

## **SECTION 7.0 SPECIAL RESIDENTIAL REGULATIONS**

### **7.1 ACCESSORY APARTMENTS**

**7.1.1 Purpose.** For the purposes of (a) providing small additional dwelling units to rent without adding to the number of buildings in the Town, or substantially altering the appearance of the Town, (b) providing alternative housing options, and (c) enabling owners of single family dwellings larger than required for their present needs to share space and the burdens of home ownership, an accessory apartment may be allowed by special permit from the Zoning Board of Appeals, provided that each of the following conditions is met:

#### **7.1.2 Conditions.**

1. A plot plan of the existing dwelling unit and proposed accessory apartment shall be submitted to the Building Inspector, showing the location of the building on the lot, the proposed accessory apartment, location of any septic system and required parking. A mortgage inspection survey may be used to meet this requirement;
2. An affidavit shall be provided stating that one of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence;
3. The accessory apartment or the principal dwelling unit on the subject property must be occupied by the owner of the property;
4. Not more than one accessory apartment may be established on a lot. The accessory apartment shall not exceed 800 sq. ft. in gross floor space and shall be located in the principal residential structure on the premises or in a preexisting accessory structure;
5. The external appearance of the structure in which the accessory apartment is to be located shall not be significantly altered from the appearance of a single-family structure;
6. Sufficient and appropriate space for at least one (1) additional parking space shall be constructed by the owner to serve the accessory apartment. Said parking space shall be constructed of materials consistent with the existing driveway and shall have vehicular access to the driveway;
7. No permit shall be granted unless the accessory apartment conforms to the provisions of Title V of the State Sanitary Code, 31OCMR 15.00.

**7.1.3 Decision.** Special permits for an accessory apartment may be granted by the Special Permit Granting Authority (SPGA) upon a finding that the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the subject property is located and after consideration of the factors set forth in Section 9.3 of this Zoning By-Law. The special permit shall expire after two (2) years; provided, however, that the special permit may be renewed by the SPGA without a public hearing if the permittee submits an affidavit to the SPGA prior to such expiration indicating that there has been no change in circumstances with regard to the accessory apartment.

## 7.2 HOME-BASED BUSINESSES

### 7.2.1 Purpose. The purpose of this section is to:

1. Permit the residents of the Town of Otis a broad choice in the use of their homes as places of livelihood and the production or supplementing of personal and family income;
2. Protect residential property values;
3. Protect residential areas from any adverse impacts associated with home-based business;
4. Ensure that the rights of neighbors and other townspeople are not compromised by intrusive, hazardous, or environmentally degrading business activities; and
5. Establish performance criteria and standards for home-based businesses that will provide fair and equitable administration and enforcement of this section.

### 7.2.2 Standards for All Home-Based Businesses. The following standards shall be used as requirements for all Home-based Business, whether they are Home Occupations or Cottage Industries

1. Residency Requirements. The principal residence of the owner / operator of every home-based business shall be the dwelling unit on the premises in which the business operates.
2. Parking Standards. Off-street parking for any home-based business must be provided on the premises and should be located at the side or rear of the principal building. While adequate off-street parking must be provided for all regular employees, visitors, and clients, the property owner shall avoid providing excessive parking.
3. Landscaping. Landscaping may be required to screen parking areas from the road and adjacent landowners. See the definition of screening materials below.
4. Storage of Heavy Equipment and Commercial Vehicles. All heavy equipment, such as tractor trailers, semi-trailers, or construction equipment, must be either garaged or screened with plantings or fencing of at least the height of the equipment. See the definition of screening materials below.
5. Screening Materials. Screening materials include natural vegetation, landscaping, fencing and earthen berms. All screening materials shall be in keeping with the rural and residential character of the Town of Otis.
6. Signs. See Section 5.2 for sign standards.
7. Lighting Standards. Any outdoor lighting fixture newly installed or replaced shall be



shielded so that it does not produce a strong, direct light beyond the property boundaries. All outdoor lighting must be placed in such a fashion as not to have an adverse effect on neighboring properties or passersby.

8. Hours of Operation. In no case shall a home-based business be open to the public, including non-resident employees, clients, visitors, and deliveries, at times earlier than 7:00 a.m. no later than 10:00 p.m.

9. General Nuisances. Any activity that might result in excessive noise, electrical interference, smoke, dust, odors, heat, or glare beyond that which is common to the residential character of the district is prohibited. The Zoning Board of Appeals may require an applicant to provide tests demonstrating such conformance.

10. Hazardous Materials. No highly toxic, explosive, flammable, combustible, corrosive, radioactive or similar hazardous materials shall be used, stored, or manufactured on the premises in amounts exceeding those which are typically found in normal residential use.

11. Traffic. Traffic associated with a home-based business, such as deliveries or visits by clients, shall not place an unreasonable burden on the town, the roads, or the neighborhood of the home-based business because of safety concerns, excessive noise, or aesthetics. Traffic concerns will be reviewed as part of the permitting process for all home based businesses.

#### **7.2.3 Additional Standards for Home Occupations**

1. Employees. No more than two (2) employees, not residing on the premises, shall be permitted to work on the premises at one time for a home occupation.

2. Retail Sales. There shall be no sales of services or products, which are not produced on the premises. A home-based business is permitted to hold occasional events, such as craft fairs or open houses, up to three times per year.

**7.2.4 Additional Standards for Cottage Industries.** For all cottage industries the home based business owner must maintain the use of the parcel as primarily residential, with the business as an incidental, accessory use.

1. Employees. No more than seven (7) employees, not residing on the premises, shall be permitted to work on the premises at one time for a Cottage Industry use.

2. Increased Setback Requirements. Required zoning setbacks may be increased for a cottage industry subject to the review of the Zoning Board of Appeals for any activity that could potentially detract from the surrounding neighborhood. Potentially detracting activities include, but are not limited to: employee parking areas, loading zones, and storage sheds. Additional screening may also be required by the Zoning Board of Appeals to shield these accessory uses from adjoining residential lots.

