

**Town of Wilmington**

**Planning Board**



**SITE PLAN REVIEW  
RULES AND REGULATIONS**

Adopted September 19, 1995  
By Wilmington Planning Board

Amended August 1, 2004

## Table of Contents

I. Rules and Regulations

II. Attachments

A. Application

B. Zoning Bylaw provisions

Table I Principal Use Regulations

Table II Standard Dimensional Regulations

Section 5.2.4

Front Yards

Section 5.2.5

Side and Rear Yards

Section 5.2.6

Open Space

Section 5.2.7

Building Coverage

Section 5.2.8

Height

Section 6.4

Parking and Site Design Standards

## **Wilmington Planning Board Rules and Regulations for Site Plan Review**

Adopted September 19, 1995  
Amended August 1, 2004

### **Section 1: General**

#### 1.1 Purpose

The Rules and Regulations detail the Site Plan Review process adopted under Article 26 of the 1995 Annual Town Meeting, and provide for waivers of procedural and substantive requirements. The purpose is two-fold: (1) to guide the applicants and their representatives, Town officials and boards involved in the submittal and review of site plans; and, (2) to make the process commensurate with the size, scope and complexity of the project.

#### 1.2 Requirement

Site Plan Review is required for all business and industrial uses, multi-family housing and certain other uses as specified in Table I Principal Use Regulations of the Wilmington Zoning Bylaw. (See attachment "B").

#### 1.3 Change in Use

A change in use shall not mean a change in ownership or replacement of one use by another of the same type and with substantially the same impacts on the surrounding areas and street and subject to the same parking requirements; but shall include any change in use which is different in character, involves substantially higher occupancy or intensity of use, or increases traffic generation and/or parking requirements.

#### 1.4 Submittal of Application

The site plan review application is deemed to be submitted only when all of the required items, complete and with the required number of copies, are delivered to the Planning & Conservation Office, Town Hall, Room 6, 121 Glen Road, Wilmington, MA 01887. See Section 2 *Submittal Requirements*. (*Application in Attachment A*)

#### 1.5 Approval Time Period

If no substantial construction has commenced within two years of a site plan approval, the approval shall lapse and a new application, fees, and public hearing will be required, provided that if there is an appeal to the Board of Appeals and/or to the courts, the two-year period shall run from the date of the final decision on the appeal.

## 1.6 Definition of Applicant

The applicant is defined as the owner of the property and the business owner, as applicable. The business owner cannot be the sole applicant, unless (s)he is also the owner of the property.

## **Section 2: Submittal Requirements**

- 2.1 Sixteen (16) copies of the application and all supporting documentation are required.
- 2.2 Application signed by the applicant, owner (if different) or their authorized agent.
- 2.3 A written statement detailing the proposed use and existing use if a change is proposed, an evaluation of the proposed use based upon Section 6.4.4 *Site Design Standards* of the Zoning Bylaw, drainage calculations and calculations of the volume of earth to be removed if any. If any zoning variances or site plan waivers are requested, justification for the request should be included.
- 2.4. Locus plan showing the location of the property, roads and important features of adjacent area.
- 2.5 Site plan(s) at 1:40 scale must contain the following:
  - a. Stamp of a registered licensed professional surveyor or civil engineer
  - b. Map and Parcel number
  - c. All lot lines
  - d. Zoning district boundaries, including the Groundwater Protection District
  - e. Floodplain and wetland boundaries
  - f. All existing and proposed topography at 2 foot contour intervals
  - g. All existing and proposed buildings and structures, their dimensions and distances from lot lines
  - h. Parking and loading areas, including dimensions of spaces and aisles
  - i. Locations and widths of all streets and driveways within 200 feet of the subject parcel
  - j. Size and location of existing and proposed water mains and their appurtenances, and all existing and proposed hydrants
  - k. All existing and proposed facilities for sewage waste disposal and drainage
  - l. Exterior lighting
  - m. Signature block for Planning Board signatures must be located on the right side of each page in the same location.
- 2.6 Plan showing planting and landscaping detail.
- 2.7 Architectural elevation(s) and floor plan(s) of proposed buildings showing the layout of each floor with a tabular summary of the floor area.

