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**Appendix B-2**  
**Town of Mansfield Zoning and Wetland Bylaws**

**ZONING BY-LAW**



**MANSFIELD, MASSACHUSETTS**

**Adopted February, 1953  
Recodified October, 1989**

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Including all Amendments**

**A true copy**

*Nelen P. Christion*  
**Mansfield Town Clerk**

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**ZONING BY-LAW  
MANSFIELD, MASSACHUSETTS**

**CONTENTS  
1.0 GENERAL**

1.1	Purpose .....	1
1.2	Existing Uses .....	1
1.3	Basic Protective Provisions.....	1
1.4	Existing Laws, etc. ....	1
1.5	Definitions .....	2
1.5.1	Accessory Building.....	2
1.5.2	Accessory Use.....	2
1.5.3	Adult Bookstore.....	2
1.5.4	Adult Motion Picture Theater.....	2
1.5.4a	Adult Paraphernalia Store .....	2
1.5.4b	Adult Video Store .....	2
1.5.4c	Adult Cabaret.....	2
1.5.5	Airport Approach Zone.....	3
1.5.6	Building.....	3
1.5.7	Building, Front.....	3
1.5.8	Building, Height.....	3
1.5.9	Building, Main.....	3
1.5.10	Family.....	3
1.5.11	Garage, Private.....	3
1.5.12	Garage, Group.....	3
1.5.13	Loading Space, Off-Street.....	3
1.5.14	Lot.....	3
1.5.15	Lot, Corner.....	4
1.5.16	Lot, Depth.....	4
1.5.17	Lot, Front.....	4
1.5.17a	Lot Width.....	4
1.5.18	Non-Conforming Building.....	4
1.5.19	Non-Conforming Use.....	4
1.5.20	Signs.....	4
1.5.21	Story.....	4
1.5.22	Street.....	4
1.5.23	Street Line.....	4
1.5.24	Structure.....	4
1.5.25	Recreational Vehicles .....	4
1.5.26	Yard.....	5
1.5.27	Yard, Front.....	5
1.5.28	Yard, Rear.....	5
1.5.29	Yard, Side.....	5
1.5.30	Floor Area Ratio.....	5
1.5.31	Open Space .....	5
1.5.32	Soil Association.....	5
1.5.33	Exclusive Use Area.....	5

1.5.34	Hazardous Waste.....	5
1.5.35	Landfill.....	6
1.5.36	Person.....	6
1.5.37	Refuse.....	6
1.5.38	Regulated Refuse Incinerator.....	6
1.5.39	Non Regulated Refuse Incinerator.....	6
1.5.40	Base Flood.....	6
1.5.41	Development.....	6
1.5.42	Federal Emergency Management Agency.....	6
1.5.43	Flood Hazard, Area Special.....	6
1.5.44	100-Year Flood.....	6
1.5.45	Overlay District.....	6
1.5.46	Special Hazard Area.....	6
1.5.47	Substantial Improvement.....	7
1.5.48	Temporary Use.....	7

## 2.0 DISTRICTS

2.1	Classes.....	7
2.2	Boundaries.....	7

## 3.0 USE REGULATIONS

3.1	General Provisions.....	8
3.1.1	Schedule of Principal Use Regulations.....	8
3.2	Classification of Extensive Uses.....	8
3.3	Classification of Residential Uses.....	9
3.4	Classification of Governmental, Institutional and Public Uses.....	12
3.5	Classification of Business Uses.....	14
3.6	Classification of Industrial Uses.....	16
3.6.7	Wireless Communication Towers.....	16
3.7	Classification of Other Uses.....	25
3.7.1	Older Building Reuse.....	25
3.8	Accessory Uses.....	25
3.9	Accessory Apartments.....	25
3.10	Non-Conforming Uses.....	27
3.11	Prohibited Uses.....	28

## 4.0 INTENSITY REGULATIONS

4.1	Requirements.....	28
4.2	Schedule.....	30
4.2.1	Density and Dimensional Regulations Residential Districts.....	30
4.2.2	Density and Dimensional Regulations Business and Industrial Districts.....	31
4.2.2.1	Scheduled Rate of Development.....	32
4.3	Landscaping and Screening.....	33
4.4	Off-Street Parking and Loading.....	39
4.5	Corner Lot Protection.....	45

4.6	Airport Approach Protection.....	45
4.7	Signs .....	45
4.8	Waterbody Setback and Wetlands Protection.....	47
4.9	Linkage Special Permit.....	48

**5.0 SPECIAL PROVISIONS AND PERMITS**

5.1	Surface and Ground Water Resource Protection District.....	49
5.2	Earth Removal.....	56
5.3	Site Plan Approval.....	62
5.4	Flood Plain District.....	64
5.5	Special Permits.....	66
5.6	Cluster Residential .....	69
5.7	Residential Compound.....	74
5.8	Reservoir District.....	75
5.9	Regulated Refuse Incinerator/Landfill.....	76
5.10	Planned Commercial and Industrial Development.....	79
5.11	Adult Entertainment.....	85

**6.0 ADMINISTRATION**

6.1	Enforcement.....	86
6.2	Board of Appeals.....	88
6.3	Amendments .....	89
6.4	Validity.....	89
6.5	Effective Date.....	90

**APPENDIX**

- Zoning By-Law Map
- Water Supply Protection Districts Map

# ZONING BY-LAW

## MANSFIELD, MASSACHUSETTS

### 1.0 GENERAL

#### 1.1 PURPOSE

The purposes of this by-law are to promote health, safety, convenience, morals, and general welfare of the inhabitants of the Town of Mansfield, to protect and conserve the value of property within the Town, to increase the amenities of the Town, and to secure safety from fire, congestion or confusion, all in accord with the General Laws of the Commonwealth of Massachusetts, Chapter 40A.

#### 1.2 EXISTING USES

This by-law shall not apply to existing buildings or structures, nor to the existing use of any building or structure, or of land to the extent of that use at the time of the adoption of the by-law.

#### 1.3 BASIC PROTECTIVE PROVISIONS

1.3.1 For the purposes of this by-law any lawful building or structure or use of a building, structure or land or part thereof may be constructed, altered, enlarged and used for any purpose, which does not violate any section of this by-law or any of the provisions of the by-laws of the Town of Mansfield.

1.3.2 For the safety and general welfare all principal buildings designed or intended for residence purposes hereafter erected shall be in a location which fronts upon an accepted street or upon a public way of sufficient width to secure safety from fire and to provide adequate light and air, such width to be determined by the Board of Selectmen and approved by the Planning Board.

1.3.3 Any lots recorded at the time of the adoption of this by-law may be used for any permitted use in the district in which the lot is located providing that lots which do not conform are used with the minimum nonconformance as to yards as approved by the Board of Appeals, provided there was at the time of the effective date of this by-law no other land under the same ownership available for use, and further provided that any lot on which more than one (1) house existed at the time of the adoption of the by-law may be divided and sold to separate owners.

#### 1.4 EXISTING LAWS AND AGREEMENTS

1.4.1 The provisions of this by-law, so far as they are the same as those of existing by-laws, shall be construed as continuations thereof. All by-laws or parts of by-laws heretofore adopted, which are inconsistent with the provisions of this by-law are hereby repealed.

1.4.2 When this by-law imposes a greater restriction of the use of buildings, structures or premises or on height of buildings, or requires larger yards, or open spaces than are imposed or required by any regulations or permits, or by any restrictions or permits, or by any regulations, easements, covenants or agreements, the provisions of this by-law shall control.

## 1.5 DEFINITIONS

For the purpose of this by-law certain terms and words are herein defined as follows: Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word "shall" is mandatory and not directory; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "land" includes the words "marsh" and "water".