3. Retail Sales. There shall be no sales of services or products on the premises, which

are not produced on the premises. A home-based business is permitted to hold occasional events, such as craft fairs or open houses, up to three times per year.

## 7.3 TOWNHOUSE DEVELOPMENT

**7.3.1 Purpose.** The purpose of this Section 7.3, Townhouse Development, is to protect the natural environment; to protect the value of real property; to promote more sensitive siting of buildings and better overall site planning; to facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner; and to promote the development of varied housing opportunities.

**7.3.2 Applicability.** Any parcel of larger than twenty (20) acres and located entirely within the Town may proceed under this Section 7.3, Townhouse Development, pursuant to the issuance of a special permit by the Planning Board, as indicated in Table of Use Regulations. Such special permits shall be acted upon in accordance with the following provisions.

**7.3.3 Procedures.** Applicants for Town House Development shall file with the Planning Board ten (10) copies of a Development Plan conforming to the requirements for a preliminary subdivision plan under the Subdivision Regulations of the Planning Board. Such plan shall also indicate:

1. Existing and proposed topography;
2. Wetland areas; where wetland delineation is in doubt or dispute, the Planning Board shall require the applicant to submit to the Conservation Commission a request for determination of applicability pursuant to G.L. c. 131, *s.40* and 310 CMR 10.05(3), the Wetlands Protection Act.
3. The results of deep soil test pits and percolation tests. The Planning Board shall refer data on proposed wastewater disposal to the Board of Health for their review and recommendation.
4. Specifications demonstrating that access roads and drainage facilities shall meet the functional requirements of the Planning Board's rules and regulations.
5. Any additional information necessary to make the determinations and assessments cited herein.

**7.3.4 Number of Dwelling Units.** The maximum number of bedrooms allowed in a Townhouse Development shall be equal to two and one half (2.5) times the number of lots which could reasonably be expected to be developed as of right upon that parcel under a conventional plan in full conformance with all zoning, subdivision regulations, health regulations, wetlands regulations and other applicable requirements. The proponent shall have the burden of proof with regard to the design and engineering specifications for such conventional plan.

1. No individual structure within a Townhouse Development shall contain more than five (5) dwelling units.

**7.3.5 Open Space Requirements.** A minimum of 30% of the parcel shown on the Development Plan shall be contiguous open space, excluding required yards and buffer areas. Such open space



may be separated by the road(s) constructed within the Townhouse Development. Not more than 25% of such open space shall be wetlands, as defined pursuant to G.L. c.B1, s. 40. The required open space shall be used for conservation, historic preservation and education, outdoor education, recreation, park purposes, agriculture, horticulture, forestry, or for a combination of these uses, and shall be served by suitable access for such purposes. The required open space shall remain unbuilt upon, provided that ten percent (10%) of such open space may be paved or built upon for structures accessory to the dedicated use or uses of such open space, pedestrian walks, and bike paths, and agriculture. Underground utilities to serve the Townhouse Development site may be located within the required open space.

**7.3.6 Buffer Areas.** All dwellings and structures shall be located a minimum of 50 feet from adjacent properties, and 100 feet from adjacent surface waters or wetlands. Buffer areas shall be retained in their natural vegetative state to the maximum extent feasible, except where adjacent to agriculturally used property. This provision may be waived where the Planning Board finds reasonable buffer areas already exist or may be established by alternative means.

**7.3.7 Decision.** The Planning Board may approve, approve with conditions, or deny an application for a Townhouse Development, after assessing whether the Townhouse Development better promotes the objectives of Section 7.3, herein, than would orthodox development.

**7.3.8 Relation to Other Requirements.** The submittals and permits of this section shall be in addition to any other requirements of the Subdivision Control Law or any other provisions of this Zoning By-Law. Where the provisions of this Section 7 conflict with any other provisions of the Subdivision Control Law or Zoning By-Law (including without limitation, Sections 4.1.1 and 4.1.2), the provisions of this Section 7 shall prevail.

**7.3.9 Appeal.** Any person aggrieved by a decision of the Planning Board pursuant to this section may appeal said decision in accordance with G.L. c. 40A, section 17.

## Section 8.0 Special Districts

### 8.1 Floodplain Overlay District (FPOD)

8.1.1 Purpose. The purpose of the Floodplain Overlay District is to:

- 1) Ensure public safety through reducing the threats to life and personal injury.
- 2) Eliminate new hazards to emergency response officials.
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding.
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding.
- 5) Eliminate costs associated with the response and cleanup of flooding conditions.
- 6) Reduce damage to public and private property resulting from flooding waters.

#### 8.1.2

The Floodplain District is herein established as an overlay district.

The District includes all special flood hazard areas designated on the Town of Otis's Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency for the administration of the National Flood Insurance Program, dated December 15/1983. These maps indicate the 1%-chance regulatory floodplain. The exact boundaries of the District shall be defined by the 1%-chance base flood elevations shown on the FIRM and further defined by the Flood Insurance Study (FIS) report dated June 15, 1983. The effective FIRM, FBFM, and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Official and Conservation Commission.

#### 8.1.3 Abrogation and greater restriction section

The floodplain management regulations found in this Floodplain Overlay District section shall take precedence over any less restrictive conflicting local laws, ordinances or codes.

#### 8.1.4 Disclaimer of liability

The degree of flood protection required by this bylaw is considered reasonable but does not imply total flood protection.

#### 8.1.5 Severability section

If any section, provision or portion of this bylaw [ordinance] is deemed to be unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.

#### 8.1.6 Designation of community Floodplain Administrator

The Town of Otis hereby designates the position of Inspector of Buildings / Building Commissioner to be the official floodplain administrator for the Town.