- 2.8 Details of proposed signage and statement as to whether it conforms with zoning.
- 2.9 Location and ownership of abutting property.
- 2.10 Filing fee – Cash or check payable to the Town of Wilmington in accordance with the fee schedule in effect at the time of the application (See Section 6)
- 2.11 If the applicant desires a waiver of one or more the site plan regulations, a request for such waiver must be submitted in writing with the application.
- 2.12 Certified list of all abutters within 300 feet of the parcel boundaries which must be certified by the Wilmington Assessor's Office.
- 2.13 The Planning Board may require additional information such as traffic impact analyses, hazardous waste studies or other supporting documentation that it deems necessary for the purpose of making an informed decision.

### **Section 3.0: Procedures**

- 3.1 The applicant shall submit a complete application to the Planning & Conservation Department.
- 3.2 The Planning Board or designated agent shall within ten days of receipt of a complete application refer the application to the Engineering Director, Fire and Police Departments, Inspector of Buildings, Water & Sewer Commission, Department of Public Works, Board of Health and the Conservation Commission for their written recommendations and no decision shall be made until such reports are returned or 35 days have elapsed following such referral of such report.
- 3.3 The Planning Director may convene a Community Development Review meeting with representatives of the above-mentioned boards and departments to discuss the proposed project. The applicants and their representatives will be notified and encouraged to attend.
- 3.4 The Town Engineer, Fire and Police Departments, Building Inspector, Board of Water & Sewer Commissioners, Department of Public Works, Board of Health, and the Conservation Commission shall review the application and submit to the Planning Board or designated agent a report on the site plan with respect to the following matters:
  - a. Protection of adjoining premises against detrimental uses by provision for surface water drainage, landscape buffers and area lighting;
  - b. Convenience and safety of vehicular and pedestrian movement and the location of driveway openings in relation to traffic or to adjacent streets;

- c. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
  - d. Adequacy of the methods of open storage, disposal of refuse and other wastes resulting from the uses permitted on the site;
  - e. The adequacy of measures used to ensure the protection of the Town's surface and ground water resources;
  - f. Compliance with all requirements of the Zoning Bylaw.
- 3.5 The Planning Board shall hold a public hearing on any complete site plan review application within 30 days of its submission. Public notice of said hearing shall be given in accordance with the requirements of the Massachusetts General Laws Chapter 40A Section 11.
- 3.6 Determinations by the Planning Board – In considering a site plan, the Planning Board shall give due consideration to the public hearing comments and the reports of the Engineering Director, Police and Fire Departments, Inspector of Buildings, Board of Water & Sewer Commissioners, Department of Public Works, Board of Health and the Conservation Commission and to the provisions of Subsection 6.5.2.3.(a) through (f) and repeated in 3.4 above. The Planning Board shall take action on an application for approval within 66 days of the submittal to the Planning Board.

Final action shall consist of (a) approval of the site plan as submitted; or (b) approval of the site plan subject to conditions, modifications, limitations and safeguards as the Planning Board deems appropriate to ensure compliance with terms of site plan review and the provisions of the Zoning Bylaw including, if required, sufficient security by bond, money deposit or covenant to secure performance in accordance with the site plan; or (c) denial of the application if in the opinion of the Planning Board the site plan and specifications are not adequate to ensure use of the property consistent with all the provisions of the Zoning Bylaw. The decision shall specifically state the reasons for denial.

The Planning Board shall notify in writing the Town Engineer, Police and Fire Departments, Building Inspector, Water & Sewer Commission, Department of Public Works, Board of Health and Conservation Commission of its decision.

#### **Section 4.0: Site Plan Waiver**

The Planning Board may waive strict compliance with its Rules and Regulations, including filing fees, in such cases, where, in the opinion of the Planning Board, strict conformity would pose an unnecessary hardship to the applicant and provided such action is in the public interest and would not be contrary to the intent of the regulations, including but not limited to the following instances:

1. When, in the opinion of the Planning Board, the alteration or reconstruction of the structure does not substantially change the relationship of the structure to the site and to abutting properties and structures, the site plan review process may be waived;
2. When a public hearing is being held by the Board of Appeals for a special permit for the proposed project, the public hearing requirement may be waived, including the filing fee associated with the certified mailing;
3. Design requirements may be waived when the site features do not allow for total compliance.

