

ARTICLE VIII
Use Regulations

§ 200-32. Applicability.

Except as otherwise provided in this Zoning Bylaw, no building, structure or land shall be used for a purpose other than one permitted in the district as prescribed in this article. Any use not permitted by this article shall be construed to be prohibited.

§ 200-33. Permitted uses. [Amended 10-8-1987 OTM by Art. 21, approved 11-30-1987; 4-30-1992 ATM by Art. 22, approved 8-26-1992]

In the following Table of Principal Use Regulations, the uses permitted by right in the district shall be designated by the letter "P." Those uses that may be permitted as an exception by special permit in the district, in accordance with Article VI, shall be designated by the letter "S." Uses designated "-" shall not be permitted in the district. Areas in a Floodplain District are also subject to the use regulations of the districts which it overlies and to the special provisions and conditions of § 200-44.

§ 200-34. Buildings in floodway. [Amended 10-8-1987 OTM by Art. 21, approved 11-30-1987; 4-30-1992 ATM by Art. 22, approved 8-26-1992]

No building shall be erected in the Floodplain District nor shall any use of land occur in the Floodplain District except in conformance with § 200-44 of this Zoning Bylaw.

§ 200-35. Table of Principal Use Regulations. [Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979; 4-23-1979 ATM by Art. 22, approved 5-18-1979; 10-23-1980 OTM by Art. 21, approved 2-5-1981; 10-6-1983 OTM by Art. 9, approved 12-7-1983; 4-9-1984 ATM by Art. 24, approved 6-15-1984; 4-12-1984 ATM by Art. 25, approved 6-15-1984; 10-1-1984 OTM by Art. 9, approved 1-11-1985; 10-4-1984 OTM by Art. 14, approved 1-8-1985; 10-8-1987 OTM by Art. 19, approved 12-3-1987; 1-19-1988 STM by Art. 6, approved 2-2-1988; 10-17-1991 OTM by Art. 22, approved 2-4-1992; Amended 4-7-2008 ATM by Art. 27, approved 6-27-2008]

(See § 200-33 for explanation of "P," "S" and "-")

Residence	Business	Industrial
RA RR RB	RD RE RM	LB GB IA IB IC

Residential

1. One-family detached dwelling	P	P	P	P	P	-	P	-	-	-	-
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		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
2.	Multi-family dwelling containing four (4) or more dwelling units	-	-	-	-	-	S	-	-	-	-	-
3.	Apartments containing three (3) or fewer independent dwelling units, owned and operated by the North Reading Housing Authority (see ~ 200-89)	S	S	S	S	S	-	-	-	-	-	-
4.	Open Space Residential Development (see Article X)	S	S	-	-	S	-	-	-	-	-	-
5.	Planned unit development (See Article XI)	-	-	-	S	-	S	S	-	-	-	-
6.	Lodging house, but excluding motels, trailers, or mobile homes	-	-	-	-	-	-	S	S	-	-	-
7.	Motels	-	-	-	-	-	-	-	-	S	-	-
8.	Mobile home	-	-	-	-	-	-	-	-	-	-	-
9.	Mobile home park	-	-	-	-	-	-	-	-	-	-	-
10.	Place of divine worship	P	P	P	P	P	-	S	S	P	P	P
11.	Educational purpose which is religious, sectarian, denominational or public	S	S	S	S	S	-	S	S	P	P	P
12.	Educational use which is not religious, sectarian, denominational or public	-	-	-	-	-	-	S	S	P	P	P

		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
13.	Non-profit private club, civic or fraternal organization provided any sleeping rooms shall not number more than four (4)	S	S	S	S	-	-	S	S	-	-	-
14.	Country club	S	S	S	S	-	-	-	-	-	-	-
15.	Non-profit day camp or other non-profit camp	S	S	S	S	-	-	S	-	-	-	-
16.	Cemetery, including any crematory therein	S	S	S	S	-	-	S	S	-	-	-
17.	Town or non-profit outdoor recreational facility	S	S	S	S	S	-	S	S	S	S	S
18.	Municipal facility golf course	S	-	-	-	-	-	-	-	-	-	-
19.	Municipal facility indoor and/or outdoor recreation	S	-	-	-	-	-	-	-	-	-	-
20.	Hospital, nursing home, sanitarium, or medical center	-	-	-	-	-	-	S	S	-	-	-
21.	Essential services	P	P	P	P	P	-	P	P	P	P	P

Community Facilities

22.	Utility transmission line, substation or similar facility or building	S	S	S	S	S	-	S	S	S	S	S
23.	Government use	S	S	S	S	-	-	S	S	S	S	S
24.	Place of indoor amusement, recreation or assembly	-	-	-	-	-	-	S	S	S	S	S

		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
25.	Outdoor commercial recreation or amusement facility	-	-	-	-	-	-	-	S	-	-	-
26.	Inland marina	S	S	S	S	-	-	S	S	S	S	S
27.	Any woodland, grassland or wetland use of land or water	P	P	P	P	P	-	P	P	P	P	P
28.	Farm, including agriculture, horticulture and floriculture, subject to restriction that any dwelling house be a one-family detached dwelling	P	P	P	P	P	-	P	P	P	P	P
29.	Year-round greenhouse or stand for wholesale or retail sale of agricultural or farm products	-	-	-	-	-	-	S	S	P	P	P
30.	Temporary [not to exceed use for a period of six (6) months in any one (1) year] greenhouse or stand for sale of agricultural or farm products raised primarily on the same premises	S	S	S	S	S	-	S	S	P	P	P
31.	Raising and keeping of livestock, horses and poultry, and only in connection with operation of a farm	S	S	S	S	S	-	S	S	S	S	S
32.	The raising of swine or furbearing animals for commercial use	-	-	-	-	-	-	-	-	-	-	-

