

**Chapter 167**

**ZONING**

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**[HISTORY: Adopted 11-30-1961 Special Town Meeting, “Miscellaneous” Art. 2; adopted 3-16-1966 Annual Town Meeting, Art. 7; amended 3-2-1970 Annual Town Meeting, Art. 46 (map); amended 3-6-1972 Annual Town Meeting, Art. 32 (map); amended 3-8-1973 Annual Town Meeting, Art. 39 (map); amended 8-23-1973 Special Town Meeting, Art. 5 and Art. 6 (map); amended 6-3-1974 Special Town Meeting, Art. 35 (map); amended 5-9-1977 Annual Town Meeting, Art. 38 (map); amended 5-15-1978 Annual Town Meeting, Art. 37 (map); amended 5-16-1979 Annual Town Meeting, Art. 30 (map); amended 5-14-1980 Annual Town Meeting, Art. 33 (map); amended 5-13-1986 Annual Town Meeting, Art. 50 (map); amended in its entirety 1-22-1990 Special Town Meeting, Art. 8; amended 5-4-1990 Annual Town Meeting, Art. 6 and Art. 13 (map); amended 5-11-1992 Annual Town Meeting, Art. 4 (map); amended 5-8-2000,**

**Art. 62, Art. 63 and 67 (maps); amended 5-12-2003 Annual Town Meeting, Art. 39 (map). Subsequent amendments noted where applicable.]**

GENERAL REFERENCES

Trailers - See Ch. 156.

Building construction - See Ch. 203.

Land development - See Ch. 208.

Waste disposal - See Ch. 216.

Water - See Ch. 218.

Subdivision of land - See Ch. 235.

**ARTICLE I**  
**General Provisions**

**§ 167-1. Purpose.**

The purpose of this Zoning Chapter is to promote the health, safety, convenience, morals and welfare of the inhabitants of Halifax, to lessen the danger from fire and congestion, to encourage the most appropriate use of the land and to improve the town under the provisions of MGL c. 40A, §§ 1 through 22. For this purpose, the use, construction, repair, alteration, height, area, location of buildings and structures and use of premises in the Town of Halifax are regulated as hereinafter provided. The procedures for seeking the building, use and occupancy permits required under this chapter are set forth in §§ 167-19 and 167-20.

**§ 167-2. Basic requirements.**

All buildings or structures hereinafter erected, reconstructed, altered, enlarged or moved or use of premises in the Town of Halifax shall be in conformity with the provisions of this chapter. Any building, structure or land may not be used for any purpose or in any manner other than is permitted within the district in which such building, structure or land is located. Any use not specifically enumerated in a district herein shall be deemed prohibited. In accordance with MGL c. 40A and notwithstanding any provisions to the contrary, this chapter shall not prohibit or limit the use of land for any church or other religious purpose, for any educational purpose which is religious, sectarian, denominational or public, for any municipal purpose or for any agricultural purpose beyond the degree of regulation allowed under said chapter.

**§ 167-3. Definitions. [Amended 05-08-2017 ATM, Article 48]**

In this chapter, the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

**ABANDONMENT** - The visible or otherwise apparent intention of an owner to discontinue a nonconforming use of a building or premises or the removal of the characteristic equipment or furnishings used in the performance of the nonconforming use without replacement by similar equipment or furnishings or the replacement of the nonconforming use or building by a conforming use or building. [See §§ 167-8E]

**ACCESSORY BUILDING** - A building customarily incidental to and located on the same lot with a principal building or on an adjoining lot under the same ownership which does not have a floor area that is greater than twenty-five percent (25%) of the floor area of the liveable ground floor area of the principal building.

**ADULT BOOKSTORE** – An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, photographs, videos, computer software, computer discs, laser discs and other matter which are distinguished or characterized by

their emphasis depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**ADULT CLUB** – An establishment which, as a form of entertainment, allows a person or persons to perform in a state of nudity, as defined in MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**ADULT MINI MOTION-PICTURE THEATER** – An enclosed building with a capacity for fewer than 50 persons, or single booths or video screens, used for presenting material distinguished by an emphasis on matter depicting, describing or relating to nudity, sexual conduct or sexual excitement, as defined in MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**ADULT MOTION-PICTURE THEATER** – An enclosed building used for presenting material distinguished by an emphasis on matter depicting, describing or relating to sexual conduct or sexual excitement, as defined in MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**ADULT PARAPHERNALIA STORE** – An establishment having as a substantial or significant portion of its stock-in-trade 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 MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**ADULT VIDEO STORE** – An establishment having as a substantial or significant portion of its stock-in-trade videos, movies, computer software, computer discs, laser discs 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 MGL c. 272, § 31. **[Added 5-13-1996 ATM, Art. 56]**

**AGRICULTURE** - The cultivation of ground for the purpose of producing fruits and vegetables for the use of man and beast or the act of preparing the soil, sowing and planting seeds, dressing plants and removing crops, and includes gardening, horticulture, silviculture and raising or feeding of cattle and other livestock.

**ALTERATION** - Any construction, reconstruction or other action resulting in a change in the structural parts or height, number of stories or exits, size, use or location of a building or other structure.

**ATTIC** - The space between the ceiling beams of the top habitable story and the roof rafters.

**BARN** – A building used or intended to be used for the storage of animals, farm equipment or other chattel. **[Added 5-14-2001 ATM, Art. 53]**

**BASEMENT** - A portion of a building, partly below grade, which has more than ½ of its height, measured from finished floor to finished ceiling, above the average finished grade of the ground adjoining the building. A "basement" is not considered a story unless its ceiling is 4.5 feet or more above the finished grade or 1/2 of the total height above finished grade, whichever is greater.

**BODY ART** - The practice of physical body adornment by permitted establishments and practitioners using, but not limited to, the following techniques: body piercing, tattooing, cosmetic tattooing, branding or scarification. This definition does not include practices that are considered medical procedures by the Board of Registration in Medicine, such as implants under the skin, which procedures are prohibited. **[Added 5-14-2001 ATM, Art. 53]**

**BUFFER ZONE** - The area between any multi-unit development and adjoining properties in which the parking of any type of vehicle or the building of any type of structures is prohibited. Any changes in the natural state of the land must be approved by the permit granting authority.

**BUILDING** - An independent structure having a roof supported by columns or walls, resting on its own foundation and designed for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

**BUILDING, ATTACHED** - A building having any portion of one (1) or more walls in common with adjoining buildings.

**BUILDING, DETACHED** - A building having open space on all sides.

**BUILDING, PRINCIPAL** - A building in which is conducted the principal use of the lot on which it is located.

**CELLAR** - Any horizontal portion of a building, of which more than one-half (½) the clear height is below the average grade of sidewalk or ground adjoining.

**CONDOMINIUM** - A form of ownership, or a development so characterized, in which an individual owns separately one (1) or more single-dwelling units or commercial spaces in a multi-unit building or complex. The owners of the individual units have an undivided interest in the common areas and facilities that serve the project. The common areas include such items as land, roof, floors, main walls, stairways, lobby, hall, parking space and community and commercial facilities.

**CONSTRUCTED** - The word "constructed" shall include the words "built," "erected," "reconstructed," "altered," "enlarged," "moved" and "placed."

**CUSTOMARY HOME OCCUPATION** - An accessory use carried on wholly within a dwelling unit, incidental and subordinate to the residential use of that unit. This use cannot take up more than 25% of the floor area of the dwelling unit or four hundred

(400) square feet, whichever is less. There may be no additional employees other than residents of the building, and no equipment or display of products may be visible from the street. This occupation may in no way affect the residential character of the building or have any deleterious effect on the neighborhood in terms of noise, vibration, glare, fumes, electrical disturbances or other emissions or truck or automobile traffic. **[Amended 5-11-1998 ATM, Art. 56]**

DWELLING - A building or portion thereof designed exclusively for residential occupancy, including single-family, two-family or multiple-family dwellings, but not including hotels, motels, boardinghouses, trailers or structures solely for transient or overnight occupancy.

DWELLING, DUPLEX - A two-family building designed with separated dwelling units, side by side, separated by a firewall.

DWELLING UNIT - One (1) or more living or sleeping rooms arranged for the use of one (1) or more individuals living as a single housekeeping unit, with permanent provisions for cooking, living, sanitary, eating and sleeping facilities.

ERECTED - Built, constructed, reconstructed, enlarged and moved.

FAMILY - A group of individuals living and cooking together on the premises as a single housekeeping unit, provided that a group of five (5) or more persons who are not within the second degree of kinship do not constitute a "family."

FRONTAGE - The distance between adjacent intersections of lot and street sidelines measured in a continuous line along the street sideline over which access to the lot must be attainable, and tangent to which and within all lot lines a circle, the diameter of which is not less than 80% of the minimum lot size frontage set forth in § 167-11 of this chapter may be located. See definition of "yard, front, side and rear." **[Amended 6-23-1997 STM, Art. 7]**

FUR ANIMALS - Animals usually kept and raised for the use and sale of their skins and fur.

GARAGE - A building or portion of building used to house passenger motor vehicles without provisions for repairing or servicing for profit. **[Added 5-11-1992 ATM, Art. 39; Amended 5-11-1998 ATM, Art. 53; 5-8-2006 ATM, Art. 36]**

GREEN SPACE – Area consisting of planted or natural vegetation, free of permanently hardened surfaces such as driveways, roadways or parking areas. This area shall not be built on, paved or parked on. **[Added 5-14-2001 ATM, Art. 53]**

HALF STORY - A story within a sloping roof, the area of which at a height of four (4) feet or more above the floor does not exceed fifty percent (50%) of the floor area of the story immediately below it.

HEIGHT - The vertical distance from the average finished grade of the adjacent ground to the top of the structure of the highest roof beams of a flat roof or the elevation of the highest gable.

HOME BUSINESS OR PROFESSIONAL OFFICE/STUDIO – An accessory use commonly carried on wholly within a dwelling unit, incidental and subordinate to the residential use of that unit, and limited to 25% of the floor area of the dwelling unit or 400 square feet, whichever is less. There may be no more than one employee, other than residents of the premises, and no equipment or display of products may be visible from the street. This occupation may in no way affect the residential character of the building except for one small identification sign as allowed in § 167-13. It may have no deleterious effect on the neighborhood in terms of noise, vibration, glare, fumes, electrical disturbances or other emissions or truck or automobile traffic beyond that normally expected in a residential neighbourhood. [Added 5-11-1998 ATM, Art. 57]

IN-LAW APARTMENT/IMMEDIATE FAMILY MEMBER ACCESSORY APARTMENT - Any room or suite of rooms comprising one (1) complete housekeeping unit with its own cooking and its own bathing and toilet facilities wholly within the subroom or suite of rooms occupied by an in-law or immediate family member.

KENNEL - A facility for the breeding or boarding of dogs. [See § 167-7D(7).]

LIGHT INDUSTRIAL USE - An industrial enterprise such as manufacturing, storage, processing, fabrication, packaging and assembly that does not create a nuisance from noise, vibration, smoke, glare, radiation, flashing or other emissions to adjacent properties. Further, said "light industrial use "shall not be a hazard to public safety or health nor have noxious or toxic waste by-products.

LOADING SPACE - An off-street space used for loading or unloading not less than fourteen (14) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, and containing not less than one thousand three hundred (1,300) square feet, including both access and maneuvering area.

LODGING UNIT - One (1) or more rooms for the use of one (1) or more individuals not living as a single housekeeping unit and not having cooking facilities. A "lodging unit" shall include rooms in boarding houses, tourist houses or rooming houses.

LOT - A single area of land in one (1) ownership defined by metes and bounds or boundary lines in a recorded deed or recorded plan.

LOT, CORNER - A lot at the point of intersection on and abutting on two (2) or more intersecting streets, the interior angle of intersection of the street lot lines or, in the case of a curved street, extended lot lines being not more than one hundred thirty-five degrees (135°).



LOT, LINE - The established division line between lots or between a lot and a street.

LOT, NONCONFORMING - A lot lawfully existing at the effective date of this chapter or any subsequent amendment thereto, which is not in accordance with all of the dimensional requirements of this zoning.

MARIJUANA ESTABLISHMENT [**Added 05-08-2017 ATM, Art. 48**] – A marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, all as defined [by] the Massachusetts General Laws, Chapter 94H.

MASSAGE SERVICE ESTABLISHMENTS [**Added 5-13-1996 ATM, Art. 56**]:

- A. MASSAGE – Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus or appliances, with or without such supplementary aids such as rubbing alcohol, liniment, antiseptics, oils, powders, creams, lotions, ointments or other such similar preparations commonly used in the practice of massage, under such circumstances that it is reasonably expected that the person to whom the service is provided, or some third person on his or her behalf, will pay money or give any other consideration or any gratuity therefore.
- B. The practice of massage shall not include the following individuals while engaged in the personal performance of duties of their respective professions: [**Amended 9-28-1998 STM, Art. 23**]
  - (1) Physicians, surgeons, chiropractors, osteopaths or physical therapists who are duly licensed to practice their professions in the Commonwealth of Massachusetts.
  - (2) Nurses who are registered under the laws of the Commonwealth of Massachusetts.
  - (3) Barbers and beauticians who are duly licenses under the laws of the Commonwealth of Massachusetts, except that this exclusion shall apply solely to the massage of the neck, face, scalp and hair of the customer or client for cosmetic or beautifying pur poses.
  - (4) Massage therapists duly licensed by the Halifax Board of Health under MGL c. 140, § 51.

MEDICAL MARIJUANA TREATMENT CENTER - A not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes,

dispenses or administers marijuana, products containing marijuana, related supplies or education material to qualify patients or their personal caregivers. [Added 5-12-2014 ATM, Art. 51]

MOBILE HOME - A vehicle with or without motive power used as a dwelling.

MOTEL - A building intended and designed solely for the transient or overnight occupant, divided into separate units within the same building and with or without public dining facilities.

MULTIFAMILY DEVELOPMENT - A development of three (3) or more dwelling units on a single lot of land under one (1) ownership of not less than ten (10) acres in size.

MULTIFAMILY DWELLING - A building intended and designed to be occupied by more than one (1) family, living independently in separate units; any residential structure containing more than one (1) room for cooking facilities.

NONCONFORMING USE - A building, structure or use of land existing at the time of enactment of this chapter or subsequent amendment thereto, which does not conform to the regulations as to use or dimensional requirements of the district in which it is sited.

ONE (1) OWNERSHIP - An undivided ownership by one (1) person or by several persons, whether the nature is joint, in common or by entirety.

OPEN AIR BUSINESS/OUTSIDE SALES - A temporary business conducted in the out-of-doors not requiring an enclosed sheltered structure.

PARKING SPACE - An off-street space, whether inside or outside a structure, suitable for exclusive use as a parking stall for one (1) motor vehicle, as required elsewhere in this Code, not less than ten (10) feet by twenty (20) feet [two hundred (200) square feet in area], exclusive of all walkways and traveled ways.

PREMISES - A lot, together with all structures, buildings and uses thereon.

PUBLIC UTILITY - A public service corporation, either private or public, supplying or transmitting gas, water, electricity, transportation or communications to any or all members of the public and subject to federal, state or Town regulations by virtue of its natural or legal monopoly.