**Section 5: Monitoring**

The Engineering Director is authorized to conduct site visits, monitor construction work and verify compliance with the site plan and any terms and conditions imposed by the Planning Board at the time of site plan approval as agent of the Planning Board. Specifically, the Engineering Director is responsible for review of all non-structures, fences, landscaping, drainage, parking, access/curb cut location, and any other general site requirement. Members and agents of the Planning Board may conduct visual inspections and notify the Engineering Director and the applicant of any failure to satisfactorily comply with any requirements and conditions of approval. Failure to comply may result in denial of the Certificate of Occupancy.

**Section 6: Filing Fees**

Applications for Site Plan Review shall be accompanied by a check payable to the Town of Wilmington based on the following table:

<u>Site Plan Review</u>	
<u>Proposed Building Size</u>	<u>Fee</u>
0 – 4,999 square feet	\$ 200.00
5,000 – 9,999 square feet	\$ 300.00
10,000 – 49,999 square feet	\$ 500.00
50,000 – 74,999 square feet	\$1,000.00
75,000 – 99,999 square feet	\$1,500.00
100,000 + square feet	\$2,000.00
<u>Special Permit-Multi-Family</u>	
<u>Number of Units</u>	<u>Fee</u>
2-25 Units	\$1,000.00
26-50 Units	\$1,500.00
51-100 units	\$2,000.00
100 + Units	\$2,500.00
Wireless Facility	\$1,000.00

**NOTE:** Any application, which does not come under the above schedule, such as parking lots, use changes, etc. and is determined to require site plan review, shall pay a base fee of \$200.00.

## **Section 7: Project Review Fees**

**7.0 PROJECT REVIEW FEES:** If, after receiving an application, the Board determines that it requires technical advice unavailable from municipal employees, the Board may employ outside consultants. Whenever possible, the Board shall work cooperatively with the applicant to identify appropriate consultants and to negotiate payment of part or all of consultant fee by the applicant. Alternatively, the Board may, by majority vote, require that the applicant pay a reasonable review fee for the employment of outside consultants chosen by the Board alone.

**7.1** A review fee may be imposed only if:

- (i) The work of the consultant consists of review of studies prepared on behalf of the applicant, and not of independent studies on behalf of the Board,
- (ii) The work is in connection with the applicant's specific project, and
- (iii) All written results and reports are made part of the record before the Board.

**7.2** A review fee may be imposed only after the Board has complied with the Uniform Procurement Act, M.G.L. c. 30B, §§1-19.

**7.3** All fees assessed pursuant to this section shall be reasonable in light of:

**7.3.1** The complexity of the proposed project as a whole,

**7.3.2** The complexity of particular technical issues,

**7.3.3** The number of housing units proposed,

**7.3.4** The size and character of the site,

**7.3.5** The projected construction costs, and

**7.3.6** Fees charged by similar consultants in the area.

**7.4** As a general rule, the Board will not assess any fee greater than the amount which might be appropriated from Town funds to review a similar town project.

