.3.7.5 in which case, the Planning Board may require that the development occur in accordance with the plan consistent with Section 2.3.6. If the Planning Board does not find that the plan consistent with Section 2.3.6. is superior, the proponent may select whether to pursue development under Section 2.3.6 or use a traditional subdivision.

2.3.7.5 Decision Criteria

The Planning Board, in making its decision as to whether to require development in accordance with Section 2.3.6 or to allow a traditional subdivision, shall evaluate both plans and choose the development method which best meets, in the opinion of the Planning Board, the purpose of this section and the criteria set forth in Section 2.3.6.8 (c).

2.3.8. Limited Recreation Business District

2.3.8.1 This district is intended to promote recreational businesses, to conserve and secure the public health and safety, to facilitate the adequate provision of water and water supply, aquifers and recharge areas, and to protect natural and landscaped conditions as well as open space for commercial use, education, recreation, and the general welfare.

The Special Permit Granting Authority for this district shall be the Board of Selectmen. Uses which are municipal, rural, agricultural, conservation and/or open space are permitted as of right without site plan review or special permit.

2.3.8.2 Acreage Required for District

Parcel(s) must be comprised of 80 or more contiguous acres when Trail Recreation is the principal use and 120 or more contiguous acres and an average density of six (6) acres or greater per hole when a Primary Golf Course is the principal use.

2.3.8.3 Primary Uses and Structures allowed as of Right, Subject to Site Plan Approval Process

a) Trail Recreation including cross country ski trails, horseback riding trails, or trails used for similar non-motorized recreation, and/or

b) A Primary Golf Course with a minimum of eighteen (18) holes and at least 5000 yards in length, including the use of golf carts.

A site plan shall be submitted in accordance with Section 2.5.5.6 with respect to the above uses.

2.3.8.4 Trail Recreation Accessory Uses and Structures

The following Accessory Uses and Structures may be allowed by Special Permit when Trail Recreation is the Principal Use:

a) Function rooms, conference rooms, sale of related equipment, changing and shower rooms, snack bars, offices related to the business of the recreation area.
b) Horse and storage barns, indoor and outdoor riding rings, and maintenance shops.

2.3.8.5 Primary Golf Course Accessory Uses and Structures

The following Accessory Uses and Structures may be allowed by Special Permit when a Primary Golf Course is the Principal Use:

a) Additional golf courses measuring more than 2000 yards.
b) Function rooms, conference rooms, sale of related equipment, health clubs, changing and shower rooms, offices related to the business of the recreation area, restaurants and snack bars. Overnight lodging rooms are allowed at the density of 20 double-occupancy rooms for every 100 acres in the parcel(s) applying for a Special Permit.
c) Garages, cabanas, on-course structures, maintenance shops.
d) Practice putting greens and driving ranges.
e) Sporting uses, including structures, such as tennis, badminton, archery, bocci, racquet ball and shuffle board courts.
f) Other sporting uses such as softball, baseball, basketball and soccer fields with non-permanent bleachers only.
g) Indoor or outdoor swimming pools not exceeding Olympic size.
h) Cross-country ski trails, horseback riding trails or trails used for similar non-motorized recreation, including uses and structures as allowed under Section 2.3.8.4.
i) Other uses and structures determined by the Board of Selectmen to be customarily incidental to the Primary Use and in harmony with the intent and purpose of this bylaw 2.3.8. The applicant shall have the burden to prove by substantial evidence for Selectmen to make a finding that a use or structure is customarily incidental to the Primary Use.

2.3.8.6 Uses and Structures Disallowed include, but are not limited to, the following:

a) Petting zoos
b) Miniature golf course
c) Indoor bowling
d) Outdoor firing ranges
e) Heliports or other aircraft landing areas
f) Water parks, e.g. commercial water recreation establishment with slides, wave pools or similar equipment
g) Camping facilities
h) Sports stadiums
i) Casinos or gambling facilities

j) Snowmobiles
k) New residential structures
l) Motorized trail and/or racing vehicles

2.3.8.7 Definition of Uses & Structures

The definition of "Accessory Uses & Structures" in Bolton bylaw 2.6 shall not apply. For purpose of this bylaw (2.3.8 Limited Recreation Business District) accessory use or structures is a use or structure customarily incidental to and located on the same contiguous land area as the Primary Uses and Structures, and lot coverage requirements complies with Section 2.3.8.8 of this bylaw.

2.3.8.8 Requirements for Special Permit for Accessory Uses & Structures

A. Structures and Impermeable Surfaces

Structures (structures include buildings, sheds, garages, and roofed storage areas, heated or unheated) can occupy not more than three quarters of one percent (0.75%) of total area.

The sum of all impermeable surfaces (including structures, swimming pools, permanent sporting facilities, roads, paved trails and parking) shall not exceed twelve percent (12%) of the total area.

"Section 2.3.5.2 Note A" of Bolton bylaws shall not apply.