- 1.5.1 **Accessory Building:** A detached subordinate building located on the same lot with the main building or use, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of a wall of an accessory building is part of the wall of the main building, or where an accessory building is attached to the main building, such accessory building shall be counted as part of the main building.
- 1.5.2 **Accessory Use:** A use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate in area, extent, or purpose the principle lawful use of building and shall not be located between the principal building and the street right-of-way.
- 1.5.3 **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines and other matter which are distinguished or characterized by their emphasis depicting, describing or relating to sexual excitement as defined in Section Thirty One of Chapter Two Hundred and Seventy-two of Massachusetts General Laws.
- 1.5.4 **Adult Motion Picture Theater:** An establishment used for presenting a substantial or significant portion of material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement as defined in Section Thirty-one of Chapter Two Hundred and Seventy-two of the Massachusetts General Laws.
- 1.5.4a **Adult Paraphernalia Store:** An establishment having as a substantial or significant portion devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in section thirty-one of chapter two hundred and seventy-two. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.
- 1.5.4b **Adult Video Store:** An establishment having a substantial or significant portion of its stock in trade, videos, movies, or other film material which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in said section thirty-one or said chapter two hundred and seventy-two. For the purposes hereof, the words "substantial or significant" shall mean more than twenty-five percent (25%) of the establishment's inventory of stock or more than twenty-five percent (25%) of the establishment's gross floor area.
- 1.5.4c **Adult Cabaret:** A nightclub, bar, restaurant, tavern, dance hall, or similar commercial establishment which regularly features:
- a. Persons who appear in a state of nudity; or
  - b. Live performances which are characterized by an emphasis depicting anatomical areas or relating to sexual conduct or sexual excitement as defined in Massachusetts General Laws Chapter 272, Section 31.

- 1.5.5 **Airport Approach Zone:** The land area in line with airport runways as indicated schematically on the Zoning Map referred to in Section 2.0 of this by-law and as defined in Section 35B of Chapter 90 of the General laws of the Commonwealth of Massachusetts, as amended.
- 1.5.6 **Building:** Structure having a roof supported by columns or walls for shelter, support of enclosure of persons, animals or chattels. When separated by division walls from the ground up without openings, each portion of such building shall be deemed a separate building.
- 1.5.7 **Building, Front:** The wall of the building most nearly parallel with and adjacent to the front of the lot on which it is situated.
- 1.5.8 **Building, Height:** The vertical distance measured from the level of the curb or established center line of the street opposite the middle of the front elevation of the main entrance of the building to the highest point of the roof surface, if a flat roof, to the deck line of a mansard roof, and to the mean height level between eaves and a ridge of a gable, hip or gambrel roof. If built on a terrace or five (5) feet, whichever is smaller.
- 1.5.9 **Building, Main:** A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling or apartment shall be deemed to be a main building on the lot on which the same is situated.
- 1.5.10 **Family:** An individual or two (2) or more persons related by blood, marriage, or legal adoption living as a single housekeeping unit and including necessary home help. A group of individuals not related by blood, marriage, or legal adoption but living together as a single housekeeping unit may constitute a family. For purposes of controlling residential density, each such group of four (4) individuals shall constitute a family, except those residential homes duly authorized by the Commonwealth of Massachusetts.
- 1.5.11 **Garage, Private:** A detached accessory building of not more than thirty-five (35%) percent of the ground floor of the main building, used for the purposes of parking or temporary storage of automobiles of occupants of the premises, except that one (1) space may be used by the private automobiles of persons not resident on the premises.
- 1.5.12 **Garage, Group:** A group garage is a building, a part of a building or a group of buildings, other than a private garage, made up of units containing provisions for not more than two motor vehicles in each unit, in which motor vehicles are kept and taken care of by their respective owners, who are either tenants or owners of each unit in which their motor vehicles are kept, all said motor vehicles being solely for private or professional use, and not for sale, rent, hire, exhibition or demonstration purposes.
- 1.5.13 **Loading Space, Off-Street:** An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of vehicles while loading or unloading merchandise or material, and which has access to a street, alley or other appropriate means of ingress and egress.
- 1.5.14 **Lot:** A parcel of land either occupied or vacant, or to be occupied by a building or group of buildings and accessory buildings and used together with such yards and other open spaces as are required by this by-law. A lot may be land so recorded in a deed or on a plat of record, or it may include parts of, or a combination of such lots when adjacent to one another, provided such ground is used for one improvement. All lots shall front on and have ingress

and egress by means of a street or public right-of-way.

- 1.5.15 **Lot, Corner:** A corner lot shall be any lot abutting two or more streets at their intersection. Minimum frontage shall be required on one street, front yard setbacks shall be required from all streets.
- 1.5.16 **Lot, Depth:** The mean distance between front and rear lot lines.
- 1.5.17 **Lot, Front:** The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of a corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot. In case the corner lot has equal frontage on two or more streets, the lot shall be considered to front either on the principal street or on the street on which the greatest number of buildings have been erected within the same block. In the case of any corner lot, access to the lot may be permitted from any street abutting the lot.
- 1.5.17a **Lot Width:** The width of any lot shall be no less than the minimum lot frontage dimension as provided in Section 4.2, for a distance equal to the required frontage measured at the 90 degree angle, +/-20 degrees, from the front of the lot as described herein.
- 1.5.18 **Non-Conforming Building:** A building, structure, or portion thereof lawfully existing and used at the time this ordinance became effective, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located; or a building or structure that does not conform to all of the intensity regulations of the district in which it is located.
- 1.5.19 **Non-Conforming Use:** A use which lawfully occupied a building or portion thereof or land at the time this ordinance became effective and which does not conform to the use regulations of the district in which it is located.
- 1.5.20 **Sign:** Any words, lettering, parts of letter figures, numeral phrases, sentences, emblems, devices, trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from a public street or right-of-way and used to attract attention.
- 1.5.21 **Story:** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. One-half (1/2) story means any story or space situated, wholly or partly in the roof, so designated, arranged or built to be used for storage or habitation.
- 1.5.22 **Street:** A public thoroughfare, thirty (30) feet or more wide between property lines.
- 1.5.23 **Street Line:** The dividing line between a street and in the case of a public way, the street line established by a public authority laying out the way upon which the lot abuts.
- 1.5.24 **Structure:** Anything constructed or erected which required location on the ground, or attached to something having location on the ground.
- 1.5.25 **Recreational Vehicles:** A temporary residence used for recreational purposes, house car,

camp car, or any portable or movable vehicle on wheels, skids, or rollers, not structurally anchored to a foundation, propelled by an attached vehicle or other propelling apparatus.

- 1.5.26 **Yard:** An open space, other than a court, on the same lot with a building or group of buildings and a lot line and is unoccupied and unobstructed from the ground upward.
- 1.5.27 **Yard, Front:** A yard extending across the full width of the lot and lying between the front lot line and the lot and the nearest line of the building. The depth of a front yard shall be the minimum distances between the building and the front lot line measured at right angles to the front line of the lot.
- 1.5.28 **Yard, Rear:** A yard extending across the full width of the lot and lying between the rear lot line of the lot and the nearest line of the building. The depth of a rear yard shall be the minimum distance between the building and rear lot line, measured at right angles to the rear line of the lot.
- 1.5.29 **Yard, Side:** An open, unoccupied space between the side lot and the nearest line of the building and extending from the front yard to the rear yard, or, in the absence of either such yards, to the front or rear lot lines, as may be. The width of a side yard shall be the minimum distance between the building and the side lot line, measured at right angles to the side line of the lot.
- 1.5.30 **Floor Area Ratio:** The floor area ratio is defined as the ratio of gross floor area of all buildings exclusive of parking structures to the total lot area. The gross floor area includes all of the floor area on all floors contained within the outside dimensions of the building.
- 1.5.31 **Open Space:** In reference to Table 4.2.2, open space is defined to include:
- A. Those portions of the lot area devoted to plantings including grass areas.
  - B. Pedestrian oriented paved areas devoted to functional, social or recreational use in common by the residents of the complex, provided that such areas are kept essentially open to the out-of-doors and are at ground level.
  - C. Specifically excluded from this definition of open space are those areas devoted to driveways, parking and service areas whether or not designed for multiple use.
- 1.5.32 **Soil Association 2 (Muck, Whitman, Scarboro Ridgebury):** Soils in this Association are very poorly drained organic soils and very poorly, and poorly, drained mineral soils on low-lying nearly level terrain. This soil association has slight limitations for wetland wildlife and for some kinds of recreation use. Many tracts provide suitable habitat for wetland wildlife or the habitat can be improved with relative ease. The area has severe limitations for residential, commercial, or industrial use because of wetness. Nearly all tracts are difficult to drain sufficiently for such uses. In addition, the organic soils can support only slight weight in comparison to mineral soils.
- 1.5.33 **Exclusive Use Area:** See Section 5.7.2.2
- 1.5.34 **Hazardous Waste:** Any refuse or material determined to be hazardous waste pursuant to Chapter 21C of the Massachusetts General Laws or the regulations promulgated thereunder at 310 CMR 30.00 et seq.; or any waste or material determined to be hazardous waste

pursuant to the by-laws and regulations of Mansfield, if any.