Retail, Service and Commercial

40.	Establishment for retail sale of commodities except motor vehicles	-	-	-	-	-	-	S	S	-	-	-
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		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
41.	Eating and drinking places where consumption is primarily intended to be within the building	-	-	-	-	-	-	S	S	S	S	S
42.	Drive-in eating and drinking establishment	-	-	-	-	-	-	S	S	S	S	S
43.	Mortuary, undertaking or funeral establishment	-	-	-	-	-	-	S	S	-	-	-
44.	Motor vehicle, machinery or other junkyard	-	-	-	-	-	-	-	-	-	-	-
45.	Establishment selling automobiles, trucks, aircraft, boats, motorcycles, trailers and other vehicles and their accessories (excluding used car lot)	-	-	-	-	-	-	-	S	-	-	-
46.	Personal and consumer service establishment (excluding massage establishment)	-	-	-	-	-	-	S	S	-	-	-
47.	Communications/personal wireless service facilities [Amended 10-12-2000 OTM by Art. 32, approved 3-29-2001]	S	S	S	S	S	S	S	S	S	S	S
48.	Broadcasting studio	-	-	-	-	-	-	S	S	S	S	S
49.	Membership club operated for profit (not a country club)	-	-	-	-	-	-	S	S	-	-	-
50.	Miscellaneous professional and business offices and services including, but not limited to, medical, legal and other professional services and finance, insurance and real estate offices	-	-	-	-	-	-	S	S	P	P	P

		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
51.	Automotive repair, automobile service station, self-service gasoline service station or garage (excluding a junkyard or open storage of abandoned automobiles or other vehicles) (see also § 200-43)	-	-	-	-	-	-	S	S	-	-	-
52.	Truck terminal or motor freight station	-	-	-	-	-	-	-	-	-	-	-
53.	Commercial kennel or veterinary hospital in which all animals, fowl, or other forms of life are completely enclosed in pens or other structures	-	-	-	-	-	-	S	S	-	-	-
54.	Massage establishment	-	-	-	-	-	-	-	-	-	-	-
55.	Used car lot	-	-	-	-	-	-	-	-	-	-	-
<u>Wholesale, Transportation and Industrial</u>												
60.	Removal of sand, earth, gravel, or other raw material (see § 200-41 and 200-87)	-	-	-	-	-	-	-	-	S	S	S
61.	Processing and treating of raw materials including operations such as grading, drying, sorting, crushing grinding and milling (see § 200-41 and 200-87)	-	-	-	-	-	-	-	-	S	S	S
62.	Construction industry including suppliers	-	-	-	-	-	-	-	S	S	S	S
63.	Manufacturing (See § 200-87)	-	-	-	-	-	-	-	-	S	S	S

		Residence			Business			Industrial				
		RA	RR	RB	RD	RE	RM	LB	GB	IA	IB	IC
64.	Plant for packaging food products	-	-	-	-	-	-	-	-	S	S	S
65.	Wholesale sale of commodities	-	-	-	-	-	-	-	S	P	P	P
66.	Storage warehouse	-	-	-	-	-	-	-	-	P	P	P
67.	Open storage of raw materials and finished goods	-	-	-	-	-	-	-	-	P	P	P
68.	Open storage, or daytime or overnight parking of construction equipment	-	-	-	-	-	-	-	-	-	-	-
69.	Printing or publishing establishment	-	-	-	-	-	-	-	S	P	P	P
70.	Research offices or establishments devoted to research and development activities	-	-	-	-	-	-	-	S	S	S	S
71.	Light manufacturing	-	-	-	-	-	-	-	S	S	S	S
72.	Transportation services (excluding truck terminal or motor freight station)	-	-	-	-	-	-	-	-	S	S	S

Highway Business (HB): see § 200-39 of this Zoning Bylaw.

Industrial/Office (I/O-1): See § 200-40 of this Zoning Bylaw. **[Added 10-5-1995 OTM by Art. 35, approved 11-22-1995]**

§ 200-36. Accessory uses. [Amended 11-6-1978 OTM by Art. 12, approved 2-6-1979]

- A. Uses accessory to the principal use are permitted in all districts subject to all the following restrictions:
- (1) An accessory use must be customarily incidental and subordinate to the principal use;
 - (2) If a lot is in two (2) or more districts, the accessory use must be confined to that part of the lot where the principal use is allowable;
 - (3) No accessory use of a lot is permitted unless a principal use is conducted thereon;

- (4) If the accessory use is neither permitted as a principal use nor allowed by special permit, the accessory use shall not be conducted for profit independent of the principal use;
- (5) Walls, fences or similar enclosures shall not interfere with the safe operation of motor vehicles; and in a residence district, they shall not be more than seven (7) feet in height unless used as a retaining wall;
- (6) Outside storage is permitted only if clearly necessary to the operation and conduct of the principal use;
- (7) Except where the principal use is for a farm, the storage or regular daytime or overnight parking of more than one (1) commercial motor vehicle is not permitted in any residence district, and such vehicle shall not be more than one-ton rated in size;
- (8) Storage of vehicles or boats in any residence district shall be within a building or not less than ten (10) feet from any boundary line of the lot; and
- (9) A trailer shall not be used for dwelling or sleeping purposes except in accordance with § 200-88.