B. Structures

1. Bolton bylaw 2.3.5.3 (b), limiting principal structures to one per lot, shall not apply. The Selectmen may authorize more than one principal structure on a lot. An application for said authorization will be considered:

a) if adequate access is assured for each structure and
b) if the structure complies with Bolton bylaw 2.5.5.4, fire ponds, and
c) if the structure complies with Bolton bylaw 2.3.5.6, structure height and uses comply with bylaw 2.5.5.2 activity regulations.

2. Section 2.5.5.3 (b) of the Bolton bylaw shall not apply. No structures shall be located within three hundred (300) feet of any property boundary or town right-of-way and shall be either naturally wooded or visually screened using densely planted evergreen trees large enough to reach five feet (5') in height in three years and of a type which will continue to grow in height. All equipment used in connection with the maintenance of the areas shall be stored in an enclosed structure.

C. Parking

1. Parking must be shielded from the public ways, drainage from parking must not pollute the groundwater, no single parking area shall contain more than sixty (60) parking spaces without a separation of landscaped islands, including shade trees, and the visibility of parking areas shall be limited through structure placements, grading, and landscaping but in no case shall parking areas be closer than two hundred (200) feet to a residential zone border or town right-of-way.

a) Number of parking spaces will be guided by Bolton bylaw 2.4.1.3, Parking.
b) Parking requirements may be reduced upon showing reasonable expected traffic volume and adequacy of provided spaces without any overflow into the town's roads.
c) Bolton bylaw 2.4.1.3 b) shall not apply where the applicant prefers to provide grassed parking.
d) Night lighting of parking areas shall not be visible at ground level from adjacent properties and shall be constructed with full cut-off fixtures.

2.3.8.9 Driveways

Bolton bylaw 2.4.1.1 a) regulating driveways shall not apply. Instead, the Board of Selectmen may require that shared egress onto town roads be arranged for in order to avoid driveways within two hundred fifty (250) feet of each other or of a street intersection.

2.3.8.10 Protection of Earth Materials

No earth materials shall be removed from the property.

2.3.8.11 Protection of Groundwater

A plan will be submitted for approval as part of the Site Plan that protects groundwater from contamination by fertilizers, herbicides, and pesticides.

2.3.8.12 Special Events

Special Permit may include a provision that Special Events may be permitted. Special Events, defined as a planned event(s) with a total expected attendance of 500 or greater persons using the golf course, trails, and/or facilities, may be permitted upon the issuance of written approval by the Selectmen. Written approval may be granted after recommendations from appropriate Town Boards. These Boards may include (but are not necessarily limited to) the Planning Board, Board of Health, Fire Chief, Building Inspector, and Police Chief. Approval shall consider, but not be limited to, the following criteria:

i. provisions for adequate off-street parking,
ii. provision for adequate wastewater disposal,
iii. provision for traffic control measures for roads leading to the facilities,
iv. provision for adequate refuse disposal,
v. provision for crowd control and security and
vi. provision for adequate fire protection.

Notice shall be given a minimum of forty-five (45) days in advance and the Selectmen will respond and/or call a hearing within twenty-one (21) days. An approval for a special event may be issued only after a finding that there would not be an adverse impact upon residents of the Town of Bolton, including consideration of cumulative impacts.

2.3.8.13 Rules, Regulations and Fees

The Selectmen may write rules and regulations relative to the issuance of special permits under this bylaw and may set fees to cover the expenses of administration. Selectmen may also request the applicant to pay for any special studies identified during the public hearings as needed for traffic control, groundwater protection, and other issues that may substantially impact the resources of the town.

2.3.8.14 Severability

Each provision of this bylaw shall be construed as separate, to the end that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

## 2.4 GENERAL REGULATIONS

### 2.4.1 Driveways and Parking

Overview:

(a) In residential districts, single and shared driveways (driveways serving 2 lots) will be created by permit issued jointly by the Planning Board and the Building Inspector. Upon review of the completed Application for Driveway Permit, the Planning Board will make a determination if a public meeting is required between the Applicant and the Planning Board/Building Inspector to review the submitted driveway plan. Common Driveways (serving 3 to 5 lots) will continue to be administered by the Planning Board per Section 2.4.1.2 of the Bolton Zoning Bylaws.

2.4.1.1 Driveways

(a) Entrances and/or driveways to a given tract of land must be made from an accepted or an approved right-of-way within the extremities of the frontage required except that not more than two single-family dwellings or lots in the Residential Zoning District may maintain one Shared driveway provided that the driveway falls within the frontage of one or both of the lots, and all other provisions of this Bylaw are met.

(b) The slope of the driveway shall not be greater than ten (l0) percent within twenty (20) feet of the edge of the street pavement. There shall be no hazardous or blind driveways.

(c) No person shall construct or maintain any driveway, conduit, or drain, so as to discharge water or filth upon the street pavement or into open waterways or ponds.

(d) No driveway shall be constructed which ties directly onto an accepted town way which in any manner inhibits the existing drainage system of the town way.