- 1.5.35 Landfill: Any refuse dumping ground, sanitary landfill, solid waste landfill, or any other works or facility that disposes or places refuse into the land and is subject to Section 150A of Chapter 111 of the General Laws of Massachusetts.
- 1.5.36 Person: Any public or private corporation, individual, trust, firm, joint stock company, joint venture, partnership, association, or other entity, and any officer, employee or agent of said person, and any group of said persons.
- 1.5.37 Refuse: All solid or liquid waste materials, including garbage and rubbish, refuse incinerator ash and sludge, but not including sewage, and those materials defined as hazardous wastes in Section 2 of Chapter 21C of the Massachusetts General Laws and those materials defined as source, special nuclear or byproduct material under the provisions of the Atomic Energy Act of 1954.
- 1.5.38 Regulated Refuse Incinerator: A refuse incinerator rated by the Massachusetts Department of Environmental Protection ("DEP") at more than one ton of refuse per hour or other facility for incinerating refuse that is subject to Section 150A of Chapter 111 of the Massachusetts General Laws.
- 1.5.39 Nonregulated Refuse Incinerator: A refuse incinerator which is not governed by Section 150A of Chapter 111 and Section 9 of Chapter 40A, as enacted at time of this by-law's adoption, and more particularly defined as a refuse incinerator rated by the Massachusetts Department of Environmental Protection ("DEP"), or represented by the facility applicant in the absence of a DEP rating, at one ton per hour or less of refuse incineration.
- 1.5.40 Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- 1.5.41 Development: Any man made change to improved or unimproved real estate, including but not limited to, building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- 1.5.42 Federal Emergency Management Agency (FEMA): Administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study for communities as well as regulatory standards for development in the flood hazard areas.
- 1.5.43 Flood Hazard, Area of Special: The land in the flood plain within the municipal boundaries of the Town of Mansfield subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A, A1, A2, A3, A4, A6, or A7 on the FIRM dated April 1, 1977.
- 1.5.44 100-Year Flood: See: Base Flood
- 1.5.45 Overlay District: A set of zoning requirements that is imposed in addition to those of the underlying district. Development within the overlay districts or the more restrictive of the two.
- 1.5.46 Special Hazard Area: An area having special flood and/or flood related erosion hazards, and shown on the FHBM or FIRM as Zone A, A1, A2, A3, A4, A6, or A7.

1.5.47 Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which includes or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

1.5.48 Temporary Use: A use permitted by right in all districts in this by-law lasting a limited amount of time. For the purposes of this by-law, a limited amount of time shall mean no more than five (5) consecutive days and a total of not more than ten (10) days within any given calendar year. Temporary use shall be limited to the following: temporary non-commercial fair, festival, auction, or flea market. All temporary uses shall be strictly limited to usual and customary not-for-profit, fraternal, or charitable organizations.

## 2.0 DISTRICTS

### 2.1 CLASSES

For the purposes of this Zoning By-Law, the Town of Mansfield is hereby subdivided into the following districts:

Residence 1	Natural Resource and Scenic Residential
Residence 2	Medium Density Residential
Residence 3	Higher Density Residential
RD	Reservoir District
Business 1	Central Business
Business 2	Downtown Mixed Use
Business 3	Highway Business
Planned Business District	Industrial Park
Industrial 1	Higher Density Industrial
Industrial 2	Limited Industrial
Industrial 3	Mixed Use Industrial
A	Airport
SGWRPD	Surface and Ground Water Resource Protection District
FPD	Flood Plain Overlay District

### 2.2 BOUNDARIES

The boundaries of each of the said districts shall be continued as shown, defined and bounded on the Zoning By-Law map as effective on October 16, 1989, with amendments on file in the office of the Town Clerk of the Town of Mansfield, all explanatory matter on said map or maps shall continue to be part of the Zoning By-Law.

2.2.1 Where the boundary lines are shown upon said Map within the street line of public and private ways, the center lines of such ways shall be the boundary lines.

2.2.2 Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot and boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

2.2.3 Boundary lines located outside of such street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed

upon said map between such boundary lines and street lines are the distance in feet to such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.

2.2.4 In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the use of identifications as shown on the map, or by the scale of said map.

2.2.5 The Surface and Ground Water Resource Protection Districts are those areas so designated on a map entitled "Surface and Ground Water Resource Protection Districts" at a scale of 1"-2,083' dated February 1992 and revised March 1993. This map is hereby made part of the town Zoning By-Law and is on file in the Office of the Town Clerk.

### 3.0 PRINCIPAL USE REGULATIONS

#### 3.1 GENERAL PROVISIONS:

Except as provided by the Zoning Act, in each district no land, structure or building shall be used except for the purposes permitted in the district as set forth in Section 3 and the Schedule of Principal Use Regulations unless otherwise specifically permitted in this by-law. It is the intent of this by-law to prohibit in any district any use which is not specifically permitted herein and those uses denoted in the Schedule of Principal Use Regulations by the letter "N".

A use listed in the Schedule of Principal Use Regulations is permitted as of right in any district under which it is denoted by the letter "Y". If denoted by "S1" the use may be permitted by special permit from the Board of Appeals; if denoted by "S", the use may be permitted by special permit of the Planning Board. Where any uses permitted as of right are followed by the letter "Y" in the column "SPA" site plan approval is required in accordance with Section 5.3 and where the letter "N" appears site plan approval is not required.

3.1.1 Schedule of Principal Use Regulations: See Pages 22 through 24

#### 3.2 CLASSIFICATION OF EXTENSIVE USES

3.2.1 Agriculture: Land for primary use of agriculture, horticulture, viticulture and, if upon more than two acres, a commercial farm for the raising of cattle, horses, sheep, goats, poultry or a farmstand for the sale of farm products.

3.2.2 Greenhouse: A commercial greenhouse, salesroom or stand for the cultivation and sale of nursery or garden products.

3.2.3 Conservation: Land and water resource management, passive recreation and preservation of wildlife.

3.2.4 Recreation: A recreation facility owned or operated by a non-governmental agency including some or all of the following uses: a golf course, riding stable, playground and play fields, a swimming pool, tennis or basketball court(s). In addition, temporary outdoor recreational events such as festivals or fairground type events may be permitted.  
A riding stable located upon five (5) or more acres of land is exempt from the provisions of

this by-law. No indoor or outdoor active recreation area or parking for same shall be located any nearer the lot line than the minimum building setback, or landscaping and buffering area setback, whichever is greater.

3.2.4.1 **Recreation, Mansfield Non-Profit:** a recreation facility/area not run for private gainful business and operated by a non-governmental agency or organization, whose primary purposes is to provide opportunities to Mansfield residents.

3.2.5 **Earth Removal:** Removal in accordance with the provisions of the Section 5.2.

3.2.6 **Forestry:** Cultivating and harvesting of forest products including, if upon more than five acres, the sale of firewood.

### 3.3 **CLASSIFICATION OF RESIDENTIAL USES**

3.3.1 **Single Family Dwelling:** A detached dwelling unit designed and used exclusively as a single housekeeping unit with common cooking and living facilities. No more than one building for dwelling purposes shall be located upon a lot except as provided pursuant to Section 3.3.8.

3.3.2 **Two-family Dwelling:** A building containing two dwelling units and designed for two families.

3.3.3 **Accessory Apartments:** A single family dwelling existing prior to January 1, 1989 may be altered and used for two dwelling units provided that it meets the requirements of Section 3.9.

3.3.4 **Multiple Residence:** A building containing three or more dwelling units for families, which dwelling units contain kitchen and toilet facilities.

3.3.5 **Rowhouse, Townhouse:** A building comprising three or more attached dwelling units separated by party walls.

3.3.6 **Cluster Residential;** Residential development in accordance with Section 5.5.

3.3.7 **Residential Compound:** Residential development in accordance with Section 5.7.

3.3.8 **Recreational Vehicle Storage:** Outdoor parking or storage of not more than one uninhabited recreational vehicle.

3.3.9 **Assisted Care Retirement Facilities:**

A Residential Facility which provides services exclusively to residents 55 years or older, in a managed residential community. Such a development must include the following:

A. The facility shall be located on a lot of not less than ten (10) acres under one ownership.

B. No site shall accommodate more than two hundred and fifty (250) units or exceed a density of ten (10) units per acre.

C. Each site shall contain at least thirty-five percent (35%) of the total lot area as permanent open space, which shall not include land devoted to streets or parking areas, but may

include land within the minimum setback areas required herein.