RECORDED or OF RECORD - Recorded or registered in the Plymouth County Registry of Deeds, or a recorded title to a parcel of land disclosed by any or all pertinent records.

SHARED LIVING SPACE – A common living area open to and used by both the main residents and the residents of the in-law apartment. Entryways, foyers, laundry areas, bathrooms, and other areas as determined by the Zoning Board of Appeals are not

considered shared living space for the purposes of these bylaws. **[Added 5-12-2003 ATM, Art. 46]**

**SIGN** - Any permanent or temporary object, device, structure, billboard, placard, painting, drawing, poster, design, letter, work, banner, pennant, insignia, trade flag or representation or the painting of any one of the foregoing on the surface of a building or structure, used as or which is in the nature of an advertisement, announcement or direction or for the calling of attention to the premises, which is on a public way or on private property within public view from a public or private way, public park or reservation.

**SINGLE FAMILY DWELLING** – A freestanding structure designed and equipped for occupancy in its entirety by one household or family and having no party wall or walls in common with adjacent house or houses. This excludes house trailers, mobile homes, trailer coaches or similar units designed to be transported over the highway by attached wheels, whether or not on wheels, blocks or a conventional foundation. **[Amended 5-12-2014 ATM, Art. 54]**

**SPECIAL PERMIT GRANTING AUTHORITY** - The body authorized to issue special permits under this Zoning Chapter; either the Zoning Board of Appeals or the Planning Board, as specified in the respective use regulations.

**STORY** - That part of any building contained between any floor and the floor or roof next above it, the first "story" being the lowest story which is either all or partially above the clear height of the foundation.

**STREET** - A public way established by or maintained under public authority or shown on a plan approved by the Board.

**STRUCTURE** - Anything erected at a fixed location on the ground to give support, provide shelter or satisfy other purposes.

**SWIMMING POOL** - A body of water contained in an artificial or semi-artificial receptacle, whether in or above the ground, or created by artificial means from a natural watercourse, but not including portable pools incapable of containing a depth of water exceeding 24 inches at any point. **[Added 5-13-1996 ATM, Art. 53]**

**TRAILER or TRAILER COACH** - A vehicle without motive power, designed to be drawn by a motor vehicle, used for living or sleeping purposes and standing on wheels or rigid supports.

**TWO-FAMILY** - A dwelling containing two (2) dwelling units, whether on different floors or side by side as in a semidetached or duplex configuration.

WIRELESS COMMUNICATIONS FACILITIES – A wireless communication monopole, including antennas and accessory structures, if any, which facilitates the provision of wireless communications services. **[Added 6-23-1997 STM, Art. 12]**

WIRELESS COMMUNICATIONS SERVICES – The provision of the following types of services: cellular telephone service, personal communications and enhanced specialized mobile radio service. **[Added 6-23-1997 STM, Art. 12]**

YARD, FRONT, SIDE AND REAR - An open area, unobstructed from the ground to the sky between the respective street, side and rear lot lines, and the principal building or structure on a lot, except as otherwise provided herein. The following diagram illustrates the positions and extent of the front, side and rear yards.

**(See Next Page)**



ARTICLE II  
Use Districts

**§ 167-4. Enumeration of districts.**

For the purpose of this chapter, the Town of Halifax is hereby divided into the following districts:

- A. AR Agricultural-Residential. Purpose: to accommodate low-density housing [one (1) unit per acre], agriculture and institutional uses. Accordingly, this district allows single-family housing as of right and multifamily housing by special permit, along with a variety of institutional/public uses with special permits required for major uses such as hospitals. The district also allows selected commercial uses such as funeral homes and veterinary hospitals by special permit.
- B. B Commercial and Business District. Purpose: to accommodate a wide variety of businesses serving local and town wide needs in accessible locations. This district allows most retail, service and office uses as of right, while requiring special permits to protect other uses from potentially disruptive activities such as wholesaling, gas stations and body shops, drive-in businesses and light industrial uses. It also allows most public/institutional uses and the same residential uses as the AR District. It requires lots of at least forty thousand (40,000) square feet.
- C. I Industrial District. Purpose: to provide space for industrial uses, higher impact commercial uses and adult establishments in suitable locations. The district allows a wide range of light industrial and commercial uses as of right. It also allows most public/institutional uses as of right but excludes housing to avoid use conflicts. It requires a minimum of lots of forty thousand (40,000) square feet. **[Amended 5-13-1996 ATM, Art. 63]**
- D. I-2 Industrial-2 District. Purpose: to accommodate a sanitary landfill in appropriate sites. This district allows landfills as of right and excludes most other uses.
- E. C Conservancy District. Purpose: to protect the town's wetlands, floodplains and bogs while allowing appropriate development. The district allows most public/institutional and agricultural uses as of right while requiring special permits for housing and major institutions and prohibiting most business and commercial recreation uses.
- F. FP Floodplain District. Purpose: to preserve and protect the streams and other watercourses of the town and their adjoining lands; to protect the health and safety of persons and property against the hazards of flooding; to protect the community against the detrimental use and development of lands adjoining such watercourses; and to conserve the watershed areas of the town for the health, safety and welfare of the public. The Floodplain District is an overlay district superimposed over other districts shown on the Zoning Map as a recognition of the special hazard which exists in such areas and is subject to the provisions of § 167-15 of this chapter.

G. Wireless Communications Services Districts. [Added 5-11-1998 ATM, Art. 64; Amended 5-14-2001 ATM, Art. 55]

- (1) Purpose. The purpose of this section is to establish districts in which wireless communications services may be provided with minimal harm to the public health, safety and general welfare. Specifically, the Wireless Communications Services Districts are hereby created to protect the general public from hazards associated with wireless communications facilities and minimize visual impacts from wireless communications facilities on residential districts within Halifax. This section does not apply to satellite dishes and antennas for residential use.
- (2) Description of areas included in the Wireless Communications Services District A:
  - (a) The Wireless Communications Services District A shall include the property shown on the Halifax Board of Assessors documents as Map 72, Parcel 15 (499 Plymouth Street) and all land located in the Industrial District. No wireless communication facility may be constructed within areas subject to protection under the Wetlands Protection Bylaw (Chapter 164), any regulations promulgated pursuant to such bylaw, the Massachusetts Wetlands Protection Act, MGL c. 131, the Wetlands Regulations, 310 C.M.R. 10.00 et seq., or under any applicable federal law unless any permits required by the Town, the Commonwealth of Massachusetts, or the United States Government to construct in such areas are obtained by the applicant.
  - (b) Wireless Communications Services District A shall be construed as an overlay district with regard to said locations. All requirements of the underlying zoning district shall remain in full force and effect, except as may be specifically superseded herein.
- (3) Description of areas included in the Wireless Communications Services District B.
  - (a) The Wireless Communications Services District B shall include the entirety of the Town of Halifax. No wireless communication facility may be constructed within areas subject to protection under the Wetlands Protection Bylaw (Chapter 164), any regulations promulgated pursuant to such bylaw, the Massachusetts Wetlands Protection Act, MGL c. 131, the Wetlands Regulations, 310 C.M.R. 10.00 et seq., or under any applicable federal law unless any permits required by the Town, the commonwealth of Massachusetts, or the United States Government to construct in such areas are obtained by the applicant.
  - (b) Wireless Communications Services District B shall be construed as an overlay district with regard to said locations. All requirements of the underlying

zoning district shall remain in full force and effect, except as may be specifically superseded herein.

- (4) Use restrictions. A wireless communications facility (including antennas and accessory structures, if any), antenna or satellite dish may be erected in Wireless Communications Services District A or B only upon the issuance of a special permit by the Zoning Board of Appeals pursuant to § 167-21A(2) of this bylaw, subject to all of the following conditions:
  - (a) In District A, the only wireless communications facilities that may be allowed are freestanding monopoles, with associated antenna and/or panels and accessory buildings. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed. In District B, the only wireless communications facilities allowed shall be located on pre-existing structures except accessory buildings necessary for the antenna, antennas, panel, or panels.
  - (b) To the extent feasible, all service providers shall collocate on a single facility. All wireless communication facilities constructed as principal uses shall be designed to accommodate the maximum number of communications facilities possible. The intent of this requirement is to reduce the number of facilities which will be required to be located within the community.
  - (c) Wherever feasible, wireless communication facilities shall be located on existing wireless communication facilities or other existing nonresidential structures, minimizing construction of new wireless communication facilities.
  - (d) Where a wireless communications facility has been constructed pursuant to a special permit issued under the § 167-4G, any proposed extension in the height, addition of cells, antennas or panels, construction of a new facility on the lot, or replacement of a facility, shall be subject to a new application for an amendment to the special permit.
  - (e) A maximum of one wireless communication facility shall be permitted per lot.
  - (f) No wireless communication facility or attached accessory antenna shall be more than 150 feet above the natural grade or six feet above the height of the building or structure on which it is attached, whichever is less.
  - (g) All facilities shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use.
  - (h) In District A, a facility shall not be erected nearer to any property line than a distance equal to the vertical height of the facility (inclusive of any appurtenant devices), measured at the mean finished grade of the facility base. In District B, such a limit shall not apply.



- (i) In District A, any wireless communication facility shall be at least 500 feet from any existing building. In District B, such a limit shall not apply.
- (j) Siting shall be such that the view of the facility from adjacent abutters, residential neighbours and other areas of Town shall be as limited as possible. All facilities 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 facility with the landscape below and above the tree or building line.
- (k) Wireless communications facilities shall be suitably screened from abutters and residential neighbourhoods.
- (l) Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town.
- (m) Clearing of natural vegetation should be limited to that which is necessary for the construction, operation and maintenance of the wireless communication facility.
- (n) There shall be no signs, except for announcement signs, “no trespassing” signs and a required sign giving a phone number where the owner can be reached on a twenty-four-hour basis. All signs shall conform with the § 167-13 (Exterior signs).
- (o) Night-lighting of the facilities shall be prohibited unless required by the Federal Aviation Administration (FAA). Lighting shall be limited to that needed for emergencies and/or as required by the FAA.
- (p) There shall be a minimum of one parking space for each facility, to be used in connection with the maintenance of the facility and the site, and not to be used for the permanent storage of vehicles.
- (q) To the extent technologically feasible, all network interconnections from the facility shall be via land lines.
- (r) Traffic associated with the facility and accessory facilities and structures shall not adversely affect abutting ways.
- (s) Wireless communication facilities placed on existing buildings shall be camouflaged or screened and designed to be harmonious and architecturally compatible with the building. Any equipment associated with the facility shall be located within the building.

- (t) 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 Building Inspector by the special permit holder.
  - (u) All unused facilities or parts thereof or accessory facilities and structures which have not been used for one year shall be dismantled and removed at the owner's expense.
  - (v) Accessory structures housing support equipment for wireless communication facilities shall not exceed 400 square feet in size and 15 feet in height and shall be screened from view.
  - (w) Any deviation from Subsection G(4)(a), (f), (h), and/or (i) above shall require a variance from the Zoning Board of Appeals.
- (5) Procedure for a special permit. All applications for wireless communications facilities, antennas or satellite dishes shall be made and filed on the applicable application forms for site plan and special permit in compliance with the Halifax Zoning Board of Appeals application instructions. In addition to the requirements for Site Plan Review under § 167-28 of the Halifax Zoning Bylaw and the special permit requirements under § 167-21A(2) of the Halifax Zoning bylaw, five copies of the following information must be submitted for an application to be considered complete.
- (a) A locus plan at a scale of one inch equals 200 feet which shall show all property lines, the exact location of the proposed structure(s), street landscape features, residential dwelling and the neighbourhoods and all buildings within 500 feet of the facility.
  - (b) A color photograph or rendition of the facility with its antennas and/or panels. For satellite dishes or antennas, a color photograph or rendition illustrating the dish or antenna at the proposed location is required. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets.
  - (c) The following information must be prepared by a professional engineer:
    - [1] A description of the facility and the technical, economic and other reasons for the proposed location, height and design.
    - [2] Confirmation that the facility complies with all applicable federal and state standards.
    - [3] A description of the capacity of the facility including the number and type of panels, antennas and/or transmitter receivers that it can accommodate and the basis for these calculations.

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

[5] The applicable review and advertising fees as noted in the application guidelines.

(d) Evaluation by independent consultant. Pursuant to the provisions of MGL c. 44, § 53E½, the Zoning Board of Appeals may retain the services of consultants to assist the Board in reviewing an application for a special permit for a wireless communications facility. The Board may provide the consultant with the application and any other relevant documents or information for analysis and review. The applicant shall bear all costs and expenses associated with the consultants' services.

(6) Exemptions. The following types of wireless communications facilities are exempt from §167-7D10:

(a) Amateur radio towers used in accordance with the terms of any amateur radio service license issued by the Federal Communications Commission, provided that the tower is not used or licensed for any commercial purpose.

(b) Facilities used for the purposes set forth in Massachusetts General Laws, c. 40A, § 3.

#### **§ 167-5. Establishment of Zoning Map.**

Said districts are located and bounded as shown on a map entitled "Zoning Map of Halifax, Massachusetts," dated March 14, 1966, and on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this chapter.

#### **§ 167-6. Interpretation of boundaries.**

A. Where a boundary is shown as following a street, railroad or utility, the boundary shall be the center line thereon unless otherwise indicated.

B. Where a boundary is shown outside of a street, railroad or utility and approximately parallel thereto, the boundary shall be deemed parallel to the nearest line thereof, and the figure placed on the Zoning Map between the boundary and such lines shall be the distance, in feet, between them as measured at a right angle from such line unless otherwise indicated.

C. Where a boundary is shown as following a watercourse, the boundary shall coincide with the center line thereof as said line existed at the date of the Zoning Map.