#### 8.1.7 Requirement to submit new technical data

If the Town/City acquires data that changes the base flood elevation in the FEMA mapped Special Flood Hazard Areas, the Town/City will, within 6 months, notify FEMA of these changes by submitting the technical or scientific data that supports the change(s.) Notification shall be submitted to:

FEMA Region I Risk Analysis Branch Chief  
99 High St., 6<sup>th</sup> floor, Boston, MA 02110

And copy of notification to:

Massachusetts NFIP State Coordinator  
MA Dept. of Conservation & Recreation, 251 Causeway Street, Boston, MA 02114

#### 8.1.8 Variances to building code floodplain standards



The Town of Otis will request from the State Building Code Appeals Board a written and/or audible copy of the portion of the hearing related to the variance, and will maintain this record in the community's files.

The Town of Otis shall also issue a letter to the property owner regarding potential impacts to the annual premiums for the flood insurance policy covering that property, in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions for the referenced development in the floodplain overlay district.

#### 8.1.9 Variances to local Zoning Bylaws related to community compliance with the National Flood Insurance Program (NFIP)

A variance from these floodplain bylaws must meet the requirements set out by State law, and may only be granted if: 1) Good and sufficient cause and exceptional non-financial hardship exist; 2) the variance will not result in additional threats to public safety, extraordinary public expense, or fraud or victimization of the public; and 3) the variance is the minimum action necessary to afford relief.

#### 8.1.10 Permits are required for all proposed development in the Floodplain Overlay District

The Town of Otis requires a permit for all proposed construction or other development in the floodplain overlay district, including new construction or changes to existing buildings, placement of manufactured homes, placement of agricultural facilities, fences, sheds, storage facilities or drilling, mining, paving and any other development that might increase flooding or adversely impact flood risks to other properties.

#### 8.1.11 Assure that all necessary permits are obtained

The Town of Otis permit review process includes the use of a checklist of all local, state and federal permits that will be necessary in order to carry out the proposed development in the floodplain overlay district. The proponent must acquire all necessary permits and must submit the completed checklist demonstrating that all necessary permits have been acquired.

#### 8.1.12 Subdivision proposals

All subdivision proposals and development proposals in the floodplain overlay district shall be reviewed to assure that:

- (a) Such proposals minimize flood damage.
- (b) Public utilities and facilities are located & constructed so as to minimize flood damage.
- (c) Adequate drainage is provided.

#### 8.1.13 Base flood elevation data for subdivision proposals

When proposing subdivisions or other developments greater than 10 lots or 5 acres (whichever is less), the proponent must provide technical data to determine base flood elevations for each developable parcel shown on the design plans.

#### 8.1.14 Unnumbered A Zones

In A Zones, in the absence of FEMA BFE data and floodway data, the building department will obtain, review and reasonably utilize base flood elevation and floodway data available from a Federal, State, or other source as criteria for requiring new construction, substantial improvements, or other development in Zone A as the basis for elevating residential structures to or above base flood level, for flood proofing or elevating nonresidential structures to or above base flood level, and for prohibiting encroachments in floodways.

#### 8.1.15 Floodway encroachment

In Zones A, A1-30, and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to

prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

In Zones A1-30 and AE, along watercourses that have a regulatory floodway designated on the Town of Otis Flood Insurance Rate Map (FIRM) encroachments are prohibited in the regulatory floodway which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

#### 8.1.16 Watercourse alterations or relocations in riverine areas

In a riverine situation, the Floodplain Administrator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities, especially upstream and downstream
- Bordering States, if affected
- NFIP State Coordinator

Massachusetts Department of Conservation and Recreation  
251 Causeway Street, 8<sup>th</sup> floor  
Boston, MA 02114

- NFIP Program Specialist

Federal Emergency Management Agency, Region I  
99 High Street, 6th Floor  
Boston, MA 02110

#### 8.1.17 AO and AH zones drainage requirements

Within Zones AO and AH on the FIRM, adequate drainage paths must be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### 8.1.18 Recreational vehicles

In A1-30, AH, AE Zones, V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored in accordance with the zone's regulations for foundation and elevation requirements or be on the site for less than 180 consecutive days or be fully licensed and highway ready.

#### 8.1.21 Definitions. In the FPOD the following terms shall be as defined.

**AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated a Zone A, AO, AH, AL-30, AE or A99.

**BASE FLOOD** means the flood having a one percent chance of being equaled or exceeded on any given year.

**DEVELOPMENT** means 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 or storage of equipment or materials. [US Code of Federal Regulations, Title 44, Part 59]

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

**FLOOD BOUNDARY AND FLOODWAY MAP** means an official map of a community issued by FEMA that depicts, based on detailed analyses, the boundaries of the 100-year and 500-year floods and the 100-year floodway. (For maps done in 1987 and later, the floodway designation is included on the FIRM.)

**FLOOD HAZARD BOUNDARY MAP (FHBM.)** An official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood and related erosion areas having



special hazards have been designated as Zone A or E. [US Code of Federal Regulations, Title 44, Part 59]

**FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations.

**FLOODWAY.** The channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. [Base Code, Chapter 2, Section 202]

**FUNCTIONALLY DEPENDENT USE** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities. [US Code of Federal Regulations, Title 44, Part 59] Also [Referenced Standard ASCE 24-14]

**HIGHEST ADJACENT GRADE** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. [US Code of Federal Regulations, Title 44, Part 59]

**HISTORIC STRUCTURE** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - (1) By an approved state program as determined by the Secretary of the Interior or
    - (2) Directly by the Secretary of the Interior in states without approved programs.
- [US Code of Federal Regulations, Title 44, Part 59]

**LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than basement area, is not considered a buildings lowest floor, Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of FFIP Regulations 60.3.

**MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles.

**MANUFACTURED HOME PARK** or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the first floodplain management code, regulation, ordinance, or standard

adopted by the authority having jurisdiction, including any subsequent improvements to such structures. *New construction includes work determined to be substantial improvement.* [Referenced Standard ASCE 24-14]

ONE HUNDRED-YEAR FLOOD see Base Flood

RECREATIONAL VEHICLE means a vehicle which is:

- (a) Built on a single chassis;
  - (b) 400 square feet or less when measured at the largest horizontal projection;
  - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
  - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- [US Code of Federal Regulations, Title 44, Part 59]

REGULATORY FLOODWAY - see FLOODWAY.