- D. Included within the open space requirement set forth in subsection (C) above, the planning department shall require the development of outside recreation areas suitable to serve the occupants of the assisted living facility. Such recreation area shall contain at least one hundred (100) square feet of lot area for each unit proposed with a minimum of six thousand (6,000) square feet landscaped providing benches, walkways, site lighting and beneficial views, shielded from traffic.
- E. Public sanitary sewer and public water shall be required.
- F. All utilities shall be underground.
- G. All outside utilities and mechanicals shall be fenced and screened from view by suitable shrubbery and/or construction of a closed picket or screen-type fence. All dumpsters are to be located on a concrete pad and enclosed with a privacy fence.
- H. Buildings shall be residential in appearance and shall be in harmony with the surrounding properties. No wing of a building shall exceed a length of three hundred (300) feet, no wall of such building shall exceed one hundred (100) feet in length in an unbroken plane without offset of at least four (4) feet. No building shall exceed forty (40) feet in height and total building footprint coverage shall not exceed twenty percent (20%) of the total lot area.
- I. No building shall be constructed within seventy-five (75) feet of any public street and fifty (50) feet of any other property. Suitable buffer plantings shall be provided to assure maximum privacy to the residents and to the occupants of adjoining properties, in accordance with the requirements for landscaping and screening of the Mansfield Zoning By-law or any other applicable by-law.
- J. Parking for Assisted Care Retirement Facility shall be one-half (1/2) space per unit and one (1) space for every 6,000 square feet of building space for employee and visitor parking.
- K. Assisted Care Retirement Facility units shall be limited to occupancy by no more than two (2) persons who are 55 years of age or older and each community shall have common space of not less than one-hundred and fifty (150) square feet for each dwelling unit, which shall consist of dining rooms, kitchen facilities, medical, dental or clinical care rooms, meeting or activity rooms, recreation rooms, and similar uses in support of those living in the facility.
- L. Any Assisted Care Retirement Facility must meet the requirement for an assisted living residence as outlined by the Executive Office of Elder Affairs Commonwealth of Massachusetts in Massachusetts General Law Chapter 19A, Section 6 and ST 1994, Chapter 354, Section 10 or Regulation No. 651 CMR 12.00.
- M. A traffic study shall be submitted to the planning board for its review and approval.

### 3.3.10 Residential Facilities for Residents Fifty-Five (55) Years of Age or Older

A residential facility which provides housing units exclusively for residents 55 years of age or older. Such a facility must include the following:

- A. The facility shall be located on a parcel, or contiguous parcels, of land which has a total acreage of not less than ten (10) acres.
- B. No site shall accommodate more than 100 units nor exceed a density of ten (10) units per acres of upland land area.
- C. Each site shall contain at least 35% of the total area as permanent open space, which shall not include land devoted to streets or parking area, but may include land within the minimum setback areas required herein.
- D. Deed Description: A deed or other recorded instrument shall be filed showing the applicant to be the owner of the land to be designated as a Residential Facility for persons 55 years of age or older and that the land is in single or consolidated ownership at the time of final plan application.
- E. Common Open Space Instrument: In order to ensure that the corporation, non-profit organization or trust will properly maintain the common open space, an instrument(s) shall be recorded at the Bristol North District Registry of Deeds which shall, at a minimum provide:
  - 1. A legal description of the common open space;
  - 2. A statement of the purpose for which the common open space is intended to be used and the restriction on its use and alienation;
  - 3. The type and name of the corporation, non-profit organization or trust of each owner of a dwelling in the cluster development and a provision that such ownership or beneficial interest shall be appurtenant to the dwelling to which it relates and may not be conveyed or encumbered separately therefrom;
  - 4. Provisions for the number, term of office, and the manner of election to office, removal from office and the filling of vacancies in the office of directors and/or officers of the corporation or non-profit organization or trustees of the trust;
  - 5. Procedures for the conduct of the affairs and business of the corporation, non-profit organization or trust including provision for calling and holding of meetings of members and directors and/or officers of the corporation or non-profit organization or beneficiaries and trustees of the trust and provision for quorum and voting requirements for action to be taken. Each owner of a dwelling shall have voting rights proportional to his ownership or beneficial interest in the corporation, non-profit organization or trust;
  - 6. Provision for management, maintenance, operation, improvement and repair of the common open space and facilities thereon, including provisions for obtaining and maintaining adequate insurance and levying and collecting from the dwelling owners common charges to pay for expenses associated with the common open space, including real estate taxes. It shall be provided that common charges are to be allocated among the dwelling owners in proportion to their ownership or beneficial interests in the corporation, non-profit organization or trust, that each owner's share of the common charge shall be a lien against his real estate in the RD, which shall have priority over all other liens with the exception of municipal liens and first mortgages of record.

- F. All roadways within the facility shall be maintained by the owner or owners of such roadways. Street lighting shall be constructed in accordance with the Mansfield Zoning By-Law.
- G. Each dwelling unit shall have a minimum of two parking spaces.
- H. Public sanitary sewer and public water shall be required.
- I. All public utilities shall be underground.
- J. All outside building utilities and mechanical equipment shall be fenced and/or screened from view by suitable design and construction of fencing and/or shrubbery. All dumpsters are to be located on concrete pads and enclosed in privacy fences.
- K. All buildings shall be residential in appearance, and no building shall contain more than eight units or exceed a length of 340 feet. No wall of any dwelling unit shall exceed 50 feet in an unbroken plane without offset of at least four feet. No building shall exceed 40 feet in height, and total building footprint coverage shall not exceed 20% of the total lot area, excluding terraces, decks and garages.
- L. No building shall be constructed within 50 feet of a public way nor within 40 feet of any other property. Suitable buffer plantings shall be provided to assure maximum privacy to the residents and also to the occupants of adjoining properties, in accordance with the requirements for landscaping of the Mansfield Zoning By-Law.
- M. Each housing unit shall be designed and used exclusively as a single housekeeping unit with cooking, living and sanitary facilities; and each housing unit shall contain not more than two sleeping rooms. There shall be no additional boarding or lodging within any housing unit.
- N. The site may contain accessory buildings or structures for maintenance and recreational facilities incidental to the exclusive use by the residents of the facility.
- O. In no case shall accessory building or structure be located between a principal structure and a public way.
- P. The facility shall comply with the provisions set forth in 42 USC 3601 et seq.
- Q. For the purpose of mixed use development: The provision of the Section of the Zoning By-Law may be combined with the provision Section 5.10 "Planned Commercial and Industrial Development" as it applies to the Business 3 Zone only.

### **3.4 CLASSIFICATION OF GOVERNMENTAL, INSTITUTIONAL AND PUBLIC USES**

**3.4.1 Municipal Use:** Use of land, buildings and structures by the Town of Mansfield.

**3.4.2 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 nonprofit educational entity. Such use may include athletic facilities, dormitories, administrative offices and similar facilities and activities whose purpose is substantially related to furthering learning.

- 3.4.3 Religious: Use of land, buildings and structures for religious purposes 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.
- 3.4.4 Philanthropic: Charitable or nonprofit library, museum, art gallery, theatrical entertainment center or other similar use.
- 3.4.5 Day Care Center: Use of land, buildings and structures for a nursery school or similar facility for the day care of children or adults and duly licensed by the Commonwealth of Massachusetts.
- 3.4.6 Hospital and Nursing Home: Hospital, community health center, sanitarium, nursing, rest or convalescent home.
- 3.4.7 Community Life Care Center: A campus type development of multiple facilities and buildings to provide a continuum of residential alternatives for the aged, chronically ill or disabled; with the particular goal of assisting them better to cope with their particular limitations and to lead a productive existence, through the provision of appropriate care, rehabilitation, psychological counseling, and educational programs. Such a development may include any combination of the following, but must include a skilled nursing facility and either an assisted-living facility or an independent living facility as defined in subparagraphs (A), (B), and (C):
- A. a skilled nursing facility including ancillary support and rehabilitation services, including but not limited to: an adult day care or respite facility to provide short-term custodial care to individuals with special needs; food services; social, psychological, and educational programs; twenty-four hour supervision; and nursing care as appropriate, all with the purpose of assisting the individual to continue to develop and to overcome the limitations imposed by his or her condition, and providing the individual's family or other care-giver a respite from the provision of such care;
  - B. a congregate housing or assisted-living facility, providing a sheltered living environment for the aged, chronically ill, or disabled, including such services as housekeeping, cooking and common dining, social, psychological, and educational programs; assistance with personal needs; and crisis intervention, all with the purpose of assisting each resident to continue to develop and to lead a productive and fulfilling life;
  - C. independent living facilities providing private living and dining accommodations to persons, fifty-five (55) years of age or older, also including common areas and the provision of social, psychological, and educational programs and crisis intervention as needed, all with the purpose of providing an environment in which older persons can continue to derive the personal and psychological benefits of independent living while also enjoying the substantial social and educational benefits of community living;
  - D. home health care facilities serving as a base for the provision of medical, nutritional, social, psychological and educational services for the aged, chronically ill, or disabled;
  - E. multipurpose facilities for resident and non-resident senior citizens, which may include social, educational, wellness, counseling, recreational, outreach, and other activities;