- D. Wherever any dispute arises on district boundaries as to the exact location of a district boundary line, the location of such line shall be determined by the Planning Board.
- E. Where a district boundary line divides a lot, the regulations applying to the portion of such lot in the less restricted district may be considered as extending not more than fifty (50) feet into the more restricted portion, but only if the lot has frontage on a street in the less restricted district

**ARTICLE III  
Use Regulations**

**§ 167-7. Schedule of Use Regulations.**

- A. In residential, commercial and industrial districts, no building or structure shall be erected or used for any purpose other than those set forth in the Table of Use Regulations (§ 167-7C) below and in the special use regulations (§ 167-7D) below.
- B. Permitted uses, which are allowed as of right, and specially-permitted uses, which may be allowed by a special permit from the Board of Appeals or other designated special permit granting authority, shall conform to the provisions of §§ 167-10 through 167-17 hereinafter.
- C. Table of Use Regulations. [Amended 5-11-1992 ATM, Arts. 33, 40; 5-13-1996 ATM, Arts. 50, 57, 58, 59, 60; Amended 5-12-2014 ATM, Art. 51, 52; Amended 5-08-2017 ATM, Art. 48]

Y = Permitted use

N = Prohibited use

SP = Use allowed under special permit by the Board of Appeals or other designated special permit granting authority as provided in § 167-21 hereinafter

*Note:*

AR = *Agricultural Residential Zone*

B = *Business Zone*

I = *Industrial Zone*

I-2 = *Industrial 2 Zone*

C = *Conservancy Zone*

**Summary of Use Regulations**

Use	AR	B	I	I-2	C
Agricultural uses					
Farms: Agricultural, orchard, plant nursery, greenhouse or cranberry or vitaculture [See § 167-7D(1).]	Y	SP	SP	N	Y
Salesroom or stand for the display or sale	Y	SP	SP	SP	Y

Use	AR	B	I	I-2	C
of horticultural and/or floricultural products, the major portion of which is grown or produced on the premises					
Farms: livestock and poultry	Y	SP	SP	N	Y
Farms: Piggery and/or swine	N	N	N	N	N
Breeding, sale or boarding of dogs, cats or fur-bearing animals	SP	SP	N	SP	SP
Kennel for the breeding or boarding of dogs	SP	SP	N	SP	SP
Medical Marijuana Treatment Center as a primary or accessory Use [See § 167-D(14) <b>[Added 5-12-2014 ATM, Art. 51]</b>	N	N	SP	N	N
Residential uses					
Single-family detached dwellings	Y	Y	N	N	SP
Two-family or duplex dwelling	SP	SP	N	N	SP
Multifamily dwellings or apartments [See § 167-7D(2).]	SP	SP	N	N	SP
In-law apartment/immediate family member accessory apartment [See § 167-7D(12).] <b>[Added 9-28-1998 STM, Art. 24]</b>	SP	SP	N	N	SP
Accessory building or enclosure for keeping domestic pets or animals [See § 167-7D(7).]	Y	Y	Y	N	Y
Trailer camps, parks or courts, designed for trailer coaches or mobile homes used as dwellings. [See §§ 167-7D(3) and 167-12B.]	SP	N	N	N	N
Renting of 1 or 2 rooms and the furnishing of board by a resident family to not more than (3) nontransient persons	SP	Y	Y	Y	SP
Customary home occupation conducted by a resident of the premises; accessory uses [See § 167-7D(5).] <b>[Amended 6-23-1997 STM, Art. 5; 5-11-1998 ATM, Art. 58]</b>	Y	Y	Y	N	Y
Home business or professional office/studio, conducted by a resident of the premises; accessory use [See § 167-7D(11).] <b>[Added 5-11-1998 ATM, Art. 58]</b>	SP	Y	Y	N	SP
Tourist homes, but not including overnight cabins, motels or hotels [See § 167-12C.]	SP	N	N	N	N
Garage or barn (See § 167-12F.)	Y	Y	Y	Y	SP

Use	AR	B	I	I-2	C
<b>[Amended 5-14-2001 ATM, Art. 49; 5-12-2003 ATM, Art. 49]</b>					
Accessory building or structure [See § 167-12E.] <b>[Added 5-14-2001 ATM, Art. 48]</b>	Y	Y	Y	N	Y
<b>Institutional uses</b>					
Churches or other places of worship, parish houses, rectories, convents and other religious institutions	Y	Y	Y	Y	Y
Schools: public, religious, sectarian or private	Y	Y	Y	Y	Y
Colleges and buildings accessory thereto	Y	Y	Y	Y	Y
Public buildings and premises for government use	Y	Y	Y	Y	Y
Libraries, museums or civic centers	Y	Y	Y	Y	Y
Public recreational uses	Y	Y	Y	SP	Y
Country or tennis clubs or other social, civic or recreational lodges or clubs <b>[Amended 9-23-1997 STM, Art. 1]</b>	SP	Y	N	N	SP
Nursery schools or other uses for the day care of children	Y	Y	Y	Y	Y
Cemeteries	SP	N	N	N	SP
Hospitals, sanatoriums, nursing, rest or convalescent homes, charitable institutions or other non-correctional institutional uses	SP	N	N	N	SP
Camps for children, private or publicly organized	SP	N	N	N	Y
<b>Commercial uses</b>					
Retail stores, not including drive-ins, adult bookstores, adult paraphernalia stores and adult video stores	N	Y	SP	N	N
Open air business/outside sales	N	SP	SP	SP	N
Banks or other financial institutions	N	Y	Y	N	N
Craft, consumer, professional or commercial service establishments dealing directly with the general public, not including massage service establishments or body art establishments <b>[Amended 5-14-2001 ATM, Art. 44]</b>	N	Y	Y	N	N

Use	AR	B	I	I-2	C
Restaurants or other places serving food or beverages only to persons inside a building <sup>1</sup>	N	Y	Y	N	N
Retail or commercial businesses with drive-through, drive-in or open-air sales or operations and their appurtenant buildings or structures [See § 167-D(10).] <b>[Added 5-11-1998 STM, Art. 27]</b>	N	SP	SP	N	N
Body art establishment <b>[Added 5-14-2001 ATM, Art. 45]</b>	N	N	SP	N	N
Undertaking establishments or funeral homes	SP	Y	N	N	N
Wholesale offices or showrooms, including indoor warehouse facilities. Hotels, motels or overnight cabins [See § 167-12C.]	N	SP	N	N	N
Animal or veterinary hospital	SP	SP	N	N	N
Motor vehicle service or filling stations	N	SP	N	N	N
Repair garages for motor vehicles	N	SP	Y	N	N
Commercial parking lots or parking garages	N	SP	SP	N	N
Salesrooms for motor vehicles, trailers, farm implements or machinery with repair services and storage permitted	N	Y	SP	N	N
Auto body, soldering or welding shops	N	SP	Y	N	N
Marinas, boat liveries, sales, storage and repair of boats and other marine accessories <sup>2</sup> <b>[Amended 5-14-2001 ATM, Art. 47]</b>	N	SP	Y	N	N
Commercial indoor or outdoor amusements, recreation places or places of assembly, excluding outdoor movie theatres [See § 167-7D(6).], adult clubs, adult mini motion-picture theatres and adult motion-picture theatres	N	Y	SP	N	SP
Adult motion-picture theatres [See § 167-7D(9).]	N	N	SP	N	N
Adult bookstores [See § 167-7D(9).]	N	N	SP	N	N

<sup>1</sup>[Editor's Note: The entry regarding drive-through restaurants, which immediately followed this entry, was deleted 5-11-1998 STM, Art. 27. See now next entry below.]

<sup>2</sup>[Editor's Note: The entry for drive-in or open-air businesses, which immediately followed this entry, was deleted 5-11-1998 STM, Art. 27. See now the entry regarding retail or commercial businesses with drive-through sales, above.]

Use	AR	B	I	I-2	C
Adult paraphernalia stores [See § 167-7D(9).]	N	N	SP	N	N
Adult clubs [See § 167-7D(9).]	N	N	SP	N	N
Adult mini motion-picture theatre [See § 167-7D(9).]	N	N	SP	N	N
Adult video stores [See § 167-7D(9).]	N	N	SP	N	N
Massage service establishments [See § 167-7D(9).]	N	N	SP	N	N
Recreational campground for transient tenting and/or mobile camp use from May 1 to November 1	SP	N	SP	N	SP
Commercial riding stables	SP	N	N	N	SP
Outdoor movie theatres	N	SP	SP	N	N
Car/truck wash	N	SP	SP	N	N
All commercial building or structures 15,000 square feet or greater in area. [See § 167-7D.] [Added 5-12-2003 ATM, Art. 48; Amended 5-12-14 ATM Art. 52]	N	SP	SP	SP	SP
Medical Marijuana Treatment Center as a primary or accessory Use [See § 167-D(14) [Added 5-12-2014 ATM, Art. 51]	N	N	SP	N	N
Marijuana Establishment [See § 167-D(15)] [Added 05-08-17 ATM, Art. 48]	N	N	SP	N	N
<b>Industrial uses</b>					
Light industrial uses, including manufacturing, storage, processing, fabrication, packaging and assembly	N	SP	Y	N	N
Public utility structures and appurtenances	SP	SP	SP	SP	SP
Transportation company	N	SP	SP	N	N
Sanitary landfill	N	N	N	Y	N
<b>Miscellaneous (or accessory) uses</b>					
Exterior portions of any alternate energy system [See § 167-7D(8).]	Y	Y	Y	N	Y

D. Specific use regulations.

- (1) Agriculture. Under MGL c. 40A, the Zoning Enabling Act, agricultural uses are allowed on any parcel of five (5) or more acres (even if divided by a road), regardless of the zoning district. Accordingly, the specific use regulations in the table above apply only to parcels of under five (5) acres.
- (2) Multifamily development allowable by special permit from the Zoning Board of Appeals in the AR, B and C Districts.



- (a) It is required that any multifamily development complex proposed hereunder shall locate each building on an individual lot which shall have continuous frontage on a public or private way.
  - (b) The complete parcel must be under the ownership of the developer before a special permit is granted.
  - (c) Design guidelines. The shapes, scale, location and materials of all buildings, lighting, roads and parking shall be consistent with the character of the neighborhood and with the terrain and vegetation of the site.
  - (d) All utilities in a multifamily development shall be installed underground.
- (3) Trailer camps, parks or courts designed for trailer coaches or mobile homes used as dwellings allowable by special permit from the Zoning Board of Appeals in the AR District. Trailer camps, parks or courts shall permit only adults over fifty (50) years of age as residents. The Board of Appeals shall not issue more than one (1) special permit for such a permanent trailer camp, park or court for each ten thousand (10,000) Town population.
- (4) Trailers, trailer coaches or mobile homes used as an office incidental to construction on the premises may be allowable by special permit from the Zoning Board of Appeals. Such uses are restricted to a maximum of six (6) months in any calendar year. Said trailer, trailer coach or mobile home is to be removed from the premises at the expiration of the permit.
- (5) Customary home occupation conducted/used by a resident of the premises, permitted as of right in the AR, B, I and C Districts, with the following restrictions: **[Amended 6-23-1997 STM, Art. 4; 5-11-1998 ATM, Art. 59]**
- (a) There may be no employees other than residents of the premises.
  - (b) Not more than 25% of total floor area, not to exceed 400 square feet, may be dedicated to this use.
  - (c) There may be no equipment or product displays visible from the street.
  - (d) There may be no increased traffic, truck deliveries or pickups to the premises.
  - (e) There may be no deleterious effects on the neighbourhood in terms of noise, vibration, glare, fumes, electrical disturbance or other emissions.
  - (f) There may be no signs for the business.

- (g) There may be no evidence from the exterior of the premises that there is a business being conducted within.
- (6) Commercial indoor or outdoor amusements or recreation places, permitted in the B District and allowable by special permit from the Board of Appeals in the I and C Districts. This excludes outdoor movie theaters. It requires that the building be so insulated and maintained as to confine any noise to the premises and that it be located at least one hundred (100) feet from a residential district.
- (7) Accessory building or enclosure for keeping domestic pets or animals for the pleasure of residents permitted in all but the I-2 District. This use is limited to litters and to three (3) such pets or animals three (3) months or older in age.
- (8) Exterior portions of any alternate energy system, permitted in all but the I-2 District. Such uses, adjacent to or in coincidence with an existing or newly constructed structure, shall be permitted by review of the Planning Board so as to be neither detrimental nor offensive to the neighborhood, nor a detriment to the health, safety and welfare of the inhabitants of the town.
- (9) Adult uses. It is the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Halifax; and it is the intent of this subsection to promote the health, safety and general welfare of the citizens of the Town of Halifax; and it is the intent of this subsection that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and the provisions of this subsection have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials; and it is not the intent nor effect of this subsection to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor effect of this subsection to condone or legitimize the distribution of obscene material. **[Added 5-13-1996 ATM, Art. 61; amended 6-23-1997 STM, Art. 6]**
- (a) Adult bookstores, adult motion-picture theatres, adult paraphernalia stores, adult clubs, adult mini motion-picture theatres, adult video stores and massage service establishments and all advertising signs for the same shall not be located within 50 feet of a public or private way and shall be set back a minimum of 50 feet from all property lines. They shall not be located within 1,000 feet of each other nor within 1,000 feet of the nearest lot lines of any:

- [1] Residential district.
- [2] Place of worship.
- [3] School or preschool.
- [4] Licensed day care center or facility.
- [5] Public beach or playground.

[6] Establishment licensed under the provisions of MGL c. 138, § 12.

- (b) Special permits for adult bookstores, adult motion-picture theatres, adult paraphernalia stores, adult clubs, adult mini motion-picture theatres, adult video stores and massage service establishments shall not be granted to any person convicted of, admitting of sufficient facts to or pleading nolo to the provision of MGL c. 119, § 63, or MGL c. 272, § 28, or convicted of, admitting of sufficient facts to or pleading nolo to a felony as defined by MGL c. 274, § 1. Persons shall include any permit applicant, any corporation with such a person as an officer and any trust with such a person as a trustee.
- (c) Special permits granted for adult bookstores, adult motion-picture theatres, adult paraphernalia stores, adult clubs, adult mini motion-picture theatres, adult video stores and massage service establishments shall lapse within one year, including such time to pursue or await the determination of an appeal referred to in MGL c. 40A, § 17, from the grant thereof if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, if construction has not begun by such date except for good cause.
- (10) Commercial establishments with drive-through sales are allowable by special permit from the Planning Board in the Commercial and business and Industrial Districts and not allowed in the Agricultural-Residential, Conservancy or Industrial-2 Districts. **[Added 5-11-1998 STM, Art. 28]**
- (11) Home business or professional office/studio conducted by a resident of the premises, permitted as of right in the B and I Districts and allowable by special permit from the Zoning board of Appeals in the AR and C Districts, with the following restrictions: **[Added 5-11-1998 STM, Art. 60]**
  - (a) There may be no more than one employee, other than residents of the premises.
  - (b) Not more than 25% of the total floor area, not to exceed 400 square feet, may be dedicated to this use.
  - (c) There may be no equipment or product displays visible from the street.
  - (d) There may be no increase in automobile or truck traffic beyond that normally expected in a residential neighborhood.
  - (e) There may be no deleterious effects on the neighborhood in terms of noise, vibration, glare, fumes, electrical disturbances or other emissions.
  - (f) There may be one small sign as allowed by § 167-13.
  - (g) Any accessory building built for this use must conform to bylaws of the Town.

- (h) Subsection D(11)(a) through (g) above may be varied at the discretion of the Zoning Board of Appeals.
- (12) In-law apartment/immediate family member accessory apartment allowable by special permit from the Zoning board of Appeals in AR, B and C Districts. **[Added 9-28-1998 STM, Art. 25]**
- (a) In-law apartments shall share a major utility, some shared living space and one shared entrance with the primary dwelling.
  - (b) In-law apartments must be occupied by a relative of the owner and/or resident of the primary dwelling.
  - (c) In-law apartments shall not be converted to income-producing apartments.
  - (d) Special permits for in-law apartments are granted to the applicant and are not transferable with the land.
  - (e) Special permits for in-law apartments are granted for a period of five years and must be renewed after the five years by coming back to a Zoning Board meeting.
  - (f) The size of an in-law apartment shall be no larger than 50% of the first floor living space of the main residence or 900 square feet, whichever is greater. **[Added 5-12-2003 ATM, Art. 47]**
- (13) All commercial buildings or structures 15,000 square feet or greater in area of all above ground floors are allowable by special permit from the Planning Board in the Commercial, Industrial, Industrial-2 and Conservancy Districts and are not allowed in the Agriculture-Residential Districts. **[Added 5-12-2003 ATM, Art. 50; Amended 5-12-2014, Art. 52]**
- (14) Medical Marijuana Treatment Centers:
- Medical Marijuana Treatment Centers may be allowed by special permit in the Industrial District. The Special Permit Granting Authority shall be the Planning Board and the following regulations shall apply: **[Amended 05-08-2017, ATM, Art. 48]**
1. No treatment center shall be located within five hundred (500) linear feet of any school or child care facility or where children generally congregate, any other Medical Marijuana Treatment Center or any establishment licensed to pour alcohol under the provision of G.L. c.138 § 12.
- Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility in question to the nearest property line of the Medical Marijuana Treatment Center.