SPECIAL FLOOD HAZARD AREA. The land area subject to flood hazards and shown on a Flood Insurance Rate Map or other flood hazard map as Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or V1-30. [Base Code, Chapter 2, Section 202]

START OF CONSTRUCTION. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Base Code, Chapter 2, Section 202]

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. [US Code of Federal Regulations, Title 44, Part 59]

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty 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. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure.

SUBSTANTIAL REPAIR OF A FOUNDATION. When work to repair or replace a foundation results in the repair or replacement of a portion of the foundation with a perimeter along the base of the foundation that equals or exceeds 50% of the perimeter of the base of the foundation measured in linear feet, or repair or replacement of 50% of the piles, columns or piers of a pile, column or pier supported foundation, the building official shall determine it to be substantial repair of a foundation. Applications determined by the building official to constitute substantial repair of a foundation shall require all existing portions of the entire building or structure to meet the requirements of 780 CMR. [As amended by MA in 9th Edition BC]



VARIANCE means a grant of relief by a community from the terms of a flood plain management regulation. [US Code of Federal Regulations, Title 44, Part 59]

VIOLATION means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided. [US Code of Federal Regulations, Title 44, Part 59]

ZONE A means an area of special flood hazard without water surface elevations determined

ZONE A1-30 and ZONE AE means area of special flood hazard with water surface elevations determined

ZONE AH means areas of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) feet, and with water surface elevations determined

ZONE AO means area of special flood hazards having shallow water depths and/or unpredictable flow paths between (1) and (3) ft. (Velocity flow may be evident; such flooding is characterized by ponding or sheet flow.)

ZONE A99 means area of special flood hazard where enough progress has been made on a protective system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. (Flood elevations may not be determined.)

ZONES B, C, AND X means areas of minimal or moderate flood hazards or areas of future-conditions flood hazard. (Zone X replaces Zones B and C on new and revised maps.)

ZONE V means area of special flood hazards without water surface elevations determined, and with velocity, that is inundated by tidal floods (coastal high hazard area)

ZONE V1-30 and ZONE VE (for new and revised maps) means area of special flood hazards, with water surface elevations determined and with velocity, that is inundated by tidal floods (coastal high hazard area)

8.1.22 PERMITTED USES. The following uses of low flood damage potential and causing no obstructions to flood flows are encouraged, provided they are permitted in the underlying district and do not require structures, fill, or storage of materials or equipment.

1. Agricultural uses such as farming, grazing, truck farming, horticulture, etc.;
2. Forestry or nursery uses;
3. Outdoor recreational uses, including fishing, boating, play areas, etc.;
4. Conservation of water, plants, and wildlife;
5. Wildlife management areas, foot, bicycle, and or horse paths;
6. Temporary non-residential structures used in connection with fishing, growing, harvesting, storage, or sale of crops raised on the premises;
7. Buildings lawfully existing prior to the adoption of these provisions.

8.1.23 Local Enforcement. Enforcement of this bylaw rests with the Floodplain Administrator.

## SECTION 9.0 ADMINISTRATION AND ENFORCEMENT

### 9.1 ENFORCEMENT

**9.1.1 Zoning Enforcement Officer.** The Building Inspector shall be the Zoning Enforcement Officer and shall be appointed by the Board of Selectmen to serve at the pleasure of the Board of Selectman pursuant to such qualifications as may be established by the Board of Selectman. The Zoning Enforcement Officer shall be responsible for the administration and enforcement of this Zoning By-Law. Removal of the Zoning Enforcement officer requires a public hearing and just cause.

**9.1.2 Permit Required.** Pursuant to the State Building Code, the Building Inspector may require such plans and specifications as may be necessary to determine compliance with all pertinent laws of the Commonwealth. Buildings, structures or signs may not be erected, substantially altered, moved, or changed in use and land may not be substantially altered or changed in principal use unless in compliance with then-applicable zoning, and after all necessary permits have been received under federal, state, or local law.

**9.1.3 Enforcement.** The Building Inspector shall institute and take any and all such action as may be necessary to enforce full compliance with any and all of the provisions of this By-Law and of permits and variances issued there under, including notification of noncompliance and request for legal action through the Selectmen to Town Counsel.

**9.1.4 Penalties.** The penalty for violation of any provision of this By-Law, of any of the conditions under which a permit is issued, or of any decision rendered by the Board of Appeals shall be Three Hundred dollars (\$300.00) for each offense. Each day that each violation continues shall constitute a separate offense.

### 9.2 ZONING BOARD OF APPEALS

**9.2.1 Establishment.** There shall be a Zoning Board of Appeals consisting of five (5) members and two (2) associate members to be appointed by the Board of Selectmen as provided in Section 12, Chapter 40A of the General Laws.

**9.2.2 Powers.** The Board of Appeals shall have and exercise all the powers granted to it by Chapters 40A, 40B, and 41 of the General Laws and by this By-Law. The Board's powers are as follows:

- a. To hear and decide applications for special permits. Unless otherwise specified herein, the Board of Appeals shall serve as the special permit granting authority.
- b. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10.



The Board of Appeals shall not grant use variances.

c. To hear and decide appeals taken by any person aggrieved by reason of his inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, ss. 8 and 15.

d. To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, ss. 20-23.

**9.2.3 Regulations.** The Zoning Board of Appeals may adopt rules and regulations for the administration of its powers.

**9.2.4 Fees.** The Zoning Board of Appeals may adopt reasonable administrative fees and technical review fees for petitions for variances, administrative appeals, and applications for comprehensive permits.

### 9.3 SPECIAL PERMITS

**9.3.1 Special Permit Granting Authority.** Any board designated as Special Permit Granting Authority in this By-Law may hear and decide applications for special permits in accordance with the provisions of Section 9, Chapter 40A of the General Law.