B. The following accessory uses are permitted only as an exception by special permit in accordance with Article VI:

- (1) Home occupations (see § 200-42);
- (2) The outside storage of vehicles or boats in any residence district less than ten (10) feet away from any boundary line of the lot;
- (3) The keeping and housing of horses, livestock or fowls as defined in Massachusetts General Laws, Chapter 140, Section 136A, if authorized by the Board of Health;
- (4) Accessory retail or consumer service use in a multi-family dwelling and provided that all activities are located on the first floor or basement floor levels and all materials, goods and activities in connection with said uses shall be confined completely within the building;
- (5) Uses accessory to activities permitted as a matter of right, which activities are necessary in connection with scientific research or scientific development or related production, whether or not the accessory use is on the same parcel as the activity permitted as a matter of right, provided that the Zoning Board of Appeals finds that the proposed accessory use does not substantially derogate from the public good;
- (6) The storage of commercial motor vehicles in a residence district not otherwise permitted in this article;
- (7) Any use accessory to a principal use permitted only as an exception by special permit shall be permitted only if provided by special permit; and

- (8) If a lot is located partially within a Floodplain District and partially without, accessory uses on that part of the lot which is within may be permitted as an exception, subject to the restrictions of § 200-44. **[Amended 10-8-1987 OTM by Art. 21, approved 11-30-1987; 4-30-1992 ATM by Art. 22, approved 8-26-1992]**

§ 200-37. Limitation on grant of permits.

No permit granting authority, special permit granting authority or other licensing authority shall grant a permit or license for a use of a building, structure or land which use would be in violation of this Zoning Bylaw.

§ 200-38. Aquifer Protection District. [Added 10-1-1984 OTM by Art. 12, approved 1-11-1985; amended 4-9-1987 STM by Art. 1, approved 8-24-1987; 10-8-1987 OTM by Art. 20, approved 11-27-1987; 10-5-1989 OTM by Art. 18, approved 1-8-1990; 10-5-1995 OTM by Art. 34, approved 11-22-1995]

- A. Purpose. The purpose of the Aquifer Protection District is to protect the public health by preventing contamination of groundwater resources providing public water supply.
- B. Definitions pertaining to an Aquifer Protection District.
 - (1) Aquifer Protection District Map: The Aquifer Protection District Map dated September 29, 1995, drawn by Applied Geographics, Inc.
 - (2) Special permit granting authority: The special permit granting authority shall be the Zoning Board of Appeals (SPGA).
 - (3) Aquifer Protection District Zones I, II and III: Aquifer Protection District Zones I, II and III are as defined by the Massachusetts Department of Environmental Protection in 310 CMR 22.00.
- C. Establishment of districts.
 - (1) Overlay districts. The Aquifer Protection District is herein established as an overlay district. The Aquifer Protection District includes the Town of North Reading well fields and surrounding drainage basins. The Aquifer Protection District is described on the Aquifer Protection District Map. The Aquifer Protection District Map is hereby made a part of this Zoning Bylaw and is on file in the office of the Town Clerk.
 - (2) Boundary disputes. Where the bounds of the Aquifer Protection District are in dispute, as delineated on the Aquifer Protection District Map, the burden of proof shall be upon the owners of the land in question to show where they should properly be located. Resolution of boundary disputes shall be through a special permit application to the Zoning Board of Appeals. Any application for a special permit under this Subsection C shall be accompanied by documentation prepared by a person who meets the following two requirements:

- (a) Is experienced in delineating hydrogeologic zones in Massachusetts; and
- (b) Has one of the following credentials:

Title	Conferring Entity
Registered Professional Hydrogeologist	American Institute of Hydrology
Certified Professional Geologic Scientist	American Institute of Professional Geological Scientists
Registered Professional Engineer, Sanitary	Commonwealth of Massachusetts
Certified Ground Water Professional	Association of Ground Water Scientists & Engineers
Certified Professional Soil Scientist	American Registry of Certified Professionals in Agronomy, Crops and Soils Ltd.

- (3) The Zoning Board of Appeals shall not grant a special permit under this Subsection C unless the applicant demonstrates that the provisions governing the Aquifer Protection District(s), under this § 200-38, may be waived without detrimental effect to groundwater quality as specified in Subsection F. Whenever an application for a special permit is filed with the Zoning Board of Appeals under this Subsection C, the Zoning Board of Appeals and the applicant shall fulfill the requirements of Subsection E(2) herein.

D. Use regulations.

- (1) Permitted and prohibited uses. Within an Aquifer Protection District the requirements of the underlying districts continue to apply except that uses are prohibited where indicated by "-" in the following schedule, and require a special permit where indicated by "S," even where the underlying district requirements are more permissive. Uses permitted in an Aquifer Protection District are subject to the prohibitions set forth in the following schedule as well as to the design criteria set forth in Subsections F and G and are indicated by "P."
- (2) Lots partially within the Aquifer Protection District. Where a portion of the lot is located partially within and partially without the Aquifer Protection District, site design shall, to the extent feasible, locate potential pollution sources outside the district boundaries.

Use Regulations Schedule

		Aquifer Protection District
1.	Landfills and open dumps, as defined in 310 CMR 19.006.	-
2.	Landfilling of sludge and septage, as defined in 310 CMR 32.05.	-
3.	Automobile graveyards and junkyards, as defined in MGL c. 140B, § 1.	
4.	Stockpiling and disposal of snow or ice removed from highways and streets located outside of the district, that contains sodium chloride, chemically treated abrasives or other chemicals used for snow and ice removal.	-
5.	Treatment or disposal works for non-sanitary wastewaters that are subject to 314 CMR 5.00, except the following:	-
a.	The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s); and	P
b.	Treatment works approved by DEP designed for the treatment of contaminated ground or surface waters.	
6.	Facilities that generate, treat, store or dispose of hazardous waste that are subject to MGL c. 21C and 310 CMR 30.000, except for the following:	
a.	Very small quantity generators, as defined by 310 CMR 30.00;	P
b.	Household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;	P