2. The hours of operation of Medical Marijuana Treatment Center may be set by the Planning Board, but at no time shall the facilities be open between the hours of 8 pm and 8 am.
3. The special permit shall be granted for a term of 2 years from the dates of issuance. A renewal application shall be submitted 90 days prior to expiration date of the special permit and will be subject to a public hearing in accordance with G.L. c.40A § 9, 11 and 15. The special permit will become null and void if the applicant does not construct or commence within one year of granting a permit.
4. In addition to this by-law, any permit applied for and/or issued for a Medical Marijuana Treatment Center shall comply with all the requirements of 105 CMR 725.000.
5. No burning, smoking or consuming of any product containing marijuana or related products shall be permitted on or in the premises.
6. There will be no displayed products in the facilities windows or be visible from any street or parking lot.
7. Business owners shall provide security measures for the facility to include one or more fencing, lighting, surveillance cameras, gates and alarm system to ensure the safety of any persons and to protect the premises from theft.
8. Signage will conform to the current sign by-laws in section 167-13 and any exterior sign may identify the establishment but will not contain any other advertisement.
9. Any Treatment Center is prohibited to sell or distribute marijuana to any persons other than for medical use to qualifying patients. **[Added 5-12-2014 ATM, Art. 51]**

(15) Marijuana Establishments

Marijuana Establishments may be allowed by special permit in the Industrial District. The Special Permit Granting Authority shall be the Planning Board and the following regulations shall apply:

1. No Marijuana Establishment shall be located within 500 (five hundred) linear feet of any school or child care facility or where children generally congregate, any other Marijuana Establishment or any establishment licensed to pour alcohol under the provisions of G.L. c. 138 § 12. Distances shall be calculated by direct measurement of a straight line from the nearest property line of the facility in question to the nearest property line of the Marijuana Establishment.
2. The hours of operation of Marijuana Establishment may be set by the Planning Board, but at no time shall the facilities be open between the hours of 8 pm and 8 am.
3. The special permit shall be granted for a term of 2 years from the dates of issuance. A renewal application shall be submitted 90 days prior to expiration date of the special permit and will be subject to a public hearing

in accordance with G.L. c.40A § 9, 11 and 15. The special permit will become null and void if the applicant does not construct or commence within one year of granting a permit.

4. In addition to this by-law, any permit applied for and/or issued for a Marijuana Establishment shall comply with all State laws and regulations concerning Marijuana Establishments.
5. There will be no displayed products in the facilities windows or be visible from any street or parking lot.
6. Business owners shall provide security measures for the facility to include one or more fencing, lighting, surveillance cameras, gates and alarm system to ensure the safety of any persons and to protect the premises from theft.
7. Signage will conform to the current sign by-laws in section 167-13 and any exterior sign may identify the establishment but will not contain any other advertisement. [Added 05-08-2017, ATM, Art. 48]

**§ 167-8. Nonconforming uses.**

- A. Continuation. The lawful use of any structure or land existing at the time of the enactment or subsequent amendment of this chapter may continue although such structure or use does not conform to the provisions of the chapter as adopted or amended.
- B. Alteration. A nonconforming structure may not be altered if the cost of such alteration exceeds fifty percent (50%) of the real market valuation of the structure at the time of the change.
- C. Extension. No other increase in the extent of the non-conforming use of land may be made.
- D. Restoration. A nonconforming building or structure which has been damaged or destroyed may be repaired or rebuilt, provided that such restoration shall not exceed the original area by more than fifty percent (50%), shall not exceed the original height and shall be placed no nearer the street line than the building or structure which the restoration replaces.
- E. Abandonment. No nonconforming use which has been abandoned or discontinued for more than two (2) years shall be re-established. Any future use shall be in conformity with the provisions of this chapter.
- F. Changes. Once changed to a conforming use, no structure or land shall be permitted to revert to a nonconforming use.
- G. Exemption. A vertical extension of a nonconforming building, which would increase the pitch of the roofline but does not expand the building horizontally and does not

increase or create any additional floor area, shall be deemed not to increase the nonconforming nature of the building and shall not require a special permit under § 167-8. [Added 5-8-2006 ATM, Art. 38]

**§ 167-9. Prohibited uses**

In any district no use will be permitted which will produce a nuisance or hazard from fire or explosion, toxic or corrosive fumes, gas, smoke, odors, obnoxious dust or vapor, harmful radioactivity, offensive noise or vibration, flashes, objectionable effluent or electrical interference which may affect or impair the normal use and peaceful enjoyment of any property, structure or dwelling in the neighborhood.

ARTICLE IV  
**Dimensional and Density Regulations**

**§ 167-10. General density regulations.**

- A. Where two (2) or more requirements in this chapter are applicable to the same open space, that which imposes the greatest restriction on the placement of the building will control.
- B. A dwelling, building or any structure hereafter constructed or altered in any district shall not be located on a lot having less than the minimum requirements, and no more than one (1) dwelling shall be built upon any single lot, except as herein after provided.
- C. The frontage of a lot shall be the measured distance between the points of intersection of the side lot lines along the street right-of-way. (See § 167-3, the diagram showing the means of measuring the minimum frontage dimension<sup>3</sup>).
- D. On all corner lots, the required front yard dimension shall apply from all street lines. The required side yard dimension shall apply from all other lot lines. In all cases, one (1) street line shall be accepted as the front street line for the measurement of lot frontage.
- E. (Reserved)<sup>4</sup>
- F. The minimum front yard dimensions required in the following table<sup>5</sup> of dimensional and density regulations are to be measured from the street line, where a plan of the street is on file with the Registry of Deeds, or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel to the apparent center line of the traveled way or street.

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<sup>3</sup> [Editor's Note: Said diagram is with the definition of "Yard, front, side and rear" in § 167-3.]

<sup>4</sup> [Editor's Note: Former Subsection E, which contained provisions on lots with areas or frontages smaller than required, was repealed 5-9-2011 ATM by Art. 50.]

<sup>5</sup> [Editor's Note: See § 167-11.]

- G. The mean direction of side lot lines shall be as close as possible to perpendicular to the street line or to its tangent at the point of intersection of the side lot line. In no case shall a side lot line be created so that the mean direction shall form an angle of less than seventy-five degrees (75°) with the street line or the aforesaid tangent.
- H. Lots which are so distorted in configuration as to be detrimental to public health, safety, welfare or convenience, even though complying with dimensional requirements established therein, shall not be allowed.
- I. In all districts, the limitations on height for all structures, including buildings, towers, antennas, bulkheads, chimneys, cooling towers, ventilators and other appurtenances, shall be limited to a maximum height of forty (40) feet, measured from average grade before construction, with the exception of wireless communications facilities and with the exception of municipal or institutional buildings, farm buildings and churches, including spires, domes and steeples which may be carried to any height. **[Amended 6-23-1997 STM, Art. 11; 5-11-1998 ATM, Art. 55]**
- J. A lot or parcel of land containing two (2) or more dwellings existing at the time of adoption of this chapter, which cannot be divided in conformity with the requirements, may, under a special permit by the Board of Appeals, be divided in a manner complying as closely as possible with these requirements.
- K. The clear height of any foundation of any structure built within a minimum of one hundred (100) feet of the front lot line must be no less than two (2) feet above the crown of the road which abuts the front lot line.
- L. Access to all lots shall only be through or across its legal frontage. No common driveways are allowed unless otherwise provided for within this chapter. **[Added 6-23-1997 STM, Art. 9]**
- M. Minimum lot area must be met by contiguous land which is not: **[Added 6-23-1997 STM, Art. 8; amended 9-28-1998 STM, Art. 28]**
- (1) Wetlands as defined in MGL c. 131, § 40, the Wetlands Protection Act;
  - (2) Wetlands as defined by the Town of Halifax's Wetlands Protection Bylaw.<sup>6</sup>
  - (3) Land subject to flooding as defined by MGL c. 131, § 40, the Wetlands Protection Act;
  - (4) Land within the Floodplain District as defined by § 167-4 of this chapter of the Code of the Town of Halifax.

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<sup>6</sup> [Editor's Note: See Ch. 164, Wetlands Protection.]



N. All lots, with the exception of estate lots, shall have a ratio of area to perimeter of more than 35. Estate lots shall have a ratio of area to perimeter of more than 30. [Added 5-12-2008 ATM, Art. 59; amended 5-9-2011 ATM, Art. 47]

**§ 167-11. Table of Dimensional and Density Regulations.<sup>7</sup>**

**§ 167-12. Density regulations for specific uses.**

A. Multifamily development

- (1) The number of units in a multifamily development shall not exceed the number of acres in the parcel on which they are to be built.
- (2) Eighty percent (80%) of the total parcel tested on a two-hundred-foot by two-hundred-foot grid must be found to be percable by the Board of Health.
- (3) The minimum parcel size shall be ten (10) acres.
- (4) No unit shall have any more than two and one-half (2½) stories which contain any amount of living space. This limitation will be enforced by a covenant with the purchaser of each unit.
- (5) The minimum front setback shall be seventy-five (75) feet, the minimum rear yard shall be one hundred (100) feet, and there shall be at least one hundred (100) feet between any two (2) buildings. In addition, the required thirty-foot minimum side yard between the development and adjacent properties shall be maintained as a vegetated buffer area free of parking or any structures, and any changes in its natural state shall require approval by the special permit granting authority.
- (6) Minimum residential floor area. No multifamily housing, whether condominium or rental, shall be erected, reconstructed, remodeled or altered so that the lowest level, (i.e., ground floor or equivalent) of living space per dwelling unit (i.e., in a unit) contains less than seven hundred fifty (750) square feet.
- (7) Fire protection in condominium developments.
  - (a) Every multifamily development, whether condominium or rental, built after 1984 shall install an automatic fire-detection system in each building. This system shall not include the smoke-detection systems unless so directed by the State Building Code or MGL c. 148, § 26C. The automatic fire-detection system shall be wired into the fire station, and the alarm notification system shall be compatible to the present alarm notification system. All expenses of the installation, including the tie-in at the fire station, shall be borne by the developer. The system shall be approved by the Fire Chief before any

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<sup>7</sup> [Editor's Note: The Table of Dimensional and Density Regulations is included at the end of this chapter.]

construction is started on the site. The maintenance of the system shall be the responsibility of the owner or condominium association, if any.

- (b) Every multifamily development, whether condominium or rental, built after 1984 shall have a hydrant system which is capable of supplying the required fire flow, plus fifty percent (50%). The water main shall not be less than eight (8) inches in diameter, and the system shall be looped with no dead ends. All hydrants shall be set at five hundred (500) feet apart within the development.
  - (c) Every multifamily development, whether condominium or rental, shall supply adequate space in front of each building for fire apparatus to approach the buildings. This open space shall be kept open at all times. If said space is blocked by a vehicle, it shall be towed at the owner's expense. This order to tow may be given by either the Police or Fire Department.
- B. Trailer camps, parks or courts [discussed under § 167-7D(3)] shall not be subject to the basic residential density regulations but may have a density of up to six (6) mobile homes per acre.
  - C. Transient accommodations. In all districts, two thousand (2,000) square feet of lot area shall be required for each room to be used by transient paying guests. This requirement shall be in addition to the minimum lot area requirements of the district for any other use.
  - D. Commercial indoor or outdoor amusements, recreation places or places of assembly must be located at least one hundred (100) feet from a residential district.
  - E. Accessory building or structure: **[Amended 6-23-1997 STM, Art. 3; 5-14-2001 ATM, Art. 50]**
    - (1) No accessory building or structure shall have a floor area that is greater than 25% of the floor area of the livable ground floor area of the principal building, not to exceed 300 square feet.
    - (2) Accessory buildings or structure exceeding 25% of the floor area of the livable ground floor area of the principal building or 300 square feet may be allowed by special permit of the Zoning board of Appeals.
    - (3) No accessory building or structure shall be located within an area with the following sides: the front lot line, the side of the house closes to the front lot line, and lines drawn perpendicular from the corners of the side of the house closest to the front lot line to the front lot line.
    - (4) No accessory building or structure shall be located nearer than 50 feet to the front lot line, as measured per § 167-11.

- (5) No accessory building or structure shall be located within the rear yard area closer than five feet to the rear lot line; if the building exceeds 300 square feet, the rear setback will be 40 feet.
- (6) No accessory building or structure shall be located within the side yard area any closer than 10 feet to the side lot line; if the building exceeds 300 square feet the side setbacks will be 30 feet.
- (7) No accessory building or structure shall be used for living quarters. An accessory building or structure shall remain freestanding in perpetuity. Said accessory building or structure shall not, by means of additional construction, be attached to another building or to an existing dwelling.
- (8) Any deviation from this § 167-12E shall require a variance from the Zoning Board of Appeals which shall consider the area and height of said structure and its proximity to the lot lines in determining whether such a variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this Zoning bylaw.

F. Garage or barn. **[Added 6-23-1997 STM, Art. 2; amended 5-11-1998 ATM, Art. 54; 5-14-2001 ATM, Art. 51]**

- (1) No garage or barn shall be located nearer than 50 feet to the front lot line, as measured per § 167-11.
- (2) No garage or barn shall be located within the rear yard area closer than 40 feet to the rear lot line.
- (3) No garage or barn shall be located within the side yard area closer than 30 feet to the side lot line.
- (4) No garage or barn shall have a ground floor area of greater than 884 square feet unless authorized by special permit from the Zoning Board of Appeals. **[Amended 5-8-2006 ATM, Art. 37]**
- (5) No garage or barn shall have a ground floor area greater than the foundation size of the house, unless authorized by special permit from the Zoning Board of Appeals. **[Added 5-12-2003 ATM, Art. 52]**
- (6) No residential garage or barn shall have a door height greater than 12 feet unless authorized by special permit from the Zoning Board of Appeals. **[Amended 5-9-2011 ATM, Art. 46]**
- (7) No detached garage or barn, if built under a Board of Appeals variance, shall be used for living quarters. Said detached garage, if built under a board of Appeals

variance, shall not by means of additional construction, be attached to another building or to an existing dwelling.

- (8) Any deviation from Subsection F(1), (2), (3), or (6) above shall be by a variance from the Zoning Board of Appeals, which shall consider the area and height of said structure and its proximity to the lot lines in determining whether such a variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent and purpose of this Zoning Bylaw.<sup>8</sup>

**G. Pools. [Added 5-13-1996 ATM, Art. 51]**

- (1) No swimming pool shall be located within the front yard area, as defined in § 167-3.
- (2) No swimming pool shall be located nearer than 50 feet to the front lot line, as measured per § 167-11.
- (3) No swimming pool shall be located within the rear yard area closer than five feet to the rear lot line.
- (4) No swimming pool shall be located within the side yard area any closer than 10 feet to the side lot line.
- (5) Any deviation from Subsection G(2), (3) or (4) above shall be by a variance from the Appeals Board, provided that consideration is given to the area and height of said structure and its proximity to the lot lines.