F. facilities for the provision of ancillary services to residents of the development, which may include, but are not limited to, a beauty parlor/barber shop, convenience store, ice cream parlor, bank, exercise center, and other such services provided that such services shall be available only to resident, their guests, and employees and not to members of the general public.

- 3.4.8 **Public Service Utility:** The use of land, buildings and structures by a public service corporation provided that in the residence districts the use is essential to the service of the residential area in which it is located.
- 3.4.9 **Aviation:** Activities including and related to the operation of a general aviation airport for the operation, fueling, maintenance and storage of aircraft.

3.4.10 **Temporary Use:** See Definition in 1.5.48.

### 3.5 **CLASSIFICATION OF BUSINESS USES**

3.5.1 **Retail Store:** Store(s) for the display and sale of merchandise within a building including but not limited to: grocery, deli, bakery and package stores, drugstore, book, stationery and gift shop, antique shop, florist, pet shop, television and radio sales, hardware store, department and furniture stores, seasonal farmer's market or garden center with open air sales, and all other retail stores except adult bookstores which shall be allowed by special permit only.

3.5.2 **Mall:** An enclosed retail shopping facility containing store(s) for the display and sale of merchandise within a building containing a total aggregate floor area of more than one hundred thousand (100,000) square feet.

3.5.3 **Office:** Office of a business, profession, medical office, and out-patient clinic including laboratories incidental thereto and all other office uses.

3.5.4 **Bank:** Bank, loan agency or similar financial facility.

3.5.5 **Restaurant:** Establishment where the principal service is the sale of food and beverage to be consumed at tables within the building and the incidental sale of food to take out.

3.5.6 **Fast Food Restaurant:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for the consumption within the restaurant building, in an on-premises patio, in automobiles in an on-premises parking lot, or consumed off premises and usually requires ordering food at a counter, but may include drive-up window service.

3.5.7 **Hotel/Motel:** A building or portion thereof used for the temporary occupancy of individuals who are lodged with or without meals and in which provision for cooking is made preponderantly in a central kitchen and not in the individual rooms or suites. Said use may incorporate small shops and restaurants.

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

3.5.9 **Funeral Home:** Undertaking or funeral establishment.

3.5.10 **Veterinary Clinic and/or Hospital:** Any establishment maintained and operated by a Massachusetts licensed veterinarian for routine care, surgery, diagnosis and treatment of

diseases and injuries of animals.

- 3.5.11 **Kennel:** Any premises wherein any person engages in the business of boarding, buying, letting for hire, training for a fee, or selling dogs.
- 3.5.12 **Personal Service Shop:** Barber or beauty shop, tailor or dressmaking shop, laundry or dry-cleaning shop, copy/blueprint shop, private postal center.
- 3.5.13 **Craft Shop and Building Trade:** Shop or studio of an artist, sculptor or craftsman, repair shop for appliances, office equipment, bicycles, lawnmowers or similar equipment, printer, carpenter and shop of a builder, electrician, mason, plumber or similar occupation.
- 3.5.14 **Commercial and Trade School:** Private educational facility for profit including training centers, business schools, centers for dancing, martial arts and music or other similar educational facilities for profit.
- 3.5.15 **Amusement Facility:** Indoor facilities including theater, cinema, bowling alley and skating rink with the exception of adult motion picture theaters which are allowed by Special Permit only.
- 3.5.16 **Auto Service Station:** Open air sale of motor vehicle fuel, related products and services provided that all maintenance and services, other than minor service and repair, shall be conducted entirely within a building.
- 3.5.17 **Auto Repair and Body Shop:** Establishment where the principal service is the repair and painting of motor vehicles.
- 3.5.18 **Car Wash:** Establishment for washing, waxing or cleaning of automobiles or similar light motor vehicles.
- 3.5.19 **Vehicular Dealership:** Salesrooms and related dealership facilities for automobiles, trucks, boats, motorcycles, farm implements, light industrial equipment or open air display(s) for new and used vehicles.
- 3.5.20 **Parking Facility:** Commercial parking lot or parking garage.
- 3.5.21 **Home Occupation:** Home occupation shall be any use which is conducted solely by the inhabitants of the building and carried on strictly within the principal building. The occupation shall be situated in the same dwelling used by the person as his private residence. Any such home occupation shall not be detrimental or objectionable to the residential character of the neighborhood, including but not limited to the altering of the exterior appearance of said building, increasing vehicular traffic, cause the emission of odor, gas or smoke, cause glaring or unshaded lights, excessive dust, noise, or cause electrical disturbances, including interference with the reception of television transmissions. An accepted off-street parking plan shall be provided where additional vehicles will be attributed to the home occupation.
- 3.5.22 **Motor Vehicle Salvage:** Cast off, or discarded vehicles or vehicular parts which have been collected or stored for salvaging or conversion to some use.
- 3.5.23 **Research and Development:** A use or facility for scientific study that may include laboratory and

manufacturing uses to support research efforts and manufacturing processes.

3.5.24 **Biotechnology Facility:** A use or facility for the application of scientific study of biological and life processes for medical instruction and commercial purposes.

### 3.6 **CLASSIFICATION OF INDUSTRIAL USES**

3.6.1 **Warehouse:** Warehouse or other building for the storage or wholesale marketing of materials, merchandises, products or equipment including a rail or freight transfer depot, where the principal use of the warehouse facility is sorting material, merchandises, products or equipment for reshipment.

3.6.2 **Bulk Material Storage and Sales:** Contractor's yard, fuel oil/heating service facility, lumber yard, recreational vehicle center or similar establishment for open and enclosed distribution or sale at wholesale and retail of material, merchandise, products or equipment provided that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

3.6.3 **Light Manufacturing:** Research or testing laboratory; printing or publishing plant; light manufacturing of building systems and components; welding shops; fabrication and assembly of electronic components, precision instruments, or other high technology products; and manufacture of paper products, light metal products, hardware and office supplies; provided that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

3.6.4 **General Manufacturing:** Bottling works; laundry or dry cleaning plant; assembly and packaging of food and dairy products; indoor breeding laboratory for medical or scientific research; monument works; concrete mixing and block plants; manufacturing of textile products; or similar general manufacturing plants and facilities; provided that all smoke, odor, particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

3.6.5 **Regulated Refuse Incinerator:** See Definition in 1.5.37 and 1.5.38.

3.6.6 **Nonregulated Refuse Incinerator:** See definition in 1.5.37 and 1.5.39.

#### 3.6.7 **Wireless Communication Towers**

##### 3.6.7.1 **Purpose**

The purpose of these regulations include: minimizing adverse impacts of wireless communications towers, and antennas on adjacent properties and residential neighborhoods; minimizing the overall number and height of such facilities to only what is essential, and promoting shared use of existing facilities to reduce the need for new facilities. This section does not apply to satellite dishes and antennas for residential use.

For the purposes of this by-law, a wireless communication facility shall mean a facility for the provision of wireless telecommunication services regulated by the Federal Communications Commission (FCC) and described as "personal wireless services" as defined in the Federal Telecommunications Act of 1996 as amended, and may be an internally or externally mounted repeater, antenna or array, or may be a free-standing monopole for the provision of cellular telephone services, personal communication services, paging services, and specialized mobile radio, including wireless intended solely for the transmission of data or internet.