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| c. | Waste oil retention facilities required by MGL c. 21, ~ 52A; and | P |
| d. | Treatment works approved by DEP designed in accordance with 314 CMR 5.00 for treatment of contaminated ground or surface waters. | P |
| 7. | Storage of sludge and septage, as defined in 310 CMR 32.05. Such storage must be in compliance with 310 CMR 32.30 and 310 CMR 32.31. | |
| 8. | Storage of sodium chloride, chemically treated abrasives or other chemicals for the removal of ice and snow on roads. Such storage must be within a structure designed to prevent the generation and escape of contaminated runoff or leachate. | S |
| 9. | Storage of commercial fertilizers, as defined in MGL c. 128, ~ 64. Such storage must be within a structure designed to prevent the generation and escape of contaminated runoff or leachate. | S |
| 10. | Storage of animal manures. Such storage must be covered or contained in accordance with the specifications of the United States Soil Conservation Service. | S |
| 11. | Storage of liquid hazardous materials, as defined in MGL c. 21E. Such storage must be either in a freestanding ³ container, approved by the North Reading Fire Department and within a building or in a freestanding covered container, approved by the North Reading Fire Department, which is above ground level with protection adequate to contain a spill 110% the size of the container's total storage capacity. | S |

³Editor's Note: Throughout this chapter, each instance of the word "free-standing" was amended to "freestanding" 10-2-2000 ATM by Art. 16, approved 3-29-2001.

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| 12. | The removal of soil, loam, sand, gravel, or any other mineral substances within four feet of the historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey). The substances removed must be redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historical highwater mark. (Excavations for the construction of building foundations or the installations of utility works are permitted). | S |
| 13. | Storage of liquid petroleum products of any kind. (Replacement of pre-existing tanks or systems for the keeping, dispensing or storing of gasoline is allowed consistent with state and local requirements.) | - |
| | However, storage of liquid petroleum products incidental to the following uses is permitted, provided that such storage must be either in a freestanding container approved by the North Reading Fire Department and within a building or in a freestanding container approved by the North Reading Fire Department which is above ground level with protection adequate to contain a spill 110% the size of the container's total storage capacity. | |
| a. | Normal household use and outdoor maintenance or the heating of the structure; | P |
| b. | Waste oil retention facilities required by MGL c. 21, § 52A; | P |
| c. | Emergency generators required by statute, rule or regulation; or | P |
| d. | Treatment works approved by DEP designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters. | P |

14. Land uses that result in the rendering impervious of more than 15% or 2,500 square feet of any lot, whichever is greater. A system for artificial recharge of precipitation must be provided that will not result in the degradation of groundwater quality. S

E. Special permit granting authority.

- (1) Establishment. A special permit shall be granted if the SPGA determines that the intent of this section including the specific criteria of Subsection G are met. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measure failed.
- (2) Application.
 - (a) Whenever an application for a special permit is filed with the SPGA under this § 200-38, the SPGA shall transmit within six (6) working days of the filing of the completed application, copies of the application, accompanying site plan, and all other documentation submitted with the application to the Community Planning Commission, Board of Health, Conservation Commission, Building Inspector, Fire Chief and the Town Engineer for their consideration, review and report. The reports shall contain the proposed conditions which the officials or boards may determine to be appropriate if the special permit is to be granted and shall include a draft of the specific language of the conditions. The copies necessary to fulfill this requirement shall be furnished by the applicant. An application shall not be deemed complete until all copies of all required information and documentation have been filed with the SPGA.
 - (b) The SPGA may notify applicants by registered mail, within fourteen (14) days of submittal of the application, that the application or documentation is incomplete, specifying the deficiencies, and the applicant shall have fourteen (14) days from the date of the mailing of such notice to correct the deficiencies. Failure to correct the deficiencies after having been so notified within such time shall be used as the basis for denial of the application without prejudice.
 - (c) Reports shall be submitted by the date of the public hearing, but in any case within thirty-five (35) days of receipt by the reviewing party of all of the required materials, otherwise failure of any reviewing party to make recommendations after having received copies of all such required materials shall be deemed a lack of opposition thereto.
 - (d) In the event that the public hearing by the SPGA is held prior to the expiration of the thirty-five-day period, the SPGA shall continue the public hearing to permit the formal submission of reports and recommendations within the thirty-five-day period.

- (3) Applicability. Any special permit required under this § 200-38 shall be in addition to, and separate from, any other special permit required under § 200-28 of this Zoning Bylaw.
- F. Special permit criteria; standards. Special permits under Subsection E shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated in Subsection E(2), that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.
- G. Submittals.
- (1) Required information. In applying for a special permit under this section, the applicant shall furnish and the SPGA shall require the information listed in this subsection, unless waived or modified by the SPGA with reasons stated in writing to each of the reviewing parties identified in Subsection E(2) above, contemporaneous with the transmittal to the reviewing party of its copy of the application, site plan and other required documentation.
 - (2) Site plans.
 - (a) General requirements. Where called for in Subsection G(2)(a) through (d), site plans shall be submitted on twenty-four-inch by thirty-six-inch sheets, on a minimum scale of one (1) inch equals forty (40) feet, and prepared by a registered professional engineer and a registered land surveyor, and shall include, at a minimum, items in § 200-28D(1) through (16) of the North Reading Zoning Bylaws.
 - (b) Impervious areas. For any proposed activity on a lot, other than a single-family dwelling and structures and uses accessory thereto, which will render more than fifteen (15) percent of the total lot area impervious, the application or site plan shall contain the items specified in this Subsection G(2) and also an addenda prepared by a registered professional engineer containing drainage calculations, utilizing U.S. Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted towards areas with vegetation for surface infiltration to the maximum extent possible. The application or site plan shall be accompanied by a narrative statement explaining the use of dry wells, which shall be allowed only upon a showing that other methods are infeasible, and that dry wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.
 - (c) Maintenance of vegetative cover. For any use, other than a single-family dwelling and structures and uses accessory thereto, retaining less than twenty (20) percent of lot area in its natural vegetative state, the application or site plan shall contain the items specified in this Subsection G(2) and also contain a narrative statement by a registered professional engineer certifying that such removal of vegetative cover will likely not result in decreased recharge of the groundwater aquifer, or increased sedimentation of surface waters. The application or site plan shall indicate any restoration proposals or erosion control measures proposed on the premises.