- 7.5** Any invitation for bids or request for proposals shall indicate that award of the contract is contingent upon payment of a review fee by the applicant. If the applicant fails to pay the review fee within ten days of receiving written notification of selection of a bidder or offeror, the Board may deny the site plan.
- 7.5.1** The Board will select the consultant after reviewing both the bid or proposal, and any comments received from the applicant, but will not formally award the contract until such review fee has been paid.
- 7.6** Prior to paying the review fee, the applicant may appeal the selection of the consultant to the Board of Selectmen.
- 7.6.1** The grounds for such an appeal shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum, required qualifications.
- 7.6.2** The minimum qualifications shall consist either of an educational degree in or related to the field at issue or three or more years of practice in the field at issue or a related field.
- 7.6.3** The required time limits for action upon the application by the Board shall be extended by the duration of the appeal. In the event that the Board of Selectmen makes no decision within one month following the filing of the appeal, the selection made by the Board shall stand.
- 7.7** **Special Accounts:** Each review fee shall be deposited in a special account established by the town accountant pursuant to M.G.L. c. 44 §53G. This amount may be augmented by the applicant from time to time, as required by the Board.
- 7.7.1** Funds from the special account may be expended only for the purposes described in section 7.1 (i-iii) above, and in compliance with the Uniform Procurement Act, M.G.L. c. 30B §§1-19.
- 7.7.2** Within 30 days of the completion of the project or of such time as the applicant formally withdraws the proposal, the applicant shall receive a final report of funds in the special account and shall be paid any unspent excess in the account, including accrued interest.
- 7.7.3** The town's accountant shall submit annually a report of the special account to the Board of Selectmen and the Town Manager for their review. This report shall be published in the town's annual report.

## APPLICATION

- 1) Site Plan Review Application is required for all commercial and industrial projects. For all other uses, see Table 1 Principal Use Regulations in Attachment B.
- 2) Multi-Family Application and Site Plan Review Application are required when submitting a Multi-Family Special Permit.

APPLICATION FOR SITE PLAN REVIEW  
TOWN OF WILMINGTON, MASSACHUSETTS

The undersigned hereby submits the attached site plan and supporting documents for site plan review under Section 6.5. of the Zoning Bylaw and the Rules and Regulations adopted thereunder.

Applicant: \_\_\_\_\_  
\_\_\_\_\_

Owner:

Address: \_\_\_\_\_  
\_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Business: \_\_\_\_\_

Project Location (Address): \_\_\_\_\_

Assessor's Map(s) \_\_\_\_\_

Parcel(s) \_\_\_\_\_

Zoning Classification: R-10  R-20  R-60   
NB  GB  GI   
CBD

Groundwater Protection District Yes  No

Proposed Principal Use:

(3. . . . . ) \_\_\_\_\_  
(From Table 1, Wilmington Zoning Bylaw)

Brief description of project:

\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_

Dimensional Characteristics:  
 (From Table 2, Wilmington Zoning Bylaw)

	Required	Existing	Proposed
Min. Lot Area, sq. ft.			
Min. Lot Frontage, ft.			
Min. Lot Width, ft.			
Min. Front Yard, ft.			
Min Side & Rear Yard, ft			
Min. Open Space, %			
Max. Bldg. Cover, %			
Bldg. Area, sq. ft.			
Max. Height, ft.			
Max. Height, stories			

PARKING COMPUTATIONS (Sec. 6.4.1.1):

Schedule of Uses	Criteria	Unit of Measure	Spaces Required	Number Provided
a. Dwelling	2/unit			
b. Hotel, Motel or Lodging House	1.25/bedroom CBD 1.5 units			
c. Education	1/staff position 1/5 auditorium cap 1/student (anticipated)			
d. Hospital & Nursing Home	1 bed			
e. Retail & Service Business	1/250 s.f. gross floor area CBD 1/400			
f. Business & Professional Office	1/300 s.f. gross CBD 1/500			
g. Industrial Use	1/800 s.f. gross floor area			
h. Permanent Storage Facility	1/1000 s.f. gross			
i. Restaurant, Place of Worship or other place of Assembly	1/3 seats or 36" of counter			
j. Auto Service Station	3/service bay 1/employee max. shift			
TOTAL				

Also see 6.4.1.2 Shared Parking for mixed use sites.

SUMMARY OF VEHICLE STALLS:

Standard	_____
Small Car	_____
Handicapped	_____
TOTAL	_____

LANDSCAPING WITHIN PARKING AREA:

Parking Area	_____	square feet
Landscaped	_____	square feet
	_____	%

LOADING AREA REQUIRED                      Yes [ ]                      No [ ]

I (we) understand that the submittal of this application authorizes members and agents of the Planning Board to conduct site visits and monitor site construction work.