### **3.6.7.2 General Requirements**

**3.6.7.2.1** No wireless communications facility, which shall include monopoles, shall be erected or installed except in compliance with the provisions of this Section. In all cases, a Special Permit is required from the Planning Board (the "Board"). Section 5.5 Special Permits of these By-Laws shall apply to these applications. Any proposed extension in the height, addition of cells, antenna or panels, or construction of a new or replacement of a facility shall be subject to a new application for a Special Permit.

Notwithstanding the foregoing or any provision to the contrary in this section, Exterior Wireless Communication antennas (including panels) may be mounted on or attached to existing non-residential structures, including, but not limited to, water towers, buildings, church steeples by right in the Reservoir District, Planned Business District, and Industrial 1 District and by Special Permit in the Industrial 2 and Industrial 3 Districts provided that they are properly screened and conform to Section 3.6.7.4 Design Guidelines and provided that the wireless communication antenna, including panels and supports are:

- 1) finished in a manner designed to be aesthetically consistent with the exterior of the building or structure.
- 2) and affixed to said building or structure in a manner that does not:
  - a) obscure any window or exterior architectural feature;
  - b) extend above the highest point of the structure by more than twelve (12) feet in height;
- 3) and the surface area, individually or in the aggregate, of the antennas or panels facing streets or adjacent properties does not exceed fifty (50) square feet.

**3.6.7.2.2** Interior Mounted Wireless Communication Facilities are allowed by right in all Industrial, Business, Planned Business Districts, and the Reservoir District if such facility and all equipment is located entirely within an existing building or structure and entirely concealed from view from the exterior of the building or structure. Provided, however, all equipment is located entirely within an existing building or structure and entirely concealed from view from the exterior of the building or structure.

**3.6.7.2.3** Only free-standing monopoles, with associated antenna and/or panels (Free-Standing Wireless Communication Facilities) are allowed as specified in Section 3.6.7.4 below. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed.

**3.6.7.2.4** Wireless communications facilities shall be located in the Reservoir District, Planned Business District, and the Industrial 1 zoning district and shall be suitably screened from abutters and residential neighborhoods.

**3.6.7.2.5** Where approval involves a free-standing monopole owned or controlled by the applicant, approval of radiolink equipment shall be conditioned upon the agreement of the applicant to reasonably cooperate with other wireless communications services providers in permitting collocation of antennas on such structure on commercially reasonable terms, unless: (a) there are structural or other limitations which make it unfeasible to accommodate the proposed facility; or (b) the proposed facility would interfere with the wireless communications of one or more existing occupants at the site, including the applicant.

**3.6.7.2.6** Structures shall be removed within one (1) year of cessation of use. Annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Inspector of Buildings by the Special Permit holder.

**3.6.7.3 Application Process**

**3.6.7.3.1** All applications for wireless communications facilities, antenna or satellite dishes shall be made and filed on the applicable application form in compliance with the Mansfield Special Permit Application Instructions. For an application to be considered complete, all the requirements identified in Section 5.5 Special Permits must be submitted, in addition to the following requirements.

**3.6.7.3.2** A locus plan at a scale of 1"=1000'.

**3.6.7.3.1** A color photograph or rendition of the proposed monopole with its antenna and/or panels. A rendition shall also be prepared illustrating a view of the monopole, or antenna from the nearest street or streets.

**3.6.7.3.4** The following information prepared by one or more professional engineers:

- a) description of the monopole and the technical, economic and other reasons for the proposed location, height and design.
- b) confirmation that the monopole complies with all applicable Federal and State standards.
- c) a description of the capacity of the monopole including the number and type of panels, antenna and/or transmitter receivers that it can accommodate and the basis for these calculations.
- d) a complete set of construction documents showing the proposed method of installation.
- e) a copy of the manufacturer's recommended installation instructions, if any.
- f) a diagram to scale showing the location of the antenna, property and setback lines, easements, power lines, all structures and the distances from all residential zoning districts and the nearest residential structures.

**3.6.7.3.5** If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

**3.6.7.3.6** The applicable review and advertising fees as may be amended.

### **3.6.7.4 Design Guidelines**

3.6.7.4.1 The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications towers.

3.6.7.4.2 All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located and from the nearest existing monopole shall be at least equal to the height of the monopole.

3.6.7.4.3 No monopole, or attached accessory antenna on a monopole, shall exceed ninety (90) feet in height as measured from ground level at the base of the pole. In order to encourage collocation of antennas or panels on monopoles, the height of a monopole may be increased by ten (10) feet for each collocation up to a maximum height of one hundred fifty (150) feet. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings.

3.6.7.4.4 Antenna or dishes located on non-residential buildings shall not exceed twelve (12) feet in height above the roof-line of the structure.

3.6.7.4.5 All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of Town shall be as limited as possible. All monopoles shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the structure with the landscape below and above the tree or building line.

3.6.7.4.6 Antenna shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

Landscaping shall be required to screen as much of the antenna support structure as possible, the fence surrounding the antenna support structure, and any other ground level features (such as a building). Existing on-site vegetation shall be preserved to the maximum extent practicable. A combination of existing/native vegetation, natural topography, manmade features such as berms, walls, decorative fences and any other features can be used instead of landscaping if those features achieve the same degree of screening as the required landscaping.

3.6.7.4.7 Wireless communications towers shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.

The shared use of existing antenna support structures and approved antenna support structure sites shall be preferred to the construction of such new facilities. New monopoles must be constructed to support a minimum of two (2) antenna arrays from two (2) antenna system providers or users. The Planning Department shall maintain an inventory of its existing towers, including specific information about the location, height, and design of each tower. The Town may share such information with other persons, organizations or governmental authorities seeking to locate antennas within the Town.

An applicant for a new monopole structure shall submit a report inventorying existing nearby antenna support structures and antenna sites documenting why the existing structures cannot accommodate the applicant's antenna requirements. In the case of collocation associated with previous approvals under this by-law, the pro-rata reimbursement to the initial applicant from the future provider shall not exceed fifty-five percent (55%) of the original cost for construction of the antenna support structure.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Board that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
- b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment and cannot be reinforced to provide sufficient structural strength.
- d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
- e) the fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs below new tower development are presumed reasonable.
- f) property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.
- g) the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

3.6.7.4.8 An applicant proposing a wireless communications tower shall prove to the satisfaction of the Board that the visual, economic and aesthetic impacts of the facility on residential abutters will be minimal. Further, the monopole shall be located a minimum of five hundred (500) feet from the nearest residential structure.

3.6.7.4.9 Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town and shall not be of razor wire.

3.6.7.4.10 There shall be no signs, except for no trespassing signs and a required sign placed at the base of the pole giving the phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the Sign By-Law (Section 4.7 of the Mansfield Zoning By-Laws).

3.6.7.4.11 Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

**3.6.7.4.12** There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

**3.6.7.5 Special Permit Review**

**3.6.7.5.1** Applications for Special Permits shall be approved or approved with conditions if the petitioner can fulfill the requirements of this section and Section 5.5 to the satisfaction of the Board.

**3.6.7.5.2** Applications for Special Permits may be denied if the petitioner cannot fulfill or address the requirements of these regulations to the satisfaction of the Board.

**3.6.7.5.3** When considering an application for a wireless communication tower, the Board shall place great emphasis on the proximity of the facility to residential dwellings and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities cannot accommodate the proposed use(s).

**3.6.7.5.4** When considering an application for an antenna or dish proposed to be placed on an existing structure, the Board shall place great emphasis on the visual impact of the unit from the abutting neighborhoods and street(s).