**9.3.2 Criteria.** Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this By-Law, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

**9.3.3 Review by Other Boards and Agencies.** The Special Permit Granting Authority shall within ten (10) days after receipt of an application for a special permit transmit a copy thereof for review to the Board of Health, the Planning Board, the Board of Selectmen, the Conservation Commission and any other municipal board or agency at the discretion of the Special Permit Granting Authority. Any board or agency to which such applications are referred for review shall make such recommendations as they deem appropriate in writing,

provided, however, the failure to make recommendations within thirty-five (35) days of receipt by such board or agency of the application for review shall be deemed lack of opposition thereto.

**9.3.4 Conditions.** Special permits may be granted with such reasonable conditions, safeguards, or limitations on time or use, including performance guarantees, as the Special Permit Granting Authority may deem necessary to serve the purposes of this By-Law.

**9.3.5 Plans.** Unless otherwise provided the rule or regulation of the Special Permit Granting Authority, an applicant for a special permit shall submit a plan in substantial conformance with the requirements of Section 9.4, herein.

1. The provisions of this Section should not apply to applications for special permits to reconstruct, extend, alter, or structurally change a nonconforming single or two family structure.

**9.3.6 Regulations.** The Special Permit Granting Authority may adopt rules and regulations for the administration of this section.

**9.3.7 Fees.** The Special Permit Granting Authority may adopt reasonable administrative fees and technical review fees for applications for special permits.

**9.3.8 Lapse.** Special permits shall lapse if a substantial use thereof or construction there under has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, s. 17, from the grant thereof) with the Town Clerk.

## 9.4 SITE PLAN REVIEW

**9.4.1 Purpose.** The purpose of the site plan approval process is to assure that development proposals are consistent with the environmental and site planning objectives of the Town of Otis. The site plan shall provide basic information necessary for reasoned review by citizens and agencies of the Town.

**9.4.2 Applicability.** The following uses shall be required to obtain Site Plan Approval from the Town of Otis Planning Board.

1. Any use available as of right in the Village District, other than a one or two family dwelling;
2. Grading or re-grading of land to planned elevations and or removal or disturbance of the existing vegetative cover, over an area of five thousand (5,000) or more square feet; provided, however, that such alterations authorized by a building permit, subdivision approval, agricultural use, or a forest cutting plan shall not be subject to this provision.

**9.4.3 Site Plan Contents.** The site plan approval process requires the submission of a site plan



to the Planning Board. The site plan shall be prepared by a registered engineer or surveyor and shall be clearly and legibly drawn at a reasonable scale. The site plan may contain the following information subject to the discretion of the Planning Board:

1. Plan name, boundaries, true north point, date scale and zoning district(s);
2. Suitable space to record the action and signatures of the Planning Board;
3. Major site features including existing fences, buildings, wetlands, watercourses, and tree lines;
4. Existing and proposed topography of the land;
5. Size and location of existing and proposed utility systems including water supply and wastewater treatment;
6. Existing and proposed layout of driveways, sidewalks, parking areas, storage and loading areas, lighting and signs, including locations, sizes and illumination;
7. Profiles of all buildings, structures and signs; and
8. Landscaping plan.

The Planning Board may waive any information requirement it judges to be unnecessary to the review of a particular plan.

**9.4.4 Site Plan Approval Process.** The Planning Board shall review and evaluate the site plan to ensure that it is consistent with a reasonable use of the site for the purposes permitted or permissible by the regulations in the V-I Village District. The development shall be designed to:

1. Integrated the existing terrain and surrounding landscape;
2. Protect abutting properties and community amenities;
3. Minimize environmental and visual impacts;
4. Protect unique natural and historic features;
5. Assure that structures are aesthetically consistent with the character of the Town and the surrounding properties;
6. Screen objectionable features through the use of landscaping and maintain existing public shade trees;
7. Minimize excessive demands on Town services and infrastructure; and
8. Provide for safe vehicle and pedestrian access and circulation.

Before approval of a site plan, the reviewing board may request the application to make modifications in the proposed design of the project to ensure that the above criteria are met.

**9.4.5 Decision.** The Planning Board's decision shall be in writing and shall consist of

1. A determination that the proposed project will constitute a suitable development and is in compliance with the criteria set forth in the By-Law; or
2. Approval subject to any reasonable conditions, modifications, and restrictions as the Planning Board may deem necessary.

**9.4.6 Enforcement.** The Building Inspector shall not issue a permanent Certificate of Occupancy permit until all work is completed as approved by the appropriate agencies and in conformity with the approved site plan.

**9.4.7 Lapse.** Site plan approval issued under this section shall lapse at the end of two (2) years after approval if work has not been commenced, except where an extension of time for good cause has been granted by the Planning Board.

**9.4.8 Appeal.** Any person aggrieved by a decision of the Planning Board pursuant to this Section may appeal said decision to the Zoning Board of Appeals within twenty (20) days from the date of the order or decision being appealed, by filing an application for appeal on an official form of the Town of Otis, specifying the grounds for the appeal therein. Said application for appeal shall be filed with the Town Clerk, who shall forthwith transmit copies thereof to the members of the board of appeals.

The Zoning Board of Appeals shall hold a hearing on said application for appeal within sixty (60) days from the filing thereof, and shall uphold the decision of the Planning Board unless the Applicant establishes by clear and convincing evidence that said decision of the Planning Board was based on error of law, was arbitrary and capricious, was unsupported by substantial evidence, or was otherwise not in accordance with the law. Any person aggrieved by a decision of the Zoning Board of Appeals may appeal said decision to a court of competent jurisdiction in accordance with G.L. c. 40A, section 17.

**9.5 Applications.** All applications to a Board designated by this By-Law as the authority for particular zoning action or relief, including, without limitation, applications for special permits, variances, site plan review, and appeals from decisions of the Zoning Enforcement Officer, shall be made on forms available from the Town Clerk, and shall be accompanied by the required fee and any other information as may be prescribed by rules and/or regulations of the appropriate Board. No application shall be considered filed in the absence of such properly completed application, required fee, and supportive materials as may be deemed necessary for a full and fair review by the responsible reviewing bodies.