**ARTICLE V  
Special Provisions**

**§ 167-13. Exterior signs. [Amended 5-11-1992 ATM Art. 34; 5-11-1992 ATM, Art. 35; 5-11-1992 ATM, Art. 42; 5-10-1993 ATM, Art. 38; 5-8-2006 ATM, Arts. 39, 40 and 41; 5-9-2011 ATM, Art. 48]**

**A. Purpose.**

- (1) To promote the safety, comfort and well-being of the users of streets, roads and highways;
- (2) To reduce distraction and obstructions from signs which would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching upon public ways;

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<sup>8</sup> [Editor's Note: Former Subsection F(8), which permitted barns and garages of a certain size by special permit, was repealed 5-12-2003 ATM, Art. 53.]

- (3) To discourage excessive visual competition in signage and ensure that signs aid orientation and adequately identify uses and activities to the public; and
- (4) To preserve the aesthetic nature of the Town and enhance community character by requiring new and replacement signage which is:
  - (a) Creative and distinctive;
  - (b) Compatible with the surroundings;
  - (c) Appropriate to the type of activity to which it pertains;
  - (d) Expressive of the identity of individual proprietors or the community as a whole; and
  - (e) Appropriately sized in its context so as to be easily readable.
- (5) All signs shall be subject to any and all other applicable bylaws and regulations of the Town of Halifax and the Commonwealth of Massachusetts. Nothing in this bylaw is intended to limit the exercise of the right of free speech guaranteed under the Constitution of the United States or the Commonwealth of Massachusetts.

B. Definitions. As used in this section, the following terms shall have the meaning indicated:

**ADDRESS SIGN** - A sign displaying the street number or name of the occupant of the premises or both.

**AWNING SIGN** - A sign painted on or attached to the cover of a movable metallic frame of the hinged roll or folding type of awning.

**BILLBOARD** - A free standing sign larger than 40 square feet in gross area, or a wall sign covering more than 10% of the area to which it is affixed.

**COMMERCIAL DIRECTORY SIGN** - A sign to be located at the entrance of an industrial development, to specifically identify more than one property and business, allowed by special permit from the Planning Board.

**FAÇADE** - The exterior surface of a building.

**FLASHING SIGN** - A sign whose illumination is not kept constant in intensity at all times when in use.

**FREESTANDING SIGN** - A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include portable or trailer-type signs.

ILLUMINATED SIGN - Any sign lit by electrical bulbs, fluorescent lights or neon tubes. Neon tubes used as abstract, graphic, decorative or architectural elements shall be considered to constitute an “illuminated sign.”

LANDMARK SIGN - An older sign of artistic or historic merit, uniqueness or extraordinary significance to the community.

MARQUEE SIGN - A sign painted on, attached to or consisting of an interchangeable copy reader, on a permanent overhanging shelter which projects from the face of a building.

MOVABLE/PORTABLE SIGN - A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs; not to include sandwich board signs.

MULTIPLE DIRECTORY SIGN - A group of signs clustered together in a single structure or compositional unit used to advertise several occupants of the same building or building complex.

OFF-PREMISE SIGNS - Any sign which is not on the premises of the business, including a billboard.

ON-PREMISE SIGNS - Any sign that advertises, calls attention to or identifies the occupant of the premises on which the sign is maintained, or the business transacted thereon.

PAINTED WALL SIGN - A permanent mural or message painted directly onto a building surface.

POLITICAL SIGN - A sign designed to influence the action of voters for the passage or defeat of a measure or the election of a candidate to a public office at a national, state or other local election.

PROJECTING SIGN - A sign which is affixed to a building, pole or other structure and which extends more than six (6) inches beyond the surface to which it is affixed.

PUBLIC SERVICE SIGN - A sign located for the purpose of providing directions towards or indication of use not readily visible from the street (e.g., restrooms, telephones, etc.)

ROOF SIGN - A sign which is located above or projects above the lowest point of the eaves or the top of the parapet wall of any building or which is painted on or fastened to a roof.

SIGN - Any device visible to the public from outside of a building or from a traveled way which either conveys a message to the public or intends to advertise, direct, invite,

announce or draw attention to a use conducted, goods, products, services or facilities available on the property, excluding window displays and merchandise.

TEMPORARY/PROMOTIONAL SIGN - A sign, (including sandwich board type signs) which is to advertise or promote a service or convey a message to the public, i.e., for a business opening, special event/advertisement, or function for a limited amount of time as per Subsection E(13)(c).

WALL SIGN - Any sign which is painted on, incorporated into or affixed parallel to the wall of a building, and which extends not more than six (6) inches from the surface of that building.

WINDOW SIGN - Any sign which is painted, mounted or hung onto a window pane, directly inside the window with the purpose of advertising any premises or services or products for sale.

### C. Administration.

#### (1) Permits.

- (a) No sign shall be erected, displayed, altered or enlarged until an application has been filed and until a permit for such action has been issued, except where hereinafter excluded. Applications shall be on forms prescribed by the Sign officer. At a minimum, all applications shall include a scale drawing specifying dimensions, materials, illumination, letter sizes, colors, support systems, cost and location on land or buildings, with all relevant measurements.
- (b) Permits shall be issued only if the Sign Officer determines the sign complies or will comply with all applicable provisions of this bylaw and the State Building Code. Such applications may be filed by the owner of the land or building, or any person authorized by the owner of the property to erect a sign on the premises.
- (c) The Sign Officer shall act within thirty (30) days of receipt of such application together with the required fee. The Sign Officer's action or failure to act may be appealed to the Board of Appeals under the provisions of Chapter 40A.
- (d) A special permit application for lighted signs, signs which are larger than those allowed by right or signs not allowed in all districts shall be referred to the Planning Board. The Planning Board shall hold a public hearing, and its decision must be rendered within twenty-one (21) days of the public hearing. An appeal from the Planning Board's decision must be made in compliance with Massachusetts General Laws Chapter 40A, Section 8.

#### (2) Special Permits. The special permit granting authority shall be the Planning Board.

- (3) Fees. A schedule of fees for such permits may be established and amended from time to time by the Board of Selectmen.
- (4) Enforcement. The Building Inspector/Zoning Enforcement Officer is hereby designated as the "Sign Officer" and is hereby authorized to enforce this bylaw. The Sign Officer is authorized to order the repair or removal of any sign and its supporting structure which is judged dangerous or in disrepair or which is erected or maintained contrary to this bylaw. Whenever a Sign Officer is designated, that person shall notify the State Outdoor Advertising Board.
- (5) Removal of signs. Any sign which has been found to be abandoned, discontinued, in disrepair, illegible, dilapidated or in any manner a hazard to public safety and health shall be ordered removed by the Sign Officer. Identified sign or signs shall be removed by the property owner, person, firm or corporation responsible for the sign within thirty (30) days of written notice to remove.
- (6) Penalties. Violation of any provision of this bylaw or any lawful order of the Sign Officer shall subject the owner of the property to a fine of not more than three hundred dollars (\$300) per offense. Each day that such violation continues shall constitute a separate offense. Provisions of this bylaw are subject to Massachusetts General Laws Chapter 40, Section 21D.

#### D. General Provisions

- (1) Permitted signs. Only signs which refer to a permitted use or an approved conditional use as set forth in § 167-13 of the Town of Halifax Zoning Bylaw are permitted, provided that such signs conform to the provisions of this section.
- (2) Prohibited signs.
  - (a) A sign which is structurally or otherwise unsafe.
  - (b) Signs which are internally lit.
  - (c) Billboards.
  - (d) Signs which flash, rotate or which contain moving or motorized parts.
  - (e) Streamers, pennants, ribbons, spinners or other similar devices posted or erected in any zone. Exceptions: flags and buntings exhibited to commemorate national patriotic holidays, and temporary banners announcing charitable or civic events.
  - (f) Signs containing reflective elements which sparkle or twinkle in the sunlight. Exceptions: Signs indicating the current time and/or temperature are permitted, provided that they meet all other provisions of this bylaw.



- (g) Signs that constitute a hazard to pedestrian or vehicular traffic because of intensity or direction of illumination.
  - (h) Signs advertising or identifying a business or organization which is either defunct or no longer located on the premises and off-premises businesses. Exception: commercial directory signs which may be located at the entrance of any complex.
  - (i) No sign shall be larger than forty (40) square feet.
  - (j) No sign, except for a traffic, regulatory or informational sign that use the words “stop” or “danger”, or shall incorporate red, amber or green lights resembling traffic signals, or resemble “stop” or “yield” in shape and color.
  - (k) No person may erect a sign with exposed electrical wires or is capable of causing electrical shock.
- (3) Measurement of sign area.
- (a) Sign measurement shall be based upon the entire area of the sign, with a single continuous perimeter enclosing the extreme limits of the actual sign surface.
  - (b) For a sign painted on or applied to a building, the area shall be considered to include all lettering, working and accompanying designs or symbols, together with any background if a different color than the natural color or finish material of the building.
  - (c) For a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that of the smallest rectangle or other shape which encompasses all of the letters and symbols.
  - (d) The area of supporting framework (for example: brackets, posts, etc.) shall not be included in the area if such framework is incidental to the display.
  - (e) When a sign has two or more faces, the area of all faces shall be included in determining the area, except where two faces are placed back to back and are at no point more than two feet from each other. In this case, the sign area shall be taken as the area of either face, and if the faces are unequal, the larger shall determine the area.
- (4) Measurement of height. The height of any sign shall be measured from the surface of the road up to the highest point on the sign. In situations where a sign is intended to be visible from two (2) roads of different elevations, measurement shall be from the surface of the lower roadway.

(5) Illumination standards.

- (a) Signs may be illuminated only by a white, steady, stationary light of reasonable intensity, shielded and directed solely at the sign and shall not be permitted to shine onto residential properties or traveled ways.
- (b) Neon window signs may be permitted in cases where they are designed to be compatible with the building's historic and/or architectural character, as approved by the Sign Officer or the Historical Commission if within the historical zone.
- (c) Gas-filled tubes shall be allowed for indirect illumination and when placed in such a manner that the tubes are not exposed to view from any point along the public roadway or sidewalk.
- (d) No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. unless the premises on which it is located is open for business.
- (e) Strings of bulbs are not permitted, except as part of a holiday celebration. In addition, strings of bulbs may be permitted to decorate trees at the discretion of the Sign Officer, provided that such display does not interfere with neighboring land uses.

(6) Placement and safety standards.

- (a) No sign may be erected or affixed to a fence, utility pole structure, tree, scrub, rock or other natural object.
- (b) Signs shall not be mounted on roofs or extend above the roofline (unless mounted on a parapet wall which extends above the roofline, in which case the sign may not extend above the top of said parapet).
- (c) No projecting sign shall extend into a vehicular public or private way or be less than ten (10) feet above a pedestrian way. If projecting over an alley or driveway, the clearance must be at least thirteen (13) feet.
- (d) So signs, together with any supporting framework, shall extend to a height above twenty (20) feet, except that in the Industrial Zone Districts they may be erected to heights of thirty (30) feet above the roadway if approved by the Sign Officer and located as not to create a danger or hazard to the public.
- (e) No sign may be erected which obstructs free entrance or exit from a required door, window or a fire escape.
- (f) No sign may be erected which interferes with light, air flow or which interferes with the proper functioning of a building.

(7) Exceptions. For the purpose of this section, the term “sign” shall not include:

- (a) Signs erected or posted and maintained for public safety and welfare of pursuant to any governmental function, law, bylaw, or other regulation.
- (b) A bulletin board or similar sign not exceeding twenty (20) square feet in display area, in connection with any church, museum, library, school, municipal uses or similar public or semipublic structure, provided that the top of such sign shall not be more than eight (8) feet above ground level, and provided that it does not possess any of the characteristics listed in subsection D(2) above.
- (c) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material, and where display area does not exceed three (3) square feet. Such sign will conform in all respects with the requirements of this bylaw.
- (d) Signs relating to trespassing or hunting, not exceeding two (2) square feet in area.

(8) Nonconforming signs.

- (a) Maintenance. No sign can be enlarged, reworded, redesigned or altered in any way, including repainting in a different color, except to conform to the requirements of this bylaw; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent (35%) of the replacement cost shall not be repaired or rebuilt or altered except to conform to the requirements of this bylaw.
- (b) Replacement. Any sign replacing a nonconforming sign shall conform to the provisions of these sections, and the nonconforming sign shall no longer be displayed.

E. General Standards for specific types of signs.

(1) Addresses: one sign permitted in all districts.

- (a) Such sign may include identification of an on-premise professional office or customary home occupation.
- (b) Such sign may be attached to the building or may be on a post not more than five (5) feet high, and set back at least three (3) feet from the public right of way.
- (c) Such sign may not exceed two (2) square feet in area.

(2) Awning.

- (a) Such sign must be painted on or attached flat against the surface of the awning, but not extend beyond the valance or be attached to the underside.
- (b) Letters shall not exceed ten (10) inches in height.
- (c) A minimum of eight (8) feet above walkway level must be allowed for pedestrian clearance.

(3) Freestanding sign.

- (a) Such sign shall have no more than two (2) faces.
- (b) The area of each face shall not exceed thirty (30) square feet.
- (c) A lot with a frontage of three hundred (300) feet or more may have two (2) such signs, not less than one hundred seventy-five (175) feet apart.
- (d) Such signs shall be erected so as not to interfere with safe and free egress to or from any building or public right of way.

(4) Individual letters or symbols. These may be attached to an awning, marquee, building surface, wall or signboard.

- (a) Letters or symbols shall not project more than six (6) inches from the building surface.
- (b) Such letters and symbols shall not obscure the architectural features of the building to which they are attached.
- (c) Such letters and symbols shall not extend above the lowest part of the roof, nor beyond the ends of the wall to which they are attached.
- (d) Such letters and symbols shall have an aggregate area not exceeding one and one-half (1.5) square feet for each foot of the building face parallel to a street lot line, or ten percent (10%) of the wall area to which they are affixed, whichever is less, when a lot fronts on more than one (1) street, the aggregate sign area facing each street frontage shall be calculated separately.
- (e) See also Subsection E(14) Wall signs.

(5) Landmark Sign: The restoration and/or preservation including size and placement shall be determined by the Planning Board.

- (6) Marquee signs: Permitted as determined by the Planning Board.
- (7) Movable/portable signs. Movable/portable signs are only permitted by special permit issued by the Planning Board, except as allowed under § 167-13C.
- (8) Multiple directory signs.
- (a) The display board shall be of integrated and uniform design.
  - (b) The maximum sign area permitted is 40 square feet for the sign bearing the name of the building or office park, inclusive of each business or office located there.
  - (c) Complexes with over three hundred (300) feet of frontage will be allowed two (2) freestanding signs not less than one hundred seventy-five (175) feet apart.
- (9) Painted wall signs. A special permit is required for all new signs of this type, and will comply with the dimensional requirements of a wall sign.
- (10) Political signs:
- (a) Such signs are permitted in all districts without a permit if they are stationary, unlighted and temporary.
  - (b) Such signs shall be displayed no earlier than forty-five (45) days prior to a voting day and shall be removed the day after the voting day.
  - (c) Such signs may not exceed nine (9) square feet in area.
  - (d) A maximum of two (2) signs per lot per cause is allowed.
  - (e) Such signs may be posted on private property only with permission of the property owner.
  - (f) No political signs are allowed on public property or telephone poles.
- (11) Projecting signs.
- (a) If flat, each face shall not exceed 10 square feet.
  - (b) The total area of a three dimensional sign shall be determined by enclosing the largest cross section of the sign in an easily recognizable geometric shape and computing its area which shall not exceed nine (9) square feet.
  - (c) Such sign shall be hung at right angles to the building and shall not project closer than two (2) feet to the curb line.