## SCHEDULE OF PRINCIPAL USE REGULATIONS

	RESIDENTIAL DISTRICTS				BUSINESS DISTRICTS			P B	INDUSTRIAL DISTRICTS			
	1	2	3	R	1	2	3	D	1	2	A	SPA
<b>3.2 EXTENSIVE USES</b>												
3.2.1 Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	N
3.2.2 Greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	N
3.2.3 Conservation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	N
3.2.4 Recreation	S	S	S	S	S	S	S	S	S	S	S	Y
3.2.4.11 Recreation, Mansfield Non-Profit	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y
3.2.5 Earth Removal	N	N	N	N	N	N	N	S	S	S	S*	Y
3.2.6 Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	N
<b>3.3 RESIDENTIAL</b>												
3.3.1 Single Family Dwelling	Y	Y	Y	Y	S	Y	N	N	N	Y1	Y	N
3.3.2 Two-Family Dwelling	N	N	Y	N	N	Y	N	N	N	N	Y	N
3.3.3 Accessory Apartments	S	S	S	S	S	S	N	N	N	N	S	N
3.3.4 Multiple Residence	N	N	N	S	S	S	N	N	N	N	Y	N
3.3.5 Rowhouse, Townhouse	N	N	N	S	S	Y	N	N	N	N	Y	N
3.3.6 Cluster Residential	S	S	S	S	S	S	N	N	N	S1	S	N
3.3.7 Residential Compound	S	N	N	N	N	N	N	N	N	N	N	N
3.3.8 Recreation Vehicle Storage	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y
3.3.9 Assisted Care Retirement Facility	N	S	N	N	N	N	N	N	N	N	N	Y
3.3.10 Residential Facilities for Residents 55 Years or Older	N	S	N	S	N	N	S	N	N	N	N	Y
<b>3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES</b>												
3.4.1 Municipal Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y
3.4.2 Educational	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y
3.4.3 Religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y*	Y
3.4.4 Philanthropic	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y
3.4.5 Day Care Center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.4.6 Hospital, Nursing Home	N	N	S	S	Y	Y	Y	N	Y	Y	Y	Y
3.4.7 Community Life Care Center	N	S	N	N	N	N	N	N	N	N	N*	Y
3.4.8 Public Service Utility	S	S	S	S	Y	Y	Y	Y	Y	Y	Y*	Y
3.4.9 Aviation	N	N	N	N	N	N	N	N	N	N	N*	Y
3.4.10 Temporary Use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

1 = South of Route 106 only, [as a By-Right use] at density allowed in Residence 1 district.

\* = Uses in accordance with Airport Master Plan approved by Town Meeting.

S = Special Permit of the Planning Board

SPA = Site Plan Approval Required

**SCHEDULE OF PRINCIPAL USE REGULATIONS**

	RESIDENTIAL DISTRICTS				BUSINESS P DISTRICTS B				INDUSTRIAL DISTRICTS				
	1	2	3	R	1	2	3	D	1	2	3	A	SPA
<b>3.5 BUSINESS USES</b>													
3.5.1 Retail Store	N	N	N	S	Y	Y	Y	N	S	S	Y	*	Y
3.5.2 <del>Mall</del>	N	N	N	N	N	N	N	N	S	N	N	*	Y
3.5.3 Office	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	*	Y
3.5.4 Bank	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	*	Y
3.5.5 Restaurant	N	N	N	S	Y	Y	Y	S	S	N	Y	*	Y
3.5.6 <del>Fast Food Restaurant</del>	N	N	N	N	N	N	N	N	S	N	N	*	Y
3.5.7 Hotel/Motel	N	N	N	S	S	S	S	S	S	S	S	*	Y
3.5.8 Lodge and Club	S	S	S	S	Y	Y	Y	N	Y	Y	Y	N	Y
3.5.9 Funeral Home	S	S	S	S	Y	Y	Y	N	Y	Y	Y	N	Y
3.5.10 Vet Clinic/Hospital	N	N	N	S	S	S	S	N	S	S	S	N	Y
3.5.11 Kennel	S	N	N	N	N	N	N	N	S	S	S	*	Y
3.5.12 Personal Service Shop	N	N	N	S	Y	Y	Y	N	S	S	Y	*	Y
3.5.13 Craft Shop and Building Trade	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	*	Y
3.5.14 Com./Trade School	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	*	Y
3.5.15 Amusement Facility	N	N	N	S	Y	Y	S	N	N	N	S	N	Y
3.5.16 Auto Service Station	N	N	N	N	S	S	N	N	S	S	S	*	Y
3.5.17 Auto Repair/Body Shop	N	N	N	N	S	S	S	N	S	S	S	*	Y
3.5.18 <del>Car Wash</del>	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.5.19 Vehicular Dealership	N	N	N	N	S	S	S	N	S	S	S	N	Y
3.5.20 Parking Facility	N	N	N	S	Y	Y	Y	N	S	S	S	*	Y
3.5.21 Home Occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.5.22 <del>Motor Vehicle Salvage</del>	N	N	N	N	N	N	N	N	S	N	N	N	Y
3.5.23 Research & Development	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y
3.5.24 Biotechnology	N	N	N	N	N	N	N	Y	Y	Y	Y	N	Y
3.5.25 <del>Adult Bookstore</del>	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5.26 Adult Motion Picture Theater	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5.27 Adult Paraphernalia Store	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5.28 Adult Video Store	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5.29 Adult Cabaret	N	N	N	N	N	N	N	S	N	N	N	N	Y

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<sup>1</sup> Ancillary retail use is permitted by right, up to a maximum of 5% (five percent) of the total gross floor area or 2,500 square feet, whichever is less, provided that goods sold are related to the primary use.

**SCHEDULE OF PRINCIPAL USE REGULATIONS**

	<u>RESIDENTIAL DISTRICTS</u>				<u>BUSINESS P DISTRICTS B</u>				<u>INDUSTRIAL DISTRICTS</u>				
	1	2	3	R	1	2	3	D	1	2	3	A	SPA
<b>3.6 INDUSTRIAL USES</b>													
3.6.1 Warehouse	N	N	N	N	N	N	N	Y	Y	S	Y	*	Y
3.6.2 Bulk Material													
Storage/Sales	N	N	N	N	N	N	Y	N	Y	Y	Y	*	Y
3.6.3 Light Manufacturing	N	N	N	N	N	N	N	Y	Y	Y	Y	*	Y
3.6.4 General Manufacturing	N	N	N	N	N	N	N	Y	Y	Y	S	*	Y
3.6.5 Regulated Refuse Incinerator	N	N	N	N	N	N	N	S	S	N	N	N	Y
3.6.6 Nonregulated Refuse Incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N
3.6.7 Exterior Wireless Communication Facility	N	N	N	Y	N	N	N	Y	Y	S	S	N	Y
3.6.7b Interior Wireless Communication Facility	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
3.6.7c Free-Standing Wireless Communication Facility	N	N	N	S	N	N	N	S	S	N	N	N	Y
<b>3.7 CLASSIFICATION OF OTHER USES</b>													
3.7.1 Older Building Reuse	S	S	S	S	S	S	S	N	S	S	S	*	Y
3.7.2 Mixed Bus/Res. Use	N	N	N	N	Y	S	N	N	N	N	S	*	Y

1=South of Route 106 only, [as a By-Right use] at density allowed in Residential 1 district.

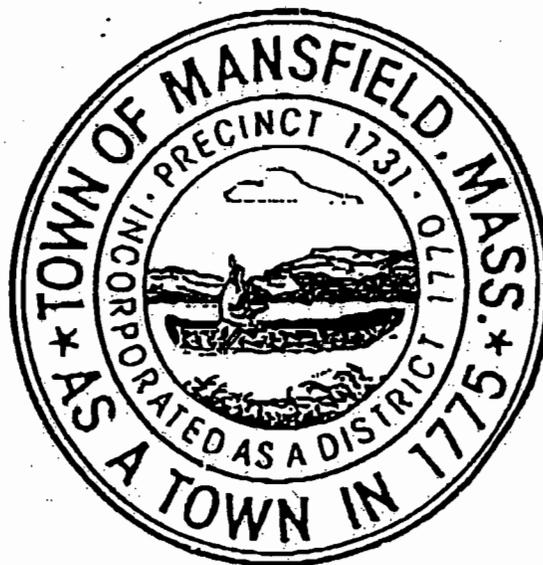
\*=Uses in accordance with Airport Master Plan approved by Town Meeting.

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**GENERAL BY-LAWS**

**MANSFIELD, MASSACHUSETTS**



**Adopted: February 23, 1931**  
**Reprinted: May 1999**  
**Including All Amendments**

A True Copy

Attest: *Helen P. Christian*  
Helen P. Christian, Town Clerk

CHAPTER FIFTEENCONSERVATION COMMISSION RULES AND REGULATIONS

## TOWN OF MANSFIELD WETLAND PROTECTION BYLAW

Amended  
1999

## SECTION 1: PURPOSE AND AUTHORITY

The purpose of this bylaw is to protect the wetlands, related water resources, and adjacent land areas in the Town of Mansfield by controlling activities deemed by the Conservation Commission likely to have a significant impact, or cumulative effect, upon wetland values, including, but not limited to, the following: protection of public or private water supplies and groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, protection of fisheries and wildlife habitat, and preservation of open space [collectively, and hereinafter, "the wetland values", protected by this bylaw]. This bylaw is adopted under the Home rule Amendment of the Massachusetts Constitution and the Home Rule Statutes and is independent of the Wetlands Protection Act, MGL Chapter 131, Section 40, and any regulations applicable to such Act.