## SECTION 10.0 DEFINITIONS

In this by-law, the following terms and constructions shall apply unless a contrary meaning is required by the context or is specifically prescribed in the text of the by-law. Words used in the present tense include the future. The singular includes the plural and the plural includes the singular. The word "shall" is mandatory and "may" is permissive or discretionary. The word "and" includes "or" unless the contrary is evident from the text. The word "includes" or Including should not limit a term to specified examples, but is intended to extend its meaning to all other instances, circumstances, or items of like character or kind. The word "lot" includes "plot"; the word "used" or "occupied" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied". The words "building," "structure," "lot," or "parcel," shall be construed as being followed by the words "or any portion thereof." The word "person" includes a firm, association, organization, partnership, company, or corporation, as well as an individual. Terms and words not defined herein but defined in the Commonwealth of Massachusetts state building code shall have the meaning given therein unless a contrary intention is clearly evident in this by-law.

**ACCESSORY APARTMENT:** A separate dwelling unit, complete with its own cooking and sanitary facilities, having not more than one bedroom and functioning as a separate unit. Additions, renovations, and all construction shall meet the requirements of the current edition of the State Building Code.

**ACCESSORY BUILDINGS:** Any building which is subordinate to and whose use is incidental and subordinate to the use the principal building on the same lot or an adjoining lot under the same ownership. Accessory buildings shall include but not limited to such structures as garages, storage sheds, barns, etc.

**ACCESSORY USE:** A related minor use which is either necessary to the operation or enjoyment of a lawful principal use, or which is appropriate to, customarily incidental to and subordinate to any such use.

**ADULT DAY CARE FACILITY:** A social day care or adult day health facility as those terms are defined by the Commonwealth's Department of Elder Affairs.

**BED AND BREAKFAST ESTABLISHMENT:** A dwelling having a mixed use as a home for the residential owner and as guest lodging with the lodging function often if not always superseding the home use. The home is to be the primary and legal residence of the owner. The maximum number of rooms for rent shall be 3 (three). The only food service for guests in this facility shall be breakfast.

**BED AND BREAKFAST INN:** A dwelling having a primary use as guest lodging with a home function for the resident owner secondary to the business of renting rooms. The home is to be the primary and legal residence of the owner. The maximum number of rooms for rent is 10 (ten). The only food service for guests in this facility is breakfast.

**BED AND BREAKFAST COUNTRY INN:** The same principal use as a Bed & Breakfast Inn except that full food service may be provided as part of the amenities available.

**BILLBOARD:** A sign or structure, in excess of twenty-five (25) square feet, directing attention to an idea or product, business activity, services or entertainment which is primarily conducted, sold or offered elsewhere than upon the premises on which sign is located or affixed.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or animals. The word "building" shall be construed, where the context allows, as though followed by the words "or part or parts thereof".

**BUSINESS OR PROFESSIONAL OFFICE:** A building or part thereof, for the transaction of business or the provision of professional services exclusive of the receipt, sale, storage, or processing of merchandise.

**CAMPGROUND, COMMERCIAL:** An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and major recreational equipment, which is primarily used for recreational purposes and retains an open air or natural character.

**CHILD CARE FACILITY:** A day care center or school age child care program, as those terms are defined in G.L. c. 28A, s. 9.

**CONVENIENCE STORE:** A retail establishment selling a limited variety of groceries, beverages, and small household items for the primary use of customers that need a few items in an expedient manner.

**COTTAGE INDUSTRY:** An intensive form of home-based business. A cottage industry shall have no more than seven (7) employees who are not resident on the premises, may use accessory structures, and may have incidental retail sales. The total floor area used for a cottage industry may not exceed the total floor area used for residential purposes. A cottage industry, like a home occupation, is clearly remains subordinate to the use of the parcel and dwelling for residential purposes.

**DRIVEWAY:** A drive servicing a single lot which meets all of the requirements of Section 5.3.

**DRIVEWAY, COMMON:** Common driveways may be allowed with the approval of the Planning Board. The minimum width shall be 16 feet. The common driveway shall serve not



more than three house lots which shall have legal access and frontage on an approved public way. The common driveway may never be used to satisfy the frontage requirement. A plan shall be recorded showing the easement, and the easement shall be recorded in the deed.

DWELLING: Any building used exclusively for human habitation, including any permitted home occupation but excluding hotels, motels, lodging houses, inns or mobile homes.

DWELLING, ONE FAMILY: A detached residential building designed for and occupied by one (1) family only, but not including mobile homes whether placed on a foundation or not.

DWELLING, TWO FAMILY: A detached residential building containing two (2) dwelling units, designed for occupancy but not more than two (2) families.

DWELLING, MULTI-FAMILY: A residential building designed for or occupied by three (3) but not more than six (6) families, with the number of families in residence not exceeding the number of dwelling units provided. Dwelling units within multiple family units may be owned individually or rented.

DWELLING UNIT: One or more rooms constituting a separate, independent housekeeping establishment with cooking, living, sanitary and sleeping facilities for the use of one (1) family.

ESSENTIAL SERVICES: Services provided by a public service corporation or by governmental agencies through erection, construction, alteration, or maintenance of gas, electrical, steam, or water transmission or distribution systems and collection, communication, supply, or disposal systems whether underground or overhand, but not including wireless communications facilities. Facilities necessary for the provision of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment in connection therewith.

EXTERIOR ALTERATION: An increase in volume or a change in the footprint of a structure.

FAMILY DAY CARE, LARGE AND SMALL: Any private residence operating a facility as defined in G.L. c. 28A, s. 9.

FARM: Any parcel of land which is used for horticulture, agriculture, floriculture or the raising of animals, including but not limited to, dairy cattle, beef cattle, poultry, sheep, swine, horses, ponies, mules, goats, bees, or fur bearing animals for the purpose of selling produce, animals or a product derived from such animals or produce in the regular course of business.