Signature of applicant: \_\_\_\_\_

Signature of owner: \_\_\_\_\_

Signature of Engineer/  
Land Surveyor: \_\_\_\_\_

\_\_\_\_\_  
(Typed/Printed)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date received by the Planning & Conservation Department:

\_\_\_\_\_

OFFICE USE: MFSP# \_\_\_\_ - \_\_\_\_

APPLICATION FOR MULTI-FAMILY SPECIAL PERMIT  
TOWN OF WILMINGTON, MASSACHUSETTS

The undersigned hereby submits the attached site plan and supporting documents for special permit review under Section 3.8.10 of the Zoning Bylaw.

Applicant: \_\_\_\_\_  
\_\_\_\_\_

Owner:

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Address:

Telephone: ( ) \_\_\_\_\_

Telephone: ( ) \_\_\_\_\_

Business: \_\_\_\_\_

Project Location (Address): \_\_\_\_\_

Assessor's Map(s) \_\_\_\_\_

Parcel(s) \_\_\_\_\_

Zoning Classification: R-10 [ ]      R-20 [ ]      R-60 [ ]  
                                  NB [ ]      GB [ ]      GI [ ]  
                                  CBD [ ]

Groundwater Protection District      Yes [ ]

No [ ]

Brief description of project:

\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_  
-  
\_\_\_\_\_

---

-

---

-

---

-

---

-

Special Permit Minimum Criteria Table 2 and Section 3.8.10

A. Existing structure or new mixed use construction

	Required	Existing	Proposed
Min Lot Area, sq. ft.	10,000		
Min. Lot Frontage, ft.	40		
Min. Lot Width, ft.	40		
Min. Front Yard, ft.	5		
Min. Side & Rear Yard, ft.	0*		
Min. Open Space, %	0**		
Max. Bldg. Coverage	50		
Bldg. Area, sq. ft.			
Max. Height, ft.	40		
Max. Height, stories	3		
Parking	1 space/unit		

\*20 feet required if abuts residential district.

\*\* if abuts residential district see Section 5.2.6.1 of the Zoning Bylaw

B. New residential construction in Central Business District.

	Required	Proposed
Min. Lot Area, sq. ft.	25,000	
Density	1 unit/4,000 s.f.	
Max. Height, sq. ft.	40	
Max Height, stories	3	
Open Space, %	40	
Parking	1.5 spaces/unit	
Max. Bldg. Coverage, %	30	
Min. Front Yard, ft.	30	
Min. Side & Rear Yards, ft.	50	

SUMMARY OF VEHICLE STALLS:

Standard	_____
Small Car	_____
Handicapped	_____
TOTAL	_____

LANDSCAPING WITHIN PARKING AREA:

Parking Area	_____	square feet
Landscaped	_____	square feet
	_____	%

I (we) understand that the submittal of this application authorizes members and agents of the Planning Board to conduct site visits and monitor site construction work.

Signature of applicant: \_\_\_\_\_

Signature of owner: \_\_\_\_\_

Signature of Engineer/  
Land Surveyor: \_\_\_\_\_

\_\_\_\_\_  
(Typed/Printed)

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Date received by the Planning & Conservation Department:

\_\_\_\_\_

ATTACHMENT B

ZONING BYLAW PROVISIONS

## TABLE 1 PRINCIPAL USE REGULATIONS

### PRINCIPAL USES

	RESIDENTIAL DISTRICTS				BUSINESS DISTRICTS			INDUSTRIAL DISTRICTS		SITE PLAN REVIEW	GWPD	
	R-10	R-20	R 60	O55H	NB	GB	CB	GI	L/I/O			
<b>3.2 EXTENSIVE USES</b>												
3.2.1	Agriculture	Yes	Yes	Yes		Yes	Yes	No	Yes	Yes	NR	*
3.2.2	Greenhouse	No	SP	SP		SP	Yes	No	Yes	Yes	R	*
3.2.3	Conservation	Yes	Yes	Yes		Yes	Yes	No	Yes	Yes	NR	*
3.2.4	Recreation	SP	SP	SP		SP	Yes	No	Yes	Yes	R	*
3.2.5	Earth Removal	Yes	Yes	Yes		Yes	Yes	No	Yes	No	NR	*
<b>3.3 RESIDENTIAL USES</b>												
3.3.1	Single Family Dwelling	Yes	Yes	Yes		Yes	No	No	No	No	NR	*
3.3.2	Accessory Apartments	Yes	Yes	Yes		Yes	No	No	No	No	N	*
3.3.3	Community Housing Facility	SP	SP	SP		SP	SP	SP	No	No	NR	*
3.3.4	Municipal Building Reuse	SP	SP	SP		SP	SP	SP	No	No	NR	*
3.3.5	Multi-Family Housing	No	No	No		No	No	SP	No	No	R	*
3.3.6	Over 55 Housing	No	No	No	SP	No	No	No	No	No	R	*
<b>3.4 GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES</b>												
3.4.1	Municipal Use	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	NR	*
3.4.2	Educational	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	NR	*
3.4.3	Religious	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	NR	*
3.4.4	Philanthropic	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	R	*
3.4.5	Nursery School	SP	SP	SP		Yes	Yes	Yes	No	No	R	*
3.4.6	Hospital and Nursing Home	SP	SP	SP		SP	SP	SP	No	No	R	*
3.4.7	Public Service Utility	SP	SP	SP		Yes	Yes	Yes	Yes	Yes	R	*
3.4.8	Wireless Communications Facility**	No	No	No		No	SP	No	SP	SP	R	*
<b>3.5 BUSINESS USES</b>												
3.5.1	Retail Store	No	No	No		Yes	Yes	Yes	SP	SP	R	*
3.5.2	Business and Professional Office	No	No	No		Yes	Yes	Yes	Yes	Yes	R	*
3.5.3	Bank	No	No	No		Yes	Yes	Yes	Yes	Yes	R	*
3.5.4	Limited Service Restaurant	No	No	No		No	SP	Yes	SP	SP	R	*
3.5.5	General Service Restaurant	No	No	No		No	SP	SP	No	No	R	*
3.5.6	Hotel or Motel	No	No	No		No	SP	SP	SP	SP	R	*
3.5.7	Lodge and Club	No	No	No		SP	Yes	Yes	Yes	Yes	R	*
3.5.8	Funeral Home	No	No	No		No	Yes	No	No	No	R	*
3.5.9	Veterinary Care	No	No	N		No	SP	SP	SP	SP	R	*
3.5.10	Personal Service Shop	No	No	No		Yes	Yes	Yes	No	No	R	*
3.5.11	Craft Shop and Building Trade	No	No	No		Yes	Yes	Yes	Yes	Yes	R	*
3.5.12	Commercial and Trade School	No	No	No		SP	Yes	SP	Yes	Yes	R	*
3.5.13	Amusement Facility	No	No	No		No	Yes	SP	Yes	Yes	R	*
3.5.14	Auto Service Station and Car Wash	No	No	No		No	SP	No	No	No	R	*
3.5.15	Auto Repair and Body Shop	No	No	No		No	SP	No	SP	No	R	*
3.5.16	Vehicular Dealership	No	No	No		No	SP	No	No	No	R	*
3.5.17	Parking Facility	No	No	No		No	Yes	Yes	Yes	Yes	R	*
3.5.18	Adult Uses***											
<b>INDUSTRIAL USES</b>												
3.6.1	Warehouse	No	No	No		No	No	No	Yes	Yes	R	*
3.6.2	Bulk Material Storage and Sales	No	No	No		No	No	No	Yes	No	R	*
3.6.3	Heavy Vehicular Dealership and Repair Garage	No	No	No		No	No	No	SP	No	R	*
3.6.4	Light Industrial	No	No	No		No	No	No	Yes	Yes	R	*
3.6.5	Limited Manufacturing	No	No	No		No	No	No	SP	SP	R	*
3.6.6	General Manufacturing	No	No	No		No	No	No	SP	No	R	*
<b>3.7 PROHIBITED USES</b>												
3.7.1	Prohibited Uses	No	No	No		No	No	No	No	No	NR	*

\* Uses within the Ground Water Protection Districts may be subject to additional regulation. See Section 6.6 Ground Water Protection Districts.