- (d) The supporting framework shall be in proportion to the size of such sign.
- (e) Signs which overhang public ways (including sidewalks) shall be covered by a public liability insurance policy which names the Town as the insured party.
- (f) The top of the sign may be suspended in line with one (1) of the following, whichever is the most successful application of scale, linear continuity and visibility as determined by the Sign Officer:

[1] Suspended between the bottom sills of the second story windows and the top of the doors and windows of the ground floor; or

[2] The lowest point of the roof of a one-story building.

(12) Public service signs.

- (a) Such signs necessary for public safety and convenience shall not exceed two (2) square feet.
- (b) Such signs shall bear no advertising.
- (c) Such signs are not included in computing total sign area allowed.

(13) Temporary signs.

- (a) Construction: an on-premise sign identifying the contractor, architect, landscape architect and/or engineer's name, address and other pertinent information.

[1] Such signs shall not exceed twelve (12) square feet in area and shall be set back at least ten (10) feet from the street lot line, or one-half (1/2) the building setback distance, whichever is less.

[2] Such a sign may be maintained on the building or property for the interim of construction, and not more than thirty (30) days following the completion of said construction.

- (b) For sale/rent/lease: an on-premises sign advertising the property being sold or rented.

[1] Such signs shall not exceed six (6) square feet.

[2] Such signs shall advertise only the property on which the sign is located.

[3] A maximum of two (2) such signs may be maintained on any property being sold or rented, and they shall be removed by the owner or agent within thirty (30) days of sale, rent or lease.

(c) Promotional signs (including sandwich board signs) advertising a sale or special offer by a merchant.

[1] Allowable by permit from the Building Inspector upon application of property owner.

[2] Such sign shall not exceed six (6) square feet.

[3] Such signs shall only be out during operating business hours.

[4] Maximum of 1 on single-occupancy property, and maximum of 2 on multi-occupancy property.

(d) Special events of both civic and private nature.

[1] Such sign shall not exceed six (6) square feet in area.

[2] May be erected no sooner than 14 days before an event, and must be removed no later than 24 hours after the event.

[3] Flags and buntings exhibited to commemorate national patriotic holidays, and temporary banners announcing charitable or civic events.

(14) Wall signs.

(a) Such sign and/or no part of, including the display surface, shall not project more than six (6) inches from the building surface.

(b) The maximum height of a wall sign shall not exceed two feet. The length shall not exceed 60% of the horizontal building frontage of each said business.

(c) Where two or more wall signs are affixed to one wall, the gross display area shall be the sum total area of all signs.

(d) Wall signs shall not extend higher than the eave line or top of the parapet wall of the principal building.

(e) The size of signs attached to buildings may be increased in area (over allowable size) by 25% for every 100 feet of building setback. This shall apply to buildings set back more than 100 feet from the road right-of-way, and the increase may be prorated according to the actual setback distance.

(15) Window signs. Window signs shall not exceed more than 30% of the window area in which they are displayed.

F. Use by districts.

(1) Table of Districts.

AR = Agricultural and Residential  
 B = Business/Commercial  
 I = Industrial  
 I-2 = Industrial 2  
 C = Conservancy

(2) Table of Use Regulations.

Y = Permitted use  
 N = Prohibited use  
 SP = Use allowed under special permit by the Planning Board or other designated special permit granting authority as provided in §167-13C(2)

(3) Schedule of Placement Standards.

Type of Sign	AR	B	I	I-2	C
Address	Y	Y	Y	Y	Y
Awning	N	Y	Y	N	N
Freestanding	N	Y	Y	N	SP
Illuminated	SP	Y	Y	N	SP
Landmark	Y	Y	Y	Y	Y
Marquee	N	Y	Y	N	SP
Moveable/portable	SP	SP	SP	SP	SP
Multiple/directory	N	Y	Y	N	SP
Painted wall sign	N	SP	SP	SP	SP
Political sign	Y	Y	Y	Y	Y
Projecting	N	Y	Y	SP	SP
Public service	Y	Y	Y	Y	Y
Temporary	Y	Y	Y	Y	Y
Wall	N	Y	Y	SP	SP
Window	SP	Y	Y	Y	SP

**§ 167-14. Off-street parking. [Amended 5-14-2001 ATM, Art. 54]**

In any district where permitted, no use of the premises shall be authorized or extended and no building or structure shall be erected or enlarged unless there is provided for such extension, erection or enlargement off-street automobile parking space within three hundred (300) feet of the principal building, structure or use of the premises, in accordance with the following minimum specifications. Each off-street parking space which shall include a paved area of two hundred (200) square feet of appropriate dimensions for the parking of an



automobile, exclusive of drives or aisles, shall be considered as an off-street parking space. Such paving may consist of asphalt, concrete or other conventional paving material or of open paving blocks, grass pavers, crushed stone or other material allowing water absorption and reducing runoff, consistent with other applicable regulations so long as the surface is suitable for all-weather use.

- A. Two (2) spaces for each family in a dwelling.
- B. Two and one-half (2½) spaces of paved off-street parking for each unit in a multifamily home, development or complex.
- C. One (1) space for each sleeping room and one space per employee on the largest shift in a tourist home, boardinghouse or lodging house, motel or hotel.
- D. One (1) space for each two (2) beds and one space per two employees on the largest shift in a hospital or sanatorium.
- E. One (1) space for each four (4) beds and one space per employee on the largest shift for other institutions devoted to the board, care or treatment of humans.
- F. One (1) space for each one hundred (100) square feet or fraction thereof of floor area of any retail, wholesale, service establishment, office or professional building. Or, one space for each 175 square feet if 45% of the lot is left as green space. A minimum of four spaces is required for all such establishments and buildings.
- G. One (1) space for each two (2) employees and one (1) space for two (2) seats, permanent or otherwise, for patron use for restaurants and other places serving food or beverage and for theaters, auditoriums and other places of amusement or assembly.
- H. A minimum of five spaces and one space for each two persons employed or anticipated to be employed on the largest shift plus one space for each 2,000 square feet net floor area for the first 20,000 square feet. Another one space will be required for each additional 10,000 square feet for all types of manufacturing shops, buildings, storage facilities or other permitted uses.
- I. One space per employee on the largest shift plus three spaces per bay for motor vehicle service or repair stations.
- J. One space per employee on the largest shift plus one space per four children for all child-care, day-care, or preschool facilities.
- K. An adequate number of spaces (actual number to be determined by the Planning board on a case-by-case basis) will be required to accommodate customers, patrons and employees at drive-in establishments, open-air retail businesses, amusements and all other permitted uses not specifically enumerated herein.

- L. Any deviation from this § 167-14A through K, shall be by a variance from the Zoning Board of Appeals.

**§ 167-15. Floodplain District regulations. [Amended 5-14-2012 ATM, Art. 49; Amended 5-11-2015 ATM, Art.52]**

- A. Floodplain District. The Floodplain District is herein established as an overlay district. The underlying permitted uses are allowed, provided that they meet the following additional requirements, as well as those of the Massachusetts State Building Code dealing with construction in floodplains. The Floodplain District includes all special flood hazard areas within the Town of Halifax designated as Zone A, and A1 to A30AE, on the Town of Halifax, Plymouth County Flood Insurance Rate Maps (FIRM) and the Flood Boundary and Floodway Maps issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Halifax are panel numbers 25023C0194J, 25023C0213J, 25023C0214J, 25023C0218J, 25023C0326J, 25023C0327J and 25023C0328J, dated July 17, 2012, and panel numbers 25023C0306K, 25023C0307K, 25023C0308K, and 25023C0309K, dated July 16, 2015. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report, dated July 16, 2015, on file with the Town Clerk, Planning Board and Building Inspector. These maps, as well as the accompanying Town of Halifax Plymouth County Flood Insurance Study, are incorporated herein by reference. The Floodplain District is shown as an overlay district on the Town of Halifax Zoning Map.
- B. Development regulations. The following requirements apply in the Floodplain District:
  - (1) Within Zone A, where the base flood elevation is not provided on the FIRM, the applicant shall obtain any existing base flood elevation data, and it shall be reviewed by the Building Inspector for its reasonable utilization toward meeting the elevation or floodproofing requirements, as appropriate, of the State Building Code.
  - (2) Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or five acres, whichever is the lesser, within unnumbered A Zones.
  - (3) In the floodway, designated on the Flood Boundary and Flood Insurance Rate Map, the following provisions shall apply:
    - (a) All encroachments, including fill, new construction, substantial improvements to existing structures and other development, are prohibited unless certification by a registered professional engineer or architect is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood.

- (b) Any encroachment meeting the above standard shall comply with the floodplain requirements of the State Building Code.
  - (4) All subdivision proposals must be designed to assure that:
    - (a) Such proposals minimize flood damage;
    - (b) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
    - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- C. Notification of watercourse alteration. In a riverine situation, the Town of Halifax shall notify the following of any alteration or relocation of a watercourse:
  - Adjacent Communities;
  - NFIP Coordinator, Massachusetts Department of Conservation and Recreation, 251 Causeway Street, Suite 600-700, Boston, MA 02114-2104;
  - NFIP Program Specialist, Federal Emergency Management Agency, Region I, 99 High Street, 6<sup>th</sup> Floor, Boston, MA 02110.
- D. Use regulations. The Floodplain District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following:
  - Sections of the Massachusetts State Building Code (780 CMR);
  - Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
  - Inland Wetlands Restriction, DEP (currently 310 CMR 13.00);
  - Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variances from the provisions and requirements of the above-referenced state regulations may only be granted in accordance with the required variance procedures of these state regulations.
- E. 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 they do not require structures, fill, or storage of materials and equipment:
  - (1) Agricultural uses such as farming, grazing, truck farming, horticulture, etc.

- (2) Forestry and nursery uses.
  - (3) Outdoor recreational uses, including fishing, boating, play areas, etc.
  - (4) Conservation of water, plants, wildlife.
  - (5) Wildlife management areas, foot, bicycle and/or horse paths.
  - (6) Temporary nonresidential 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.
- F. Definitions. The following definitions are limited in meaning to § 167-15 of the Code of the Town of Halifax and are referenced in the National Floodplain Insurance Program regulations and the Massachusetts State Building Code.

**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 as Zone A or AE.

**BASE FLOOD** – Means the flood having a one-percent chance of being equalled or exceeded in 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.

**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 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, or an examination, evaluation and determination of flood-related erosion hazards.

**FLOODWAY** – Means the channel of a river 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.

**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 a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as

to render the structure in violation of the applicable nonelevation design requirements of NFIP Regulations 60.3.

**NEW CONSTRUCTION** – Means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community. For the purpose of determining insurance rates, “new construction” means structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

**ONE-HUNDRED-YEAR FLOOD** – See “base flood.”

**REGULATORY FLOODWAY** – See “floodway.”

**SPECIAL FLOOD HAZARD AREA** – Means an area having special flood and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A or AE.

**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. “Structure,” for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

**SUBSTANTIAL DAMAGE** – Means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% 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 dimensions of the structure.

**ZONE A** – Means the one-hundred-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

**ZONE AE (for new and revised maps)** – Means the one-hundred-year floodplain where the base flood elevation has been determined.

ZONE X – Are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

**§ 167-16. Estate lots. [Amended 5-10-1993 ATM, Art. 40; 5-14-2001 ATM, Art. 52]**

For the purpose of creating additional, reasonable use of back land on existing accepted streets, there are hereby established estate lots, the building upon which is allowed in accordance with § 167-7, the Schedule of Uses, subject to the following minimum requirements. The intent and purpose is to benefit existing lands with limited access for reason of lot configuration or wetlands. This bylaw is not intended to be incorporated into the subdivision of land described in Chapter 235 under the authority of the Planning Board of the Town of Halifax by MGL c. 41, § 81Q, and by all other applicable sections of the Subdivision Control Law and other enabling laws.

- A. No such estate lot shall be less than eighty thousand (80,000) square feet in area, exclusive of the access to said lot, with a minimum frontage of fifty (50) feet.
- B. The access to said estate lot shall be a minimum of fifty (50) feet in width.
- C. No more than one (1) dwelling shall exist on said estate lot.
- D. No more than one (1) lot shall be served by the accessway.
- E. No accessway shall abut any other estate lot accessway. **[Amended 5-12-2003 ATM, Art. 45]**
- F. The eighty thousand (80,000) square feet of area shall be contiguous upland. Any wetland on proposed estate lot shall be determined and accurately delineated on the Form A submission plan.
- G. No structure shall be erected on an estate lot within fifty (50) feet of any lot line.
- H. Each driveway shall service each individual lot with underground utilities within the proposed accessway.
- I. The Planning Board is the SPGA. Each submission to the Board should and will be considered on its own merit and specific applicability. The plans generated for consideration should strictly adhere to the criteria set forth for Plans not requiring approval, § 235-6 of the Halifax Code.

**§ 167-17. Aquifer and well protection. [Added 6-23-1997 STM, Art. 10]**

A. Purpose. The purpose of the Aquifer and Well Protection Districts are to protect the public health by preventing contamination of the ground and surface water resources providing public water supply and potential sources of water supply.

B. Findings. The Town of Halifax finds that:

- (1) The Richmond Park and YMCA Camp well sites and their water sheds, along with the groundwater underlying Halifax, are the primary source of Halifax's existing and future water supply.
- (2) The water resource is connected with and flows into the recharge areas, surface water, lakes and streams which constitute significant recreational and economic resources to the Town used for swimming and other water related recreation.
- (3) Accidental spills and discharges of petroleum products and other toxic and hazardous materials and sewage discharge have repeatedly threatened the quality of such groundwater supplies and related water resources throughout towns in Massachusetts, posing potential public health and safety hazards and threatening economic losses to the affected communities.

C. Definitions pertaining to an Aquifer and Well Protection District.

As used in this section, the following terms shall have the meanings indicated:

ANIMAL FEEDLOT – Any site used regularly for the feeding of 10 or more animals for agricultural/commercial purposes.

AQUIFER – Geological formation composed of rock or sand and gravel that contains significant amounts of potentially recoverable potable water.

GROUNDWATER – All the water found beneath the surface of the ground.

HAZARDOUS MATERIALS – Any substance or combination of substances, which, because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water in the town. Any substance defined in Section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, shall be deemed a hazardous material and any substance deemed a “hazardous waste” in MGL c. 21C, as amended, shall also be deemed a hazardous material for the purposes of this chapter.

AQUIFER AND WELL PROTECTION AREA MAP – As filed with the Town Clerk.

HIGH WATER LINE – Limit of area covered by one-hundred-year flood.

IMPERVIOUS – Impenetrable by surface water.