- (d) Disposal of snow/earth removal. For disposal of snow from outside the district; removal of earth, loam, sand, gravel or any other mineral in excess of ten (10) yards and/or grading resulting in creation of exterior grades less than five (5) feet above maximum groundwater elevation, the application or site plan shall contain the items specified in this Subsection G(2) and a narrative statement prepared by a registered professional engineer assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises and on any well field(s) of the Town of North Reading, or the well field(s) of any town adjoining the Town of North Reading, downgradient from the proposed activity or use.
- (3) Hazardous materials and wastes.
- (a) Disclosure of hazardous material storage. A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities greater than associated with normal household use.
 - (b) Description of hazardous wastes. A description of all potentially hazardous wastes to be generated in quantities greater than associated with normal household use.
 - (c) Protective measures. A description of the measures proposed to protect all storage containers from vandalism, corrosion and leakage and to provide for control of spills.
 - (d) Certification of adequacy of protective measures. An emergency preparedness plan shall be designed for aboveground storage of hazardous materials or waste, along with certification by a registered professional engineer that such storage facilities or containers are:
 - [1] In compliance with all applicable federal or state regulations; and
 - [2] In compliance with design specifications prepared by a registered professional engineer; and
 - [3] Approved by the North Reading Fire Department.

H. Decision. The decision of the SPGA shall approve, approve with conditions or deny the application. It shall contain an explanation of any departure from the recommendations or proposed conditions of any reviewing party. The decision shall:

- (1) Describe in detail those aspects of the application disapproved or approved with deletions or modifications;
- (2) Set out in detail, and expressed as condition of approval, the action of the SPGA as to information submitted pursuant to Subsection G(2)(a) through (d) and (3).

- I. Nonconforming structures and uses. The provisions of Subsections E, F, G and H above, as applicable, shall govern the application for and grant of a special permit required by § 200-10A and 200-28A(3) of this Zoning Bylaw relating to the nonconforming nature of structures or uses to the extent such nonconformance is the result of the application of this § 200-38. It is the intention of this Subsection I relative to such structures and uses that this § 200-38 be construed against the perpetuation, extension, increase or change of nonconforming uses and structures.

§ 200-39. Highway Business (HB) District. [Added 10-17-1991 OTM by Art. 22, approved 2-4-1992]

A. Purpose and general regulations.

(1) Purpose.

- (a) The Highway Business District (HB) is designed to provide for business involved in retailing, services and amusement and recreation activities. These facilities range in degree of intensity from neighborhood services to regional commercial centers.
- (b) The HB District is intended to encourage unique design and site planning solutions for intensive or mixed uses, and to require quality site design which incorporates desirable amenities as an integral part of each development.

(2) General regulations.

- (a) All proposed retail, service, commercial, wholesale, transportation and industrial developments, redevelopments or expansions within the HB District shall be subject to site plan review pursuant to Article XVII. **[Amended 10-8-1998 OTM by Art. 19, approved 1-27-1999]**
- (b) A combination of two (2) or more permitted uses shall be permitted to occupy the same lot under circumstances specifically approved by the Community Planning Commission through site plan review or as approved through the relevant special permit.
- (c) Permitted uses shall include accessory uses and buildings which are customarily incidental to, and located on the same lot as, the permitted principal use.
- (d) No space needed to meet the frontage, yard, area, coverage, parking or other requirements of this Zoning Bylaw for a lot or building may be sold or leased away from such lot or building.
- (e) No parcel of land which has less than the minimum frontage and area requirements for the HB District may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.
- (f) The maximum permissible floor area ratio (FAR) for any lot in the HB District shall be 2.0 unless otherwise provided for in Subsection B below.
- (g) All uses shall comply with the following additional restrictions:

- [1] All uses are restricted to closed buildings, except for driveup windows where specifically approved.
- [2] Outdoor storage of materials and supplies is prohibited unless specifically approved.

B. Supplemental regulations.

- (1) Parking bonus. The permissible floor area ratio (FAR) may be increased to 3.5 for any lot within the HB District on which surplus off-street parking spaces are provided in excess of twenty (20) percent of the number of spaces normally required under Article XIII of this Zoning Bylaw, the use of which spaces by the general public is guaranteed through recordable easements, covenants or other restrictions running to the benefit of the Town.
- (2) Bulk and coverage controls. The bulk and coverage controls for the HB District are as follows:
 - a. Minimum lot area = 20,000
 - b. Minimum frontage = 125 feet
 - c. Floor area ratio = 2.0 *
 - d. Setbacks = 25 feet front **
= 20 feet side and rear
 - e. Maximum stories = 4 ***
 - f. Maximum height = 60 feet ***
 - g. Maximum building area = 70%

* FAR may be increased per Subsection B(1) of this section.

** No pavement, other than pedestrian or vehicular accessways shown on an approved site plan, shall be located within the minimum front setback.

*** Parking garages and similar structures which are an integral part of a structure and intended for use by the general public, as well as occupants of said structure, shall not be considered in these calculations up to a maximum of one and one-half (1.5) stories.