\*\* Monopoles allowed by SP on Town-owned land; and attachments allowed by SP on existing structures in all zoning districts.

\*\*\* Overlay district. See Section 6.7

**TABLE II STANDARD DIMENSIONAL REGULATIONS**

**NOTES:** (1) All Standard Dimensional Regulations are subject to the definitions and conditions in corresponding provisions for dimensional regulations contained in Section 5 of this By-law.  
 (2) Special exceptions to these Dimensional Regulations are contained in Subsection 5.3 of this By-law.

ZONING DISTRICTS	MIN. LOT AREA IN SQ. FT.	MIN. LOT FRONTAGE IN FEET	MIN. LOT WIDTH IN FT	MIN. FRONT YARD IN FT	MINIMUM SIDE & REAR YARD IN FT	MINIMUM OPEN SPACE IN %	MAX. BLDG COVER. IN %	MAX HEIGHT IN FT	MAX HGT IN STORIES
<b>RESIDENCE 10</b>	10,000	100	100	30	15	--	--	35	2-1/2
<b>RESIDENCE 20</b>	20,000	125	125	40	20	--	--	35	2-1/2
<b>RESIDENCE 60</b>	60,000	200	200	50	25	--	--	35	2-1/2
<b>OVER 55 HOUSING</b>	10 acres	50	50	50	50	35%	--	36	2-1/2
<b>NEIGHBORHOOD BUSINESS</b>	10,000	100	100	30	15	30% in all cases and where a business or industrial use abuts a residential district or a residential use, a landscape buffer shall be provided.	35%	35	2-1/2
<b>GENERAL BUSINESS</b>	20,000	125	125	20	20' side and rear yard  In all cases provided that where such use abuts a residential district, the yard shall be increased to 50'.	20% in all cases and where a business or industrial use abuts a residential district, or a residential use, A landscape buffer shall be provided.	35%	35	3
<b>CENTRAL BUSINESS</b>	10,000	40	40	5	20' where such a use abuts a residential district, 20 feet rear yard in all cases, 0 feet for the side yard where such a use abuts a commercial use.	None. However, where such a use abuts a residential district or a residential use a landscape buffer consistent with §5.2.6.1 shall be provided.	50%	40	3
<b>GENERAL INDUSTRIAL</b>	20,000	125	125	50	20' side and rear yard In all cases provided That where such use abuts a residential district the yard shall be increased to 50'.	30% in all cases and where a business or industrial use abuts a residential district, a landscape buffer shall be provided.	35%	40	3
<b>LIGHT INDUSTRIAL/ OFFICE</b>	20,000	125	125	50	20' side and rear yard in all cases provided that where such use abuts a residential district the yard shall be increased to 50'.	30% in all cases and where a business or or industrial use abuts a residential district, a landscaped buffer shall be provided.	35%	40	3