MINING OF LAND – The removal or relocation of geologic materials, such as topsoil, sand, gravel, metallic ores or bedrock.

OVERLAY DISTRICT – Consists of aquifers and/or aquifer recharge areas where uses are regulated by water supply protection provisions which apply in addition to the basic underlying zoning district in accordance with the provisions of an adopted bylaw under which such district is created and defined.

SOLID WASTES – Discarded solid materials, including, but not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material and landscape refuse.

SPECIAL PERMIT GRANTING AUTHORITY – Halifax Planning Board.

- D. Establishment of Districts. There are hereby established within the town certain aquifer and Well Protection Districts, which are delineated on an overlay map entitled “DEP Approved Zone II Delineation YMCA and Richmond Park Wellfields Town of Halifax, MA” dated January 2003. The map is hereby made a part of this chapter and is on file in the office of the Town Clerk. The Aquifer and Well Protection Districts and other zones herein established shall be considered as overlaying other existing zoning districts. **[Amended 5-12-2003 ATM, Art. 44]**
- E. The Aquifer and Well Protection District includes the following zones:
- (1) Zone 1: means the basic minimum protection radius of 400 feet required around a public water supply or wellfield. All zoning district uses are prohibited within Zone I area. There is no activity within this area, which is owned by the town.
  - (2) Zone II: means that area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation), such Zone II designation areas having been approved by the Department of Environmental Protection, Division of Water Supply.
  - (3) Interim wellhead protection areas. In locations where Zone II areas have not been approved by the Department of Environmental Protection, the Zone II under this chapter refers to a circle with a ½ mile radius (an interim wellhead protection area) around each affected well as required by the Department of Environmental Protection.
- F. Use regulations.
- (1) Within an Aquifer and Well Protection District, the requirements of the underlying districts continue to apply, except that uses are prohibited where indicated by “N” in the following schedule, and that uses are permitted where indicated by a “Y” and require a special permit where indicated by “SP”, even



where the underlying district requirements are more permissive. Uses permitted in the underlying districts are otherwise allowed in the Aquifer and Well Protection District.

(2) Schedule of uses.

Use		Zone II
1.	Solid waste disposal facilities, including, without limitations, landfills and junk salvage yards that require a site assignment from the Board of Health under MGL c. 111, § 150A (the Landfill Assignment Law) and regulations adopted by the Department of Environmental Quality Engineering, 310 CMR 19.00	N
2.	Landfills and open dumps, as defined in 310 CMR 19.006	N
3.	Landfills receiving only wastewater residuals as defined in 360 CMR 10.004 and/or septage monofills as defined in 310 CMR 32.05 and 310 CMR 22.21(2)(a)2 <b>[Amended 5-12-2003 ATM, Art. 39]</b>	N
4.	Automobile graveyards and junkyards as defined in MGL c. 140B, § 1	N
5.	Car wash, laundromat, auto repair, auto body shop, truck and heavy equipment repair	N
6.	Trucking or bus terminals	N
7.	Printing, publishing and commercial photographic establishments, medical or dental laboratories or research laboratories	N
8.	Hospital or nursing homes	N
9.	(Reserved)	
10.	Funeral establishments	N
11.	Agriculture tree nurseries and orchards	SP
12.	(Reserved) <sup>9</sup>	
13a.	Rendering impervious more than 15% of total lot area not to exceed 2,500 square feet regardless of lot size without providing a system for artificial recharge that will not degrade water quality <b>[Amended 5-12-2003 ATM, Art. 41]</b>	N
13b.	Rendering impervious more than 15% of total lot area not to exceed 2,500 square feet regardless of lot size with a system for artificial recharge that will not degrade water quality <b>[Added 5-12-2003 ATM, Art. 41]</b>	Y
13c.	Rendering impervious more than 25% of total lot area <b>[Added 5-12-2003 ATM, Art. 41]</b>	N
14.	Any use regardless of lot size, other than a single-	N

<sup>9</sup> [Editor's Note: Former Use 12, Residential development, provided that not more than 20% of the lot in total is rendered impervious, and the lot shall consist of at least 40,000 square feet, was repealed 5-12-2003 ATM, Art. 40.]

Use		Zone II
	family dwelling, retaining less than 40% of lot area in its natural vegetative state	
15.	Any use, other than single-family dwelling, having on-site disposal system for domestic wastes with a design capacity greater than 1,500 gallons per day, as required by 310 CMR 15.00, as may be amended	N
16.	Individual sewage disposal systems that are designed in accordance with the Town of Halifax's Board of Health rules and regulations supplemental to 310 CMR 15.00. In no case shall any individual sewage disposal system for any use allowed under this subsection and designed in accordance with the Town of Halifax's Board of Health rules and regulations supplemental to 310 CMR 15.00 exceed a maximum of 800 gallons per day/per one acre (40,000 sq. Ft), except the replacement or repair of an existing system that will not result in an increase in design above the original design	SP
17.	Treatment works (refers to waste water treatment plants) that are subject to 314 CMR 5.00, except the following:	N
	a. The replacement or repair of an existing system(s) that will not result in a design capacity greater than the design capacity of the existing system(s);	SP
	b. The replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity of the existing system(s);	SP
	c. Treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface water; and	SP
	d. If the Department of Environmental Protection amends 314 CMR 5.00 on the basis of the Final Generic Environmental Impact Report (FGEIR) on privately owned sewage treatment facilities (PSIF's) permitted in accordance with 314 CMR 5.00, as amended.	SP
18.	Facilities that generate, treat, store hazardous waste are subject to MGL c. 21C and 310 CMR 30.00, except for the following:	N
	a. Very small quantity generators, as defined by 310 CMR 30.00;	SP
	b. Household hazardous waste collection centers or	SP

Use		Zone II
	events operated pursuant to 310 CMR 30.3909;	
	c. Waste oil retention facilities required by MGL c. 21, § 52A; and	SP
	d. Treatment works approved by the Department of Environmental Protection designed in accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters.	SP
19.	Business and industrial uses which manufacture, use, process, store or dispose of hazardous materials or wastes, including, but not limited to, metal plating, chemical manufacturing, wood preserving, furniture stripping, dry cleaning	N
20.	Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes and waste oils other than normal household activities	N
21a.	Storage of liquid hazardous materials, as defined in MGL c. 21E and/or liquid petroleum products in quantities less than or equal to those associated with normal household use [ <b>Amended 5-12-2003 ATM, Art. 42</b> ]	Y
21b.	Storage of liquid hazardous materials, as defined in MGL c. 21E, and/or liquid petroleum products in quantities greater than associated with normal household use that are not stored under the requirements in 310 CMR 22.21(2)b(5) [ <b>Added 5-12-2003 ATM, Art. 42</b> ]	N
21c.	Storage of liquid hazardous materials, as defined in MGL c. 21E, and/or liquid petroleum products in quantities greater than associated with normal household use that are stored under the requirements in 310 CMR 22.21(2)b(5) [ <b>Added 5-12-2003 ATM, Art. 42</b> ]	SP
22.	Storage of animal manure, 310 CMR 22.21	SP
23.	Storage of sludge and septage, 310 CMR 32.05	N
24.	Stockpiling and disposal of snow or ice removed from highways and streets located outside of Zone II that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal, 310 CMR 22.21	N
25.	Storage of sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for the removal of ice and snow on roads, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or	SP

Use		Zone II
	leachate, 310 CMR 22.21	
26.	Storage of commercial fertilizers and soil conditions, MGL c. 128, § 64	SP
27.	The removal of soil, loam, sand, gravel or any other mineral substance within four feet of historical high groundwater table elevation (as determined from monitoring wells and historical water table fluctuation data compiled by the United States Geological Survey), unless the substances removed are redeposited within 45 days of removal on site to achieve a final grading greater than four feet above the historic high water mark, and except for excavations for the construction of building foundations or the installation of utility works, 310 CMR 22.21	N
28.	Removal of earth, loam, sand and gravel or any mineral in excess of 50 cubic yards, not incidental to construction of building	N
29.	Petroleum fuel oil, heating oil bulk stations and terminals as defined under 310 CMR 22.21(2)a(5) <b>[Added 5-12-2003 ATM, Art. 43]</b>	N

G. Establishment of low-salt road area. A low-salt road area shall receive no more than a mixture of three parts sand to one part salt. All roads that fall in the Zone II protection area (see map) are to receive this mixture.

H. District Boundaries.

- (1) Where a portion of the lot is located partially within and partially without the Aquifer and Well Protection District, site design shall, to the extent feasible, locate potential pollution sources outside the district boundaries.
- (2) Where the bounds of the Aquifer and Well Protection District and Zones are in doubt or dispute, as delineated on the Aquifer and Well Protection Area Map, the burden of proof shall be upon the owner(s) of the land in question to show where they should be properly located. At the request of the owner(s), the Town may engage a professional engineer (civil or sanitary) hydrogeologist or soil scientist to determine more accurately the location and extent of an aquifer or hydrogeologist zone, and may charge the owner(s) for all or part of the cost of the investigation.

I. Special permit granting authority.

- (1) The special permit granting authority (SPGA) shall be the Planning Board.

- (2) Any special permit required under this § 167-17 shall be in addition to and separate from any other special permit required under any section of this chapter.

J. Special permit application and review procedures.

- (1) Whenever an application for a special permit is filed with the Planning Board under § 167-17, the Planning Board shall transmit, within six working days of the filing of the completed application, copies of the application and other documentation to the Water Commissioners, Board of Health, Conservation Commission, Highway Surveyor, Hazardous Waste Coordinator and the Building Inspector for their consideration, review and report. The copies necessary to fulfil this requirement shall be furnished by the applicant.
- (2) Any such reviewing party to which special permit applications are referred for review shall make such recommendations as they deem appropriate and shall send copies thereof to the SPGA and to the applicant. Failure of these reviewing parties to make recommendations within 35 days after having received copies of all such required materials shall be deemed a lack of opposition thereto.
- (3) The decision/findings of the Planning Board shall contain, in writing, an explanation for any departures from the recommendations of a reviewing party.
- (4) Public hearings. The special permit granting authority shall hold a hearing in accordance with the provisions of MGL c. 40A, § 9, as amended, within 65 days after the filing of the application and accompanying documentation and after the review by the town/boards/departments. Notice of the public hearing shall be given in accordance with the provisions of MGL c. 40A, § 11, as amended.
- (5) Failure by the SPGA to take final action upon an application for a special permit within 90 days following the date of public hearing shall be deemed to be a grant of the permit applied for.

K. Special permit criteria.

- (1) Special permits hereunder shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated in § 167-17 that:
  - (a) The purpose and intent of this § 167-17 are upheld
  - (b) Groundwater quality resulting from on-site wastewater disposal or other operation on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing groundwater quality is already

below those standards, on-site disposal or operations shall result in no further deterioration.

- (2) In asking such determination, the SPGA shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.

L. Submittals. In applying for a special permit hereunder, the SPGA shall require the information listed below, unless waived or modified by the SPGA with reasons therefor:

- (1) A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises in quantities in excess of five gallons or 25 pounds dry weight of any substance or a total of all substances not to exceed 50 gallons or 250 pounds dry weight, accompanied by a description of the measure proposed to protect all storage containers from vandalism, corrosion and leakage and to provide for control of spills.
- (2) A description of all potentially hazardous wastes to be generated in quantities in excess of five gallons or 25 pounds dry weight of any substance or a total of all substances not to exceed 50 gallons or 250 pounds dry weight, accompanied by a description of the measures proposed to protect all waste storage containers from vandalism, corrosion and leakage and to provide from control of spills.
- (3) For any proposed activity on a lot which will render more than 20% of the total lot area impervious, the application shall be accompanied by drainage calculations, utilizing United States Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted towards areas with vegetation for surface infiltration to the maximum extent possible. This plan shall be accompanied by a narrative statement explaining the use of any dry wells, which shall be allowed only upon a showing that other methods are infeasible, and that the dry wells shall be preceded by oil, grease and sediment traps to facilitate removal of contaminants.
- (4) For any use retaining less than 40 percent of lot area in its natural vegetative state, the application shall be accompanied by evidence to demonstrate that such removal of vegetative cover shall not result in decreased recharge of the groundwater deposit or increased sedimentation of surface waters. The application shall indicate any restoration proposals or erosion control measures proposed on the premises.
- (5) For any use, other than a single-family dwelling, with an on-site disposal system for domestic or industrial wastes with a design capacity greater than

1,500 gallons per day, as required by 310 CMR 15.00, certification by a registered professional engineer, that the disposal system has been installed in compliance with design specifications, and a narrative statement, by a qualified registered professional engineer, assessing the impact, if any, of nitrates, coliform bacteria and hazardous materials from the disposal system to groundwater quality on the premises, adjacent to the premises and on any town wellfield(s) downgradient from the proposed disposal system.

- (6) Applications for removal of earth, loam, sand and gravel or any other mineral in excess of 50 cubic yards shall be accompanied by a narrative statement, prepared by a registered professional engineer, assessing the impacts, if any, of the proposed activity on groundwater and surface water quality on the premises, adjacent to the premises and on any town wellfield(s) downgradient from the proposed activity or use.
- (7) For animal feedlots and manure lots, evidence shall be submitted certifying that the proposed use shall be in accordance with the best management practices of the United States Soil Conservation Service.
- (8) For all uses available on a special permit as provided in § 167-17 herein, the applicant shall also indicate the distance between the proposed activity or use and any downgradient town wellfield(s).

M. Nonconforming use. Nonconforming uses which are lawfully existing, begun or in receipt of a building or special permit prior to the first publication of notice of public hearing for this section may be continued. Such nonconforming uses may be extended or altered, as specified in MGL c. 40A, § 6, provided that there is a finding by the Planning Board that such change does not increase the danger of groundwater pollution from such use.

N. Penalty. Per MGL c. 40, § 21D, a penalty of \$300 will be issued for each offense. Each day thereafter shall constitute another offense.

O. Severability. The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

P. Water supply protection areas map.<sup>10</sup>

## ARTICLE VI Administration

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<sup>10</sup> [Editor's Note: The Water Supply Protection Areas Map is on file in the office of the Town Clerk and may be examined there during regular office hours.]



**§ 167-18. Enforcement.**

This chapter shall be enforced by the Building Inspector or other duly authorized agent appointed by the Board of Selectmen.

- A. If the Building Inspector or other duly appointed agent is requested, in writing, to enforce the provisions of this chapter against a person allegedly in violation of the same and he declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act and the reasons therefore within fourteen (14) days of receipt of such request. **[Added 5-11-1992 ATM, Art. 41]**
- B. If a violation shall be determined by the Building Inspector or other duly appointed agent by an investigation of the facts and inspection of the premises, a written notice thereof shall be transmitted to the owner or his duly authorized agent. Such notice shall order that any use or condition of the premises contrary to the provisions of this chapter shall cease immediately. A copy of such notice shall also be delivered to the Board of Selectmen by the Building Inspector or agent. **[Added 5-11-1992 ATM, Art. 41]**

**§ 167-19. Building or use permit.**

- A. No building shall be constructed or reconstructed and no use of a building or land in connection with building shall be begun or changed without a permit having been issued by the Building Inspector. No permit shall be issued until such construction, alteration or use as proposed complies in all respects with the provisions of this chapter or with a decision rendered by the Board of Appeals. Any application for such a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the plans, and permits shall be kept on file by the Building Inspector. The fee for the issuance of such permits shall be established by the Board of Selectmen.
- B. (Reserved)<sup>11</sup>

**§ 167-20. Occupancy permit.**

No building erected, altered or in any way changed as to construction or use, under a permit or otherwise, shall be occupied or used without an occupancy permit signed by the Building Inspector, which permit shall not be issued until the building and its uses and the uses incident thereto comply in all respects with this chapter.