C. **[Amended 4-30-1992 ATM by Art. 23, approved 8-26-1992; 4-6-2000 ATM by Art. 26, approved 6-28-2000]** Prohibited uses. No use classification as listed in the 1997 North American Industry Classification System is permitted in the HB District which is not listed in Subsection D or E below. In addition, the following uses are expressly prohibited in the HB District:

453930	-	Mobile home dealers
445210	-	Butchering of live animals
445210	-	Slaughter of live animals
441120	-	Used car dealers
451211	-	Adult book stores
531110	-	Operators of apartment buildings
531110	-	Operators of dwellings other than apartment buildings
531190	-	Operators of residential mobile home sites
721211	-	Camps and recreational vehicle parks
721110	-	Organization hotels and lodging houses on membership basis
812199	-	Massage parlors, tattoo parlors, turkish baths, topless-bottomless-nude dancing, buyer's clubs, comfort stations, porter services, steambaths
812990	-	Escort service
541850	-	Billboard advertising
532412	-	Heavy construction equipment rental and leasing
532411	-	Airplane rental and leasing
213111	-	Oil field equipment rental and leasing
213112	-	Oil well drilling equipment rental and leasing
56299	-	Toilets, portable rental and leasing
493110	-	Field warehousing; exhibits, building of; salvaging of damaged merchandise
561491	-	Automobile repossession services
561910	-	Textile folding and packaging services
711212	-	Racetracks
713290	-	Gambling establishments primarily operating coin-operated machines; gambling machines, coin-operated; slot machines
713990	-	Gun clubs; shooting clubs
488119	-	Flying fields
713290	-	Bookies; bookmakers; gambling establishments, not primarily operating coin-operated machines; gambling machines except, coin-operated
713990	-	Trapshooting facilities
812199	-	Bath houses
561210	-	Correctional facilities, jails
81411	-	Private households
541620	-	Cloud seeding; weather modification (rain makers)

D. **[Amended 4-30-1992 ATM by Art. 24, approved 8-26-1992; 10-8-1998 OTM by Art. 24, approved 1-27-1999; 10-4-1999 OTM by Art. 11, approved 12-14-1999; 4-6-2000 ATM by Art. 26, approved 6-28-2000; 10-12-2000 OTM by Art. 32, approved 3-29-2001]** Uses permitted by special permit. The following use classifications as listed in the 1997 North American Industry Classification System are permitted in the HB District only upon authorization of a special permit by the Zoning Board of Appeals pursuant to § 200-28 of the Zoning Bylaw:

541940	-	Veterinary services for animal specialties
812910	-	Animal specialty services, except veterinary
485991*	-	School buses (amended)
541690	-	Landscape and horticultural services
541320	-	Landscape and horticultural services
561730	-	Landscape and horticultural services
444110	-	Lumber and other building material dealers
444190	-	Lumber and other building material dealers
444110	-	New and used car dealers
4471	-	Gasoline service stations
44121	-	Recreational vehicle dealers
441221	-	Motorcycle dealers
441229	-	Automotive dealers, not elsewhere classified
722410	-	Drinking places (alcoholic beverages)
722330	-	Direct selling establishments
454390	-	Direct selling establishments
45431	-	Fuel dealers
522298	-	Pawnshops
453998	-	Auction rooms, sales barns
52239	-	Functions related to deposit banking, not elsewhere classified, check cashing agencies
7211	-	Hotels and motels
721310	-	Rooming and boarding houses
8123	-	Laundry, cleaning and garment service
81299	-	Tanning salons
541922	-	Commercial photography
5617	-	Services to buildings
56161	-	Dogs, rental of: for protective services
81292	-	Photo finishing labs
56199	-	Bronzing baby shoes; drive away automobile service; filling pressure containers; race track cleaning; liquidators of merchandise; solvents recovery service; repossession service
561990	-	Auctioneering service
561491	-	Automobile repossession service
5321	-	Automotive rentals, no drivers
81293	-	Automobile parking
8111	-	Automotive repair shops
811198	-	Automotive services, except repair
811412	-	Refrigeration and air conditioning service and repair shops
8113	-	Miscellaneous repair shops and related services
512132	-	Drive-in motion picture theaters
7112	-	Commercial sports
71312	-	Coin-operated amusement devices
71119	-	Amusement concessions; amusements rides; animal shows in circuses, fairs and carnivals; billiard parlors; carnival operation; circus companies
623	-	Nursing and personal care facilities

62151	-	Medical and dental laboratories
339116	-	Medical and dental laboratories
62221	-	Psychiatric hospitals
623	-	Residential care
7121	-	Arboreta and botanical or zoological gardens
813	-	Bars and restaurants owned and operated for members of organizations only
54171	-	Commercial physical and biological research
54138	-	Testing laboratories
54194	-	Testing laboratories

*Establishments primarily engaged in operating vehicles to transport special needs pupils to and from schools with some transportation of the elderly, provided that outside parking of motor vehicles on site shall be limited to 15 vehicles, all of which must be registered and none of which shall be larger than a Class B vehicle (fifteen-passenger van).

E. **[Amended 4-6-2000 ATM by Art. 26, approved 6-28-2000]** Permitted uses. All uses listed in the 1997 North American Industry Classification System under the following major group headings unless otherwise listed in Subsection C or D above shall be permitted:

1. 44-45 Retail Trade

444	-	Building materials, hardware, garden supply, and mobile home dealers
452	-	General merchandise stores
445	-	Food stores
447	-	Automotive dealers and gasoline service stations
448	-	Apparel and accessory stores
337	-	Home furniture, furnishings and equipment stores
722	-	Eating and drinking places
44	-	Miscellaneous retail
45	-	Testing laboratories

2. 52 Finance and Insurance

521	-	Depository institutions
522	-	Non-depository credit institutions
523	-	Security and commodity brokers, dealers, exchanges and services
524	-	Insurance carriers
524	-	Insurance agents, brokers, and service
531	-	Real estate
525	-	Holding and other investment offices

3.