## SECTION 2: JURISDICTION

2.1 Except as permitted by the Conservation Commission, or as provided for in this bylaw, no person shall remove, fill, dredge, build upon, or alter in any other way, the following wetland resource areas: any freshwater wetland, marsh, swamp, bog, or wet meadow [hereinafter "bordering vegetated wetland" or "bvw"]; any lake or pond, river or stream [hereinafter waterbody or waterway]; a any bank, beach, or other type of edge adjacent to, or land under, said waterbodies or waterways, any flood zone, as shown on the federal flood maps, or determined by other engineering methodology, associated with said waterbodies or waterways; any vernal pools certified by the State; any isolated wetland area larger than 5,000 sq. ft. and/or any area defined as Isolated Land Subject to Flooding [ISLF] under the Wetland Protection Act; or any isolated wetland which is identified by the State as the habitat site of a state-listed species [collectively, and hereinafter, the "resource areas"]; or any land within 100 feet from the edge of any of the above referenced resource areas [hereinafter the "buffer zone"].

**2.2 This bylaw shall not apply to the following activities:**

- 1. Emergency projects necessary for the protection of the health or safety of the residents of the Town of Mansfield.**
- 2. Maintenance, repair, or replacement, without substantial enlargement, of existing structures and facilities used to provide public [electric, gas, water, sewage, rail transport, and telecommunication] services, and existing public ways and associated drainage facilities, provided that the Commission is notified prior to the initiation of said work.**
- 3. Normal maintenance or improvement of land in existing agricultural use.**
- 4. Normal maintenance, repair, replacement, or improvement to any existing private residential property or components, including, but not limited to: fences, hedges, gardens, lawns, retaining or stone walls, patios, lamp posts, flag poles, or mailboxes. Project proponents must thoroughly check with the Commission or its agent for applicability.**

**2.3 To insure that the resource areas are protected, and the wetland values are preserved for all of the residents of the Town, the Commission is empowered to deny permission for any alteration of any resource area if, in the judgment of the Commission, such denial is necessary for the protection of the identified wetland values. Due consideration shall be given to possible effects of the proposed work on all of the wetland values listed in this bylaw.**

**2.4 To provide minimum protection for the wetland values and resource areas, no activity, unless permitted in Section 2.5, shall be allowed within 25 feet of any resource area [hereinafter "the no disturb zone"]. Further, the Commission reserves the right to prohibit, or significantly condition, through the issuance of an Order of Conditions, work between 25-50 feet away from any resource area. In determining whether to prohibit or condition work within this area, the Commission will take into account factors including, but not limited to, the slope of the adjacent areas, the existing and proposed drainage patterns, the type of the proposed adjacent land use and its potential for creating long-term impacts on the resource areas and the wetland values.**

**2.5 The following activities may be permitted within 25 feet of a resource area: the creation of wetland replacement or mitigation areas, installation of drainage outfalls, grading work associated with additions to existing single-family homes, the maintenance and construction of trails, resource improvements projects, such as the cleaning of streams or the creation of park areas. These exceptions will be reviewed on a case-by-case basis.**

2.6 Notwithstanding the provision of Sections 2.4, 2.5, and 2.7, no activity, associated with the construction of new subdivisions [including roadways, drainage or utility systems, or individual homes] or commercial/industrial projects, shall be performed within 100 feet of any certified Vernal Pool, or any isolated wetland which is identified by the State as the habitat site of a state-listed species. If an addition to an existing residential structure is proposed within 100 feet of a certified Vernal Pool, the Commission will review this activity on a case-by-case basis, and issue conditions necessary to provide for maximum protection to the pool in question, or deny the project if no conditions are satisfactory to protect the pool.

If the 100-foot radius around such a Vernal pool for wetland area intersects an existing public roadway, then work may be allowed, through an Order of Conditions, by the Commission to occur within the 100-foot radius as long as the proposed work area is on the opposite side of the street from the street from the pool or wetland area. If the state's Natural Heritage Program determines, through a site visit, that the Vernal Pool or wetland area is not a significant habitat area then the Commission may allow, through an Order of Conditions, activity to occur within 100-feet of said pool or wetland area.

2.7 The Commission may permit a project which proposes to alter a resource area as long as the projects meets the definition of a "limited project" as outlined in the DEP wetland regulations (see 310 CMR, section 10.53 (3) of the October 6, 1997 edition, or corresponding section of any future edition). These proposed projects will also be reviewed on a case-by-case basis.

2.8 The Commission may, at its own discretion, require, as part of an Order of Conditions or as one of the Conditions attached to a Determination of Applicability, the applicant to place a Conservation Restriction/Easement upon the resource area(s) and certain areas with the 100 foot buffer zone

### SECTION 3: ACTIVITIES WITHIN RESOURCES AREAS AND ADJACENT BUFFER ZONES

It is presumed that work which is proposed to occur within any resource area or within the buffer zone of any resource area has the potential to create significant adverse impacts on the resource area. Therefore, any activity proposed to occur within the resource area or the buffer zone area will require

the filing of a Notice of Intent Application. The Commission may condition the proposed activity to protect the resource area(s), or if no condition exists to protect the area, then the Commission may deny the project. For activity proposed to occur between 50-100 feet away from any resource area [except a Certified Vernal Pool], the applicant may file a Request for Determination of Applicability [RDA]. If a RDA is filed, the Commission may permit, with any necessary conditions, the work based on the plans submitted, or can require the filing of a Notice of Intent.

**SECTION 4: ADMINISTRATION**

4.1 The Commission may, following a public hearing, adopt Regulations for the administration and enforcement of this bylaw. Until such time that any regulations are in place, the hearing procedures, timeframes, definitions, application requirements, and any other administrative activities contained within the MA Wetlands Protection Act and accompanying DEP Regulations shall apply. All hearings held under this bylaw shall be concurrent with hearings required by the MA Wetlands Protection Act. Failure of the Commission to adopt regulations shall not nullify or invalidate any section or provision of this bylaw. If any section of the regulations is ruled invalid by any court of law, that action shall not invalidate any provisions of this bylaw.

4.2 To clarify any section(s) of this bylaw, the Commission may issue policy advisories.

4.3 For any property for which an application has been made, the Commission, its agents or employees may enter onto said property for the purpose of carrying out its duties under this bylaw.

4.4 The Commission shall conduct public hearings for all applications filed under this bylaw. The provisions of Section 4.1 shall apply for the procedures of the required hearings.

**SECTION 5: FEES AND BONDING**

**5.1 Filing Fee Schedule**

**A. Request for Determination**

- |  |          |
|--|----------|
| 1. - Single Family House or Lot                    | \$100.00 |
| 2. - Commercial/Industrial/Residential Subdivision | \$400.00 |

<b>B. Notice of Intent</b>	
1. - Single Family House or additions	\$50.00
2. - Commercial/Industrial/Residential Subdivision	\$250.00
<b>C. - Requests for Certificates of Compliance     or Partial Certificates</b>	\$50.00

These fees are in addition to the fees established by Mass. DEP and required under the state Wetlands Protection Act, Chapter 131, Section 40, and any applicable regulations.

5.2 The Commission is authorized to require any applicant to pay the costs and expenses of any expert or other consultant deemed necessary by the Commission to review and comment on the application and all relevant materials. The Commission shall choose the consultant(s) and outline the scope of work. The vote to require the use of a consultant shall be made by a super majority of the Commission [5 votes out of 7]. Only projects that propose to directly alter any of the outlined resource areas shall be subject to this provision.

5.3 For any project that involves the alteration of a resource area, the Commission may require the posting of a bond, separate from the bonding requirements of any other Town Board or Department, to insure the successful completion of the required replication or mitigation procedures.

#### **SECTION 6: BURDEN OF PROOF**

The person filing an application with the commission shall have the burden of proving by a preponderance of credible evidence that the work proposed will not have a significant impact, or adverse cumulative effects, upon the resource area(s) in questions and the associated wetland values. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit, or grant a permit with conditions necessary to provide protection for the resource area.

#### **SECTION 7: SEVERABILITY**

The invalidity of any section or provision of this bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.