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<sup>11</sup> **[Editor's Note: Former Subsections B, Limitations, added 5-11-1998 ATM, Art. 65, as amended, which subsection limited the issuance of residential building permits, was repealed 5-10-2010 ATM, Art. 36.]**

**§ 167-21. Board of Appeals.**

A. There is hereby established a Board of Appeals of five (5) members and two (2) associate members, to be appointed by the Selectmen, as provided in MGL c. 40A. The Board of Appeals shall have the following powers:

- (1) Appeals: to hear and decide an appeal by any person aggrieved by reason of his inability to obtain a permit from any administrative official under the provisions of MGL c. 40A or by any officer or board of the town or by any person aggrieved by any order or decision of the Building Inspector or any other administrative official in violation of any provisions of MGL c. 40A or by this chapter.
- (2) Special permits: to hear and decide an application for a special permit for an exception as provided by sections of this chapter. Such permits shall be applicable only to the use of the property for the purpose specified and shall not waive, vary or relax any other provision of the chapter applicable thereto. Such permit may be issued when the Board of Appeals has found that the use involved will not be detrimental to the established or future character of the neighborhood or the town and that the internal circulation and utility systems of the proposed use have been certified by the Planning Board to achieve the intent of the Subdivision Rules of the Town of Halifax<sup>12</sup> as applied by the Planning Board in exercising its jurisdiction over roads and utilities in subdivisions under the Massachusetts Subdivision Control Law (MGL c. 41, §§ 81K through 81GG) and in specially permitted uses under this Zoning Chapter. To ensure conformance to these certified plans, construction shall be inspected by the Board's engineer under the direction of the Board, with fees paid by the developer as specified in § 235-35 of said Subdivision Rules and with performance to be guaranteed as specified under § 235-35 through § 235-41 of the Subdivision Rules. Such certification may be a part of an advisory site plan review report required under § 167-28 or be a separate report as appropriate. No petition for a special permit which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.
  - (a) All special permits granted shall be subject to conditions assigned by the Board of Appeals.
  - (b) All building designs and site plans submitted to the Building Inspector for a special permit following approval by the special permit granting authority shall be identical to the designs and plans submitted at the time of the special permit plan submission.

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<sup>12</sup> [Editor's Note: See Ch. 235, Subdivision Regulations.]

(c) A special permit issued hereunder is only an authorization for a specific use with stated conditions and does not exempt that particular parcel of land from other conformance with the Zoning Chapter or from the Subdivision Regulations of the Town of Halifax.<sup>13</sup>

(d) If a bond is required as a condition for a special permit and the bond has not been filed with the Town Clerk with a copy to the Zoning Board of Appeals within thirty (30) days of the issuance of a special permit, the special permit shall be null and void.

(e) Besides any other information requested by the Zoning Board of Appeals as part of the special permit application, any application for a special permit shall include the following information:

[1] The name and address of the legal owner.

[2] The name and address of all persons having a fee, equity and/or security interest in such store or theater and, in the event that such a corporation, partnership, trust or other entity is listed, the name and address of every person who has an ownership interest and/or beneficial interest in the entity must be listed in order that the Zoning Board of Appeals will know who are the persons who actually own and control the use and facilities.

[3] The name and address of the manager.

[4] The number of employees or proposed number of employees, as the case may be.

[5] Proposed security precautions.

[6] The physical layout of the premises.

(3) Variances. The Board of Appeals may authorize, upon appeal or upon petition with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of the chapter as set forth under MGL c. 40A, § 10. Such a variance shall be granted only in cases where, owing to conditions especially affecting such a parcel or such building but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the chapter would involve substantial hardship, financial or otherwise, to the appellant. Further, such variance shall be granted only in cases where desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this chapter. The Board of Appeals may impose limitations of both time and use, and a continuation of the permitted use may be conditioned upon compliance with the regulations to be made and amended from time to time. No permit for a variance which has been

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<sup>13</sup> [Editor's Note: See Ch. 235. Subdivision Regulations.]

unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.

- B. The Board of Appeals shall establish procedures and shall conduct its meetings consistent with the provisions of MGL c. 40A or other provisions of the General Laws and of this chapter.
- C. All applications for appeals, exceptions, special permits or variances to the Board shall be made, in writing, on appropriate forms furnished by the Board. The Board shall, with the advice and assistance of the Building Inspector, maintain and keep up-to-date a map indicating thereon, by appropriate notations, the locations of all actions, whether approved or disapproved. When petitioning for a variance or special permit, the applicant shall file plans for all buildings that are to be built. If the variance or special permit is granted, these plans must be followed unless the Board of Appeals consents to changes in the original plans.
- D. A fee shall be paid with the filing of every application or request to the Board of Appeals to pay the cost of notices prescribed by law and expenses incurred by said Board of Appeals wherever the same becomes necessary, said fee to be set by the Board and said fee to be deposited by the Town of Halifax on or before the date of the hearing on said application.

**§ 167-22. Reconsideration of proposed changes.**

No proposed change in this chapter which has been unfavorably acted upon by the Town Meeting shall be considered on its merits by the Town Meeting within two (2) years after the date of such unfavorable action, unless adoption of the proposed change is recommended in the final report of the Planning Board. No appeal or petition for a variance under § 167-21A(3) and no application for a special permit under § 167-21A(2) which has been unfavorably acted upon by the Board of Appeals shall be considered on its merits by said Board within two (2) years after the vote of such unfavorable action, except with the unanimous consent of the Planning Board.

**§ 167-23. Violations and penalties. [Amended 5-10-1993 ATM, Art. 36]**

For any person violating any provision of this chapter, any conditions under which a permit is issued or any decision rendered by the Board of Appeals, said person under MGL c. 40, § 21D, may be fined not more than three hundred dollars (\$300.) for each offense. Each day that such violation continues shall constitute a separate offense.

**§ 167-24. Amendments. [Amended 5-10-1993 ATM, Art. 35]**

This chapter may be amended from time to time in accordance with the provisions of MGL c. 40A, § 5.

**§ 167-25. Severability.**

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

**§ 167-26. When effective.**

The effective date of this chapter shall be the date upon which the chapter comes in full force or effect, in accordance with the provisions of MGL c. 40, § 32. All other existing zoning bylaws shall be repealed upon the effective date of this chapter.

**§ 167-27. Zoning Administrator. [Amended 5-11-1992 ATM, Art. 32]**

It is hereby authorized that a Zoning Administrator may be appointed by the Zoning Board of Appeals, subject to confirmation by the Board of Selectmen. Said Zoning Administrator shall serve at the pleasure of the Zoning Board of Appeals for a term of one (1) year and shall perform such duties as delegated by the Zoning Board of Appeals in accordance with MGL c. 40A, § 13.

**§ 167-28. Site plan requirements. [Amended 5-11-1998 ATM, Art. 61; Amended 5-11-2015 ATM, Art. 56]**

No permit shall be granted for any commercial, industrial, business, institutional, apartment, multi-dwelling, municipal or school building or public utility structure, and none of the above classes of structures shall be constructed or externally enlarged, and no such use shall be expanded or established in an existing building or lot not theretofore used for such purposes, except in conformity with a site plan bearing an endorsement of approval by the Planning Board. Said site plan shall show the owner of record, location, zone boundary lines, easements or other legal restrictions, exact location of building(s) on the lot with side, front and rear dimensions, lot dimensions, topography, adjacent public ways, location of off-street parking, lighting, utility systems, surface drainage, traffic flow, location and nature of open spaces with specific notations as to landscaping, locus plan and other details deemed necessary by the Planning Board. The Planning Board may waive or substantially reduce the site plan submission requirements for projects having limited or minor impacts consistent with the purposes of this chapter.

- A. Applicants shall submit an original and nine (9) copies of their site plan to the Town Clerk, who shall give the applicant a dated receipt. Within four (4) days, the Town Clerk shall transmit one (1) copy each to the Planning Board, the Board of Health, the Building Inspector, the Highway Surveyor, the Water Commissioners, the Zoning Administrator, the Board of Appeals, the Conservation Commission and the Board of Selectmen and shall transmit written notice of the availability of the plans to the Fire and Police Departments. Within thirty (30) days of filing such application, the review boards and officers shall evaluate the application and the site plan with regard to the conditions and

standards set forth in this chapter and related agency regulations and policies and shall submit comments to the Planning Board or take any action thereon.

- B. The Planning Board shall not act without considering the reports of the review boards and officers unless thirty (30) days from the date of filing have passed without receipt of such reports.
- C. The Planning Board shall note major recommendations of the review boards and officers in its decision and shall explain any major divergence from such recommendations.
- D. Failure of the Planning Board to act within forty-five (45) days of the filing of the application shall be deemed approval of the application and site plan.
- E. Where a proposed development also falls under subdivision control, the applicant shall include information required for a definitive plan according to the current rules and regulations for the subdivision of land. However, Planning Board endorsement under this chapter shall not constitute approval under the Subdivision Control Law.
- F. The board with ultimate jurisdiction in a given case (i.e., the Planning Board or the Zoning Board of Appeals which is the designated special permit granting authority for specific specially permitted uses) shall consider any advisory site plan review report in its decision and shall explain any major divergence from that report's recommendations.
- G. Site plan requirements are as follows:
  - (1) The plan shall be submitted at the same scale of at least one (1) inch equals twenty (20) feet or, in large plots, one (1) inch equals forty (40) feet.
  - (2) There shall be submitted, at the same scale as the site plan, a surveyed plan of existing site features, including the size of the property, the topography at two-foot contour intervals and any bedrock outcroppings; general soil types as indicated on soil maps from the United States Soil Conservation Service; vegetation, including accurate locations of wooded areas and major trees; and any existing roadways, structures or other significant features.
  - (3) In order to allow adequate consideration of the surroundings, a plan of adjacent properties shall be presented at a scale of one (1) inch equals one hundred (100) feet or at the same scale as and combined with the site plan or surveyed plan, if practical. This plan will show the general characteristics of all lands within at least three hundred (300) feet of the proposed site, including structures and their uses, parking areas, driveways, pedestrian ways and other significant features, the zoning districts for the area and the location of the property within the town.

- (4) Required information; waivers.
- (a) The site plan and any other drawings necessary shall precisely indicate the following:
- [1] Area of the site, boundary lines, dimensions of the lot(s), plot and lot numbers from assessors' records, zoning districts, the names of the owner(s) of record and of all abutting owners of record and the North point, two (2) perspective renderings and plan(s) of all buildings and structures.
  - [2] Existing and proposed topography, using two-foot contours, and bedrock outcroppings, if any.
  - [3] Location of any existing structures, access roads, driveways, driveway openings, parking spaces, hydrants and service and loading areas located on or within one hundred (100) feet of the development site.
  - [4] Proposed vehicular circulation system, including pavement widths, location and dimensions of driveway entrances and exits, fire lanes, pedestrian ways, bicycle ways and other transportation routes, parking areas and signs.
  - [5] All proposed structures, including their area, dimensions, exact location, if known, relation to topography and proposed use.
  - [6] Number and type of dwelling units and unit mix, if known.
  - [7] Service access and facilities for all structures or uses, including garbage and trash disposal facilities.
  - [8] Location of water supply and wastewater disposal facilities.
  - [9] Existing and proposed site drainage, including the general location of any drainage swales, wetlands, streams, ponds, Housing and Urban Development/Federal Emergency Management Agency or other designated floodplain areas, kettleholes, wells and any mapped water supply protection, conservancy or floodplain water supply protection, conservancy or floodplain protection zoning districts within two hundred (200) feet of the site, along with a note summarizing the drainage calculations and explaining any design not providing a zero (0) increase in runoff for a twenty-five-year storm.
  - [10] The location of all open space, including its intended use, existing trees and other vegetation to be retained, specific new plantings by size and location and the entity intended to own and maintain them.

[11] Final contours and measures and structures to minimize erosion and siltation during construction.

[12] Significant site appurtenances such as walls, light poles showing the direction of outside lighting, recreation areas and any fencing, screening or signs.

[13] All rights-of-way and easements, existing and proposed.

[14] Names and stamps of the responsible registered land surveyor, landscape architect or civil engineer.

[15] Indication of the meeting of any specific requirements established in the Zoning Chapter not already provided for.

(b) The Planning Board may waive specific requirements when they are inappropriate to a given proposal.

H. Site plan review. In considering a site plan, the Planning Board shall seek to assure reasonable use of the site according to the following criteria:

- (1) Protection of adjoining premises against detrimental uses of the site during and after construction.
- (2) The convenience and safety of vehicular and pedestrian traffic movement within the site and movement to and from the site, considering adjacent streets, property and improvements and alternate routes between the site and nearby destinations.
- (3) Adequacy of the methods for controlling surface water during and after construction, particularly the potential for minimal or zero (0) increase in storm runoff for storms of up to the twenty-five-year interval.
- (4) Provision for the off-street loading and operation of vehicles incidental to the normal operation of the establishment.
- (5) Functional and aesthetic compatibility of the development with uses existing or allowed on adjacent properties.
- (6) Residential privacy provided by site and unit layout.
- (7) Adequacy of the site for any expansion allowed by applicable density standards.

§ 167-29. (Reserved)



## ZONING

**Table of Dimensional and Density Regulations  
Town of Halifax**

Zoning District	Minimum Lot Dimensions			Minimum Yard Dimensions <sup>4</sup>			Maximum Height of Building		Maximum Percentage of Lot Coverage, Including Accessory Buildings
	Area (square Feet)	Continuous Frontage (feet)	Depth (feet)	Front (feet) <sup>1</sup>	Side (feet) <sup>2</sup>	Rear (feet) <sup>3</sup>	Stories	Feet	
Agricultural-Residential District	40,000	150	200	50	30	40	2-1/2	40	25
Conservancy District	40,000	150	200	50	30	40	2-1/2	40	25
Commercial and Business District	40,000	150	200	50	30	40	2-1/2	40	25
Industrial District	40,000	150	200	50	30	40	2-1/2	40	25
Industrial-2 District	40,000	150	200	50	30	40	2-1/2	40	25

**NOTES:**

- A. The Schedule of Density Regulations, as it applies to the construction of a new dwelling house in a residential zone, shall apply to a new dwelling house built in any zone other than residential, but in no case shall a multiple-family dwelling be constructed on any lot having an area less than forty thousand (40,000) square feet.
- B. No new dwelling or attached addition thereto or attached addition to an existing dwelling shall be closer than thirty (30) feet from either side lot line.

<sup>1</sup> 75 feet for multifamily development.

<sup>2</sup> 100 feet between multifamily buildings.

<sup>3</sup> 100 feet for multifamily development.

<sup>4</sup> See § 167-12E, minimum yard requirements for accessory buildings.