721	-	Hotels, rooming houses, camps, and other lodging places
812	-	Personal services
541	-	Business services

811	-	Miscellaneous repair services
512	-	Motion pictures
711	-	Amusement and recreation services
621	-	Health services
622	-	Health services
623	-	Health services
5411	-	Legal services
611	-	Educational services
624	-	Social services
712	-	Museums, art galleries, and botanical and zoological gardens
813	-	Membership organizations
541	-	Engineering, accounting, research, management, and related services
711	-	Services not elsewhere classified
512	-	Services not elsewhere classified
541	-	Services not elsewhere classified
512	-	Services not elsewhere classified

§ 200-40. Industrial/Office (I/O-1) District. [Added 10-5-1995 OTM by Art. 35, approved 11-22-1995]

A. Purpose and general regulations.

(1) Purpose.

- (a) The Industrial/Office District (I/O-1) is designed to provide for administrative and research industries, offices and limited light manufacturing and assembling of building materials, machinery and other commodities to provide opportunities for employment for surrounding residential areas and protection to underground water supplies.
- (b) The I/O District is intended to encourage medium-rise land development emphasizing service oriented or light manufacturing uses while maintaining green space and providing protection to the environment and underground aquifers.

(2) General regulations.

- (a) All proposed commercial, service, and industrial developments, redevelopments or expansions within the I/O District shall be subject to site plan review pursuant to Article XVII. **[Amended 10-8-1998 OTM by Art. 19, approved 1-27-1999]**
- (b) A combination of two (2) or more permitted uses shall be permitted to occupy the same lot under circumstances specifically approved by the Community Planning Commission through site plan review or as approved through the relevant special permit.
- (c) Permitted uses shall include accessory uses and buildings which are customarily incidental to, and located on the same lot as, the permitted principal use.

- (d) No space needed to meet the frontage, yard, area, coverage, parking or other requirements of this Zoning Bylaw for a lot or building may be sold or leased away from the ownership of such lot or building.
- (e) No parcel of land which has less than the minimum frontage and area requirements for the I/O District may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.
- (f) The maximum permissible floor area ratio (FAR) for any lot in the I/O District shall be 2.0 unless otherwise provided for in Subsection B below.
- (g) All uses shall comply with the following additional restrictions:
 - [1] All uses are restricted to closed buildings, except for drive-up windows where specifically approved by the CPC through site plan review.
 - [2] Outdoor storage of materials and supplies is prohibited unless specifically approved by the CPC through site plan review.

B. Supplemental regulations.

- (1) Parking bonus. The permissible floor area ratio (FAR) may be increased to 3.5 for any lot within the I/O District on which surplus off-street parking spaces are provided in excess of twenty (20) percent of the number of spaces normally required under Article XIII of this Zoning Bylaw, the use of which spaces by the general public is guaranteed through recordable easements, covenants or other restrictions running to the benefit of the Town.
- (2) Bulk and coverage controls. The bulk and coverage controls for the I/O District are as follows:
 - a. Minimum lot area = 40,000 square feet
 - b. Minimum frontage = 200 feet
 - c. Floor area ratio = 2.0 *
 - d. Setbacks = 40 feet front **
= 25 feet side
= 50 feet rear
 - e. Maximum stories (I/O-1) = 4 ***
 - f. Maximum height (I/O-1) = 50 feet ***
 - g. Maximum building area = 50%

* FAR may be increased per Subsection B(1) of this section.

** No pavement, other than pedestrian or vehicular accessways shown on an approved site plan, shall be located within the minimum front setback.

*** Parking garages and similar structures which are an integral part of a structure and intended for use by the general public, as well as occupants of said structure, shall not be considered in these calculations up to a maximum of one and one-half (1.5) stories.

C. **[Amended 4-6-2000 ATM by Art. 26, approved 6-28-2000]** Prohibited uses. No use classification as listed in the 1997 North American Industry Classification System is permitted in the I/O District which is not listed in Subsection D or E below. In addition, operations for the production of or conduct of the following uses is expressly prohibited in the I/O District:

- 44521 - Slaughtering plants: except animals not for human consumption
- 44521 - Poultry slaughtering and processing
- 44521 - Slaughtering of animals except for human consumption
- 31611 - Leather tanning and finishing
- 33299 - Ordnance and accessories, except vehicles and guided missiles
- 339942 - Pencil lead; pencils, except mechanical
- 31611 - Pelts: scraping, currying, tanning, bleaching, dyeing
- 42152 - Coal and other minerals and ores
- 4218 - Machinery, equipment and supplies
- 42193 - Scrap and waste materials
- 4225 - Farm product raw materials
- 4543 - Petroleum and petroleum products
- 4227 - Petroleum and petroleum products
- 44422 - Farm supplies
- 42291 - Farm supplies
- 447 - Automotive dealers and gasoline service stations
- 451211 - Adult book stores
- 45431 - Fuel dealers
- 52239 - Check cashing agencies
- 531110 - Operators of apartment buildings
- 531110 - Operators of dwellings other than apartment buildings
- 531190 - Operators of residential mobile home sites
- 531190 - Brokers of manufactured homes, on site
- 53131 - Condominium managers; cooperative apartment manager
- 81222 - Cemetery subdividers and developers
- 541850 - Billboard advertising
- 5617 - Services to dwellings and other buildings
- 532412 - Heavy construction equipment rental and leasing
- 532411 - Airplane rental and leasing; oil field equipment rental and leasing; oil well drilling equipment renting and leasing
- 56161 - Dogs, rental of: for protective service
- 81292 - Photofinishing laboratories

- 493110 - Automobile recovery service; automobile repossession service; automobile shows; driveaway