FARM STAND, SEASONAL: Facility for the seasonal sale of produce, wine and dairy products on property not exempted by G.L. c. 40A, s. 3 for a period not longer than six consecutive months in any calendar year.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**GENERAL SERVICE ESTABLISHMENT:** Shop for lawn mower or small appliance repair, upholstery or furniture repair, bicycle repair person, printer, blacksmith, builder, carpenter, caterer, electrician, lawn mower service person, mason, painter, plumber or roofer.

**HOMESTAY:** A dwelling, the primary use of which is the private home for the residential owner with lodging as a secondary use. The home shall be the primary and legal residence of the owner. The maximum number of guests rooms permitted at anyone time shall be three (3).

**HOME-BASED BUSINESS:** Any activity conducted by a resident within a dwelling for financial gain. A home-based business shall be an accessory use to the primary residential use of the parcel. Home-based businesses include home occupations and cottage industries.

**HOME OCCUPATION:** The use of a room or rooms in a dwelling or accessory building by a resident occupant for practice of a recognized profession, or by a resident carpenter, painter, plumber, electrician, or other artisan in connection with his trade, or by a resident engaged in a customary home occupation, as defined in Section 3.4, provided that there is no external evidence of any business other than a permitted sign and no undue traffic or noise.

**HOTEL, LODGING HOUSE OR INN:** A building rented or used by paying guests, transiently or permanently with the total number of available rooms not exceeding fifteen (15).

**KENNEL:** A commercial establishment in which more than three (3) dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold.

**LANDSCAPING:** In all cases where landscaping or planting is required by the provisions of this By-Law, such trees, shrubs and other plant materials must be live specimens as opposed to artificial plant materials.

**LIGHT INDUSTRIAL USE:** Industrial use involving no emission or discharge of fumes, vapor, gas, smoke, dust, dirt, odor chemical, effluent, noise or vibration, or unduly increased rise from fire or explosion, or other element dangerous or injurious to the health or safety of the public.

**LOT:** A single tract of land held in identical ownership throughout, defined by metes and bounds or lot lines or other definite boundaries in a deed or conveyance, or shown on a duly recorded plan, used or available for use as the site for one or more buildings.

**LOT AREA:** See Section 4.1.3.2 and Appendix A.

**LOT, FRONTAGE:** The continuous distance along the street line which provides direct access to the lot, except for lots in a turnaround in an approved subdivision where frontage will be measured at the minimum front setback line as provided in Section 5 herein, provided, however, that the depth of any lot created after the effective date of this By-Law,



shall not be less than twenty (20) feet at any point along its frontage in order to qualify for frontage under this By-Law. A private street approved by the Planning Board under the Subdivision Control Law may provide frontage only for the lots, which are contained within the approved subdivision.

LOT WIDTH: See Section 4.1.3.3 and Appendix B.

MOBILE HOME: A portable dwelling unit completely enclosed structure built on a permanent chassis, designed to be transported after fabrication on its own wheels or on flatbed or detachable wheels. For the purpose of this By-Law, the term "mobile home" includes trailers incorporating the characteristics of mobile homes as herein defined.

MOTOR VEHICLE SERVICE STATION OR REPAIR SHOP: A building, or part thereof, for the retail sale of gasoline, oil, and motor vehicle accessories and repairs and servicing such as lubricating, tune-ups, adjusting, and repairing brakes, tire service, and general service.

NONCONFORMING USE: A building structure, or use of land, existing at the time of this By-Law or any amendment thereto, which does not conform to the requirements of this By-Law or amendments thereto.

OFFICE PARK/LIGHT INDUSTRIAL: An area planned for occupancy of more than one (1) light industrial building with shared common areas and/or parking area as well as buildings designed for business offices or research laboratories.

Person Aggrieved: an individual or entity, including a firm, partnership, association, corporation, limited liability company, trustee, and their legal successors, entitled to appeal a Decision of the Zoning Board of Appeals within the meaning of G.L. c. 40A, § 17.

PERSONAL SERVICE ESTABLISHMENT: A facility providing personal services such as hair salon, barber shop, tanning beds, dry cleaning, print shop, photography studio, and the like.

PRINCIPAL BUILDING: The main or most important building on a lot; attached structures shall be considered an integral part thereof provided such structures are completely enclosed by continuous walls supporting a roof.

RESTAURANT: An establishment, the principal activity of which is the service or sale of food or drink for on-premises consumption.

RETAIL, GENERAL PURPOSE: A facility selling goods but not specifically listed in the Table of Use Regulations.

RETAIL, SPECIALIZED: A facility including but not limited to shops selling gifts, novelties, flowers, books, periodicals, jewelry, apparel, antiques and crafts with less than 10,000 square feet of gross leasable floor area.

**SIGN:** Any structure or device used for the purposes of visual communications, which identifies or calls attention to any premises, person, product, activity, business or use of a property. For the purpose of this By-Law the following shall not be included in the application of the regulations herein:

- a. Legal notices, identifications, information, directional or warning sign erected or required by governmental agents or bodies; or various warning signs as commonly used by property owners;
- b. Memorial signs or tablets not exceeding one (1) square foot in area;
- c. Signs directing, guiding or controlling traffic and parking on private property but bearing no advertising matter;
- d. Temporary signs on the inside of glass of store windows as commonly used in retail business, or signs of special events or for political candidates.

**SIGN, AREA:**

- a. The area of a sign shall be considered to include all lettering, working, and accompanying designs and symbols, together with the background on which they are displayed and any frame around.
- b. The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest quadrangle or triangle which encompasses all of the letters and symbols.
- c. The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross section of that object.

**SITE PLAN:** A plan indicating, but not limited to the following: The location of existing and proposed buildings, structures, driveways, parking areas and other open spaces, and all proposed site improvements, including recreational areas, fences, walks and signs.

**SPECIAL PERMIT GRANTING AUTHORITY:** Except where otherwise designated, the Zoning Board of Appeals is designated by this By-Law as the Special Permit Granting Authority responsible for issuing Special Permits for a particular use or purpose in accordance with these By-Laws.

**STREET:** A public way, or private way either shown on a plan approved in accordance with the Subdivision Control Law, or otherwise qualifying lots along it for frontage under the Subdivision Control Law.

**STRUCTURE:** A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, reviewing stand, platform, or deck. Structure shall specifically include all projections under the roofline and specifically exclude all projections above the roof.

**VETERINARY HOSPITAL:** A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the clinic or hospital use.

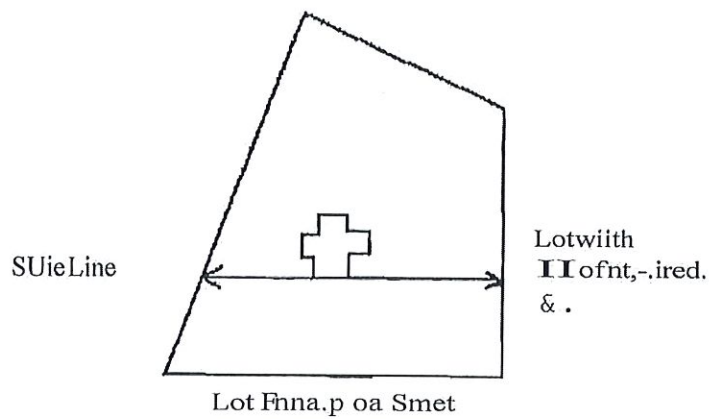


Principal Use	R-40	V-I
RESIDENTIAL USES		
One or two-family dwelling	Y	Y
Conversion of a one-family dwelling into a two-family dwelling	Y	Y
Multi-Family Dwellings	N	BA
Townhouse Development. See Section 7.3.	PB	PB
INSTITUTIONAL AND EXEMPT USES		
Use of land for the primary purpose of agriculture, horticulture, floriculture or viticulture on a parcel of more than five acres in area, subject to Board of Health regulations, as set forth in G.L. c. 40A s.3	Y	Y
Facilities for the sale of produce and wine and dairy products, provided that during the months of June, July, August and September of every year, or during the harvest season of the primary crop, the majority of such products for sale, based on either gross sales dollars or volume, have been produced by the owner of the land containing more than five acres in area on which the facility is located	Y	Y
Educational use on land owned or leased by the Commonwealth or any of its agencies, subdivisions or bodies politic, or by religious, sect or denomination, or by a nonprofit educational corporation	Y	Y
Use of land or structures for religious purposes	Y	Y
Municipal or governmental use including but not limited to municipal buildings, libraries, parks playgrounds or other facilities owned or operated by a town agency.	Y	Y
Essential services	BA	BA
Child care facility	Y	Y
NONRESIDENTIAL USES		
Sawmill	BA	N
Use of land and structures for horticulture or floriculture	BA	Y
Commercial dog kennel or veterinary hospital	BA	BA
Golf courses, ski faculty, riding stable or other recreational facility of similar character	BA	BA
Business or professional office; bank	BA	Y
Personal service establishment	BA	Y
General service establishment	BA	Y
Motor vehicle service station or repair shop	BA	Y
General purpose retail including convenience store	BA	BA
Specialized retail	BA	Y
Restaurant or tavern, without drive through facility	BA	BA
Wireless communication facilities. See Section 6.6	BA	BA
Light industrial use	BA	BA
Commercial campground	BA	BA
Travel trailer park	N	N
Bed or Breakfast Establishment or Homestay. See Section 6.1.	Y	Y

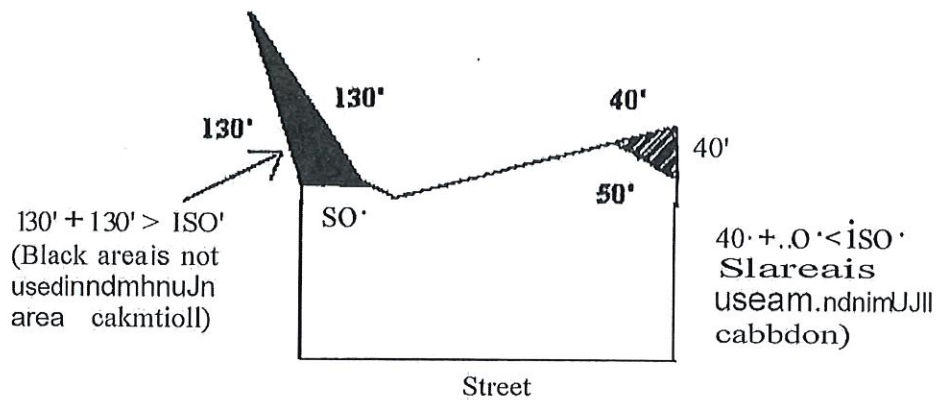
Bed and Breakfast Inn and Bed and Breakfast County Inn. Any rental of guest rooms where food is provided shall require appropriate food service permits if applicable. See Section 6.1	BA	BA
Hotel, lodging house or inn.	BA	BA
Drive-through window or facility at bank	N	BA
All other drive-through facilities	N	N
ACCESSORY USES		
Accessory scientific uses	BA	BA
Cottage industries. See Section 7.2.	BA	BA
Home occupation. See Section 7.2.	BA	BA
Family day care, large	BA	BA
Family day care, small	Y	Y
Adult day care	BA	BA
Construction of an accessory apartment within a residence or accessory structure	BA	BA
TEMPORARY USES -See Section 3.4		
Charitable fund raising events of a temporary nature	Y	Y
Farm stand, seasonal	Y	Y
Farmer's market	Y	Y
Flea market	Y	Y
Tag sale	Y	Y
OTHER USES		
Common Driveway see section 5.3	PB	



## Appendix B



### Minimum Lot Width



### Minimum Lot Area








# ZONING MAP OF THE TOWN OF OTIS



## ZONING DISTRICTS:

-  R-40 RESIDENTIAL
-  V-1 VILLAGE
-  FP FLOODPLAIN

## SYMBOLS:

-  WATER COURSE
-  OPEN WATER

JUNE 1998

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