- automobile service; field warehousing; salvaging of damage merchandise, not engaged in sales; scrap steel cutting on a contract or fee basis; solvents recovery service on a contract or fee basis.
- 8113 - Miscellaneous repair shops and related services
- 512132 - Drive-in motion picture theaters
- 71395 - Bowling centers
- 711 - Commercial sports
- 713290 - Gambling establishments primarily operating coin-operated machines; gambling machines, coin-operated
- 713990 - Amusement parks
- 711 - Membership sports and recreation clubs
- 71399 - Aerial tramways; archery ranges; betting information service; boat rental; boats, party fishing; bookies; bookmakers; bowling instruction; canoe rental; day camps; fishing piers and lakes; gambling establishments; gambling machines; horse shows; houseboat rentals; moped rental; motorcycle rental; off track betting; rental of rowboats and canoes; rental of saddle horses; riding academies and schools; riding tables; rodeo animal rental; rodeos; scenic railroads for amusement; shooting galleries; shooting ranges; skeet shooting facilities; ski instruction; ski lifts, cable lifts and ski tows; trapshooting facilities; waterslides; wave pools
- 623 - Residential care
- 813 - Bars and restaurants owned and operated for members of organizations only
- 561210 - Correctional facilities; jails
- 81411 - Private households

D. **[Amended 4-6-2000 ATM by Art. 26, approved 6-28-2000; 10-12-2000 OTM by Art. 32, approved 3-29-2001]** Uses permitted by special permit. Operations for the production of or conduct of the following use classifications as listed in the 1997 North American Industry Classification System are permitted in the I/O District only upon authorization of a special permit by the Zoning Board of Appeals pursuant to § 200-28 of the Zoning Bylaw:

- 311711 - Canned and cured fish and seafoods
- 311712 - Prepared fresh and frozen fish and seafoods
- 313 - Broadwoven fabric mills, wool (including dyeing and finishing)
- 313 - Dyeing and finishing textiles, except wool fabrics and knit goods
- 31321 - Miscellaneous textile goods
- 322231 - Die-cut paper and paperboard and cardboard
- 322291 - Sanitary paper products
- 322232 - Envelopes
- 322233 - Stationery, tablets, and related products
- 3222 - Converted paper and paperboard products, not elsewhere classified
- 323122 - Platemaking and related services
- 334 - Computer and office equipment
- 333311 - Refrigeration and service industry machinery

333312	-	Refrigeration and service industry machinery
336391	-	Refrigeration and service industry machinery
333415	-	Refrigeration and service industry machinery
333913	-	Refrigeration and service industry machinery
333319	-	Refrigeration and service industry machinery
325992	-	Photographic chemicals, packaged
339943	-	Dies, hand seal; printing dies, rubber
339944	-	Carbon paper and inked ribbons
339999	-	Tear gas devices and equipment; treating clock and watch dials with luminous material
42269	-	Chemicals and allied products
42295	-	Paints, varnishes and supplies
7211	-	Hotels and motels
71119	-	Amusement concessions; amusement rides; animal shows in circuses, fairs and carnivals; carnival operation; circus companies; concession operators, amusement devices and rides
62151	-	Medical and dental laboratories
339116	-	Medical and dental laboratories
54171	-	Commercial physical and biological research
54138	-	Testing laboratories
54194	-	Testing laboratories
235990	-	Antenna installation, except household type contractors
513322	-	Radio telephone communications
513310	-	Telephone communications, except radio telephones
513310	-	Telegraph and other message communications
513112	-	Radio and television broadcasting stations
513120	-	Television broadcasting stations
513210	-	Cable and other pay television services
513390	-	Communication services, not elsewhere classified

E. **[Amended 4-6-2000 ATM by Art. 26, approved 6-28-2000]** Permitted uses. Operations for the production of or conduct of all uses listed in the 1997 North American Industry Classification System under the following headings unless otherwise listed in Subsection C or D above shall be permitted in the I/O District:

1.		
311	-	Food and kindred products
313	-	Textile mill products
315	-	Apparel and other finished products made from fabrics and similar materials
337	-	Furniture and fixtures
511	-	Printing, publishing and allied industries
323	-	Printing, publishing and allied industries
512	-	Printing, publishing and allied industries
316	-	Leather and leather products
332	-	Fabricated metal products, except machinery and transportation equipment

- 335 - Electronic and other electrical equipment and components, except computer equipment
- 333 - Measuring, analyzing, and controlling instruments;
- 334 - photographic, medical and optical goods; watches and
- 339 - clocks
- 339 - Miscellaneous manufacturing industries

2.

- 56151 - Travel agencies
- 56152 - Tour operators
- 513 - Communications

3.

- 421 - Wholesale trade - durable goods
- 441 - Wholesale trade - durable goods
- 442 - Wholesale trade - durable goods
- 453 - Wholesale trade - durable goods
- 446 - Wholesale trade - durable goods
- 422 - Wholesale trade - nondurable goods

4.

All uses or combinations of uses within this division (G) must occupy a minimum 50,000 square feet of building space. No shopping centers or malls with less than said 50,000 square feet are permitted in the I/O District.

- 444 - Building materials, hardware, garden supply, and mobile home dealers
- 452 - General merchandise stores
- 445 - Food stores
- 448 - Apparel and accessory stores
- 337 - Home furniture, furnishings, and equipment stores
- 722 - Eating and drinking places
- 44 - Miscellaneous retail
- 45 - Miscellaneous retail

5.

- 521 - Depository institutions
- 522 - Nondepository institutions
- 523 - Security and commodity brokers, dealers, exchanges, and services
- 524 - Insurance carriers
- 524 - Insurance agents, brokers, and service
- 531 - Real estate
- 525 - Holding and other investment offices

6.

541	-	Business services
811	-	Miscellaneous repair services
512	-	Motion pictures
711	-	Amusement and recreation services
621	-	Health services
622	-	Health services
623	-	Health services
5411	-	Legal services
611	-	Educational services
624	-	Social services
712	-	Museums, art galleries and botanical and zoological gardens
813	-	Membership organizations
541	-	Engineering, accounting, research, management, and related services