- 5.2.4 **Front Yards** - Front yards shall be measured between the sideline of the street right of way or from a line 25 feet from and parallel to the mean center line of the street to the nearest point of any building or structure or whichever distance is the greater. In all cases, corner lots shall be considered to have two front yards and two side yards. A lot having frontage on two or more streets shall have two or more front yards, each of which shall comply with the requirements of the front yard provisions.
- 5.2.4.1 Front yards in the General Business District shall be planted with natural materials; at a minimum, trees. Each tree (at planting) shall have a minimum trunk width (diameter) of three inches measured at a point six inches above grade. One tree shall be required for each 25 feet of lot frontage; the location and spacing of the trees shall be at the discretion of the owner but subject to final approval by the town engineer.
- 5.2.5 **Side and Rear Yards** - Side and rear yards shall be measured from the nearest point of any building or structure to each side or rear lot line.
- 5.2.6 **Open Space** - The percent of open space shall be determined by dividing the total area landscaped on a lot by the total lot area. Such landscaping shall be designed to enhance the visual impact of the principal use upon adjacent property and within the lot. In all developments, to the extent practicable, existing trees shall be retained and used to satisfy the provisions of the minimum open space. In the business districts where a business or industrial use abuts a residential district or a residential use and in the industrial districts where a business or industrial use abuts a residential district, a landscaped buffer shall be provided in accordance with Section 5.2.6.1.
- 5.2.6.1 Residential landscape buffer. In the business and industrial districts where a business or industrial use abuts a residential district or use, the commercial or industrial use shall be set back from the residential district or use consistent with the requirements of this bylaw. Further, the first twenty feet of any setback measured from the commercial or industrial lot line or commercial or industrial zoning line shall be landscaped in the following manner. On the parcel boundary line, or in such location as may be required by site plan review, the commercial or industrial use shall be required to erect a solid panel wooden fence of at least five feet but no more than eight feet in height. Further, not closer than ten feet from the boundary line, the commercial or industrial use shall plant one tree for every twenty feet (20') of common boundary length. The exact spacing to be determined under site plan review to ensure maximum screening. At the time of planting each tree shall have trunk width (diameter) of a least three inches measured at a point six inches above grade after planting.
- 5.2.7 **Building Coverage** - The percent of building coverage shall be determined by dividing the total ground area of all buildings on a lot by the total lot area.
- 5.2.8 **Height**
- 5.2.8.1 **Height in Feet** - Height in feet shall be the vertical distance from the average of the finished ground level adjoining a building or structure at all exterior walls to the top of the highest roof beams of a flat roof or to the mean level of the highest gable or slope of a hip roof. In all districts chimneys, towers, agricultural silos, antennae, elevator shafts and other similar structures not used for human occupancy or storage may extend above the height limits herein fixed provided that (1) if located upon a roof of a building such structure(s) do not occupy more than 20 percent of the roof surface and (2) in all cases such extensions shall not exceed a height of 48 feet from the ground to the highest point of the structure unless authorized by special permit from the Board of Appeals.

5.2.8.2 **Height in Stories** - Height in stories shall be the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. One-half story shall be a story under a gable or slope of hip roof.

5.2.8.3 **Landfill Height Limit** - The vertical distance above the mean level of the ground within ten feet of the horizontal limit of a landfill to the top surface of the landfill, including any final landfill cap or covering material, shall not exceed forty feet.

**See Section 6.3 of the Zoning Bylaw for signage requirements.**

#### 6.4 **Parking and Site Design Standards**

6.4.1 **Required Spaces** - Permanent off-street parking facilities and adequate loading areas shall be provided on-site for all principal and accessory uses in compliance with the following minimum provisions. Where a use is not specifically included in the schedule below, it is intended that the regulations for the most nearly comparable use specified shall apply. The use of any land or structure shall not be begun or changed from a use described in one subsection of the schedule of uses below to a use in another subsection of the schedule of uses unless the number of off-street parking spaces required for the use are provided or relief from the parking regulations is authorized as hereinafter provided.

##### 6.4.1.1 **Schedule of Uses**

- |    |   |   |
|----|---|---|
| a. | <b>Dwelling:</b>  | 2 spaces for each dwelling unit   |
| b. | <b>Hotel or Motel or Lodging Houses:</b>                      | 1.25 spaces per bedroom   |
| c. | <b>Education:</b>   | 1 space for each staff position, plus 1 space for each five persons of rated capacity of the largest auditorium, and 1 space for each student vehicle which can be expected at only one time on the premises. |
| d. | <b>Hospital and Nursing Home:</b>                             | 1 space per bed   |
| e. | <b>Retail and Service Business:</b>                           | 1 space per 250 sq. ft. of gross floor area   |
| f. | <b>Business and Professional Office:</b>                      | 1 space per 300 sq. ft. of gross floor area   |
| g. | <b>Industrial Use:</b>  | 1 space per 800 sq. ft. of gross floor area   |
| h. | <b>Permanent Storage Facility:</b>                            | 1 space per 1,000 sq. ft. of gross floor area   |
| i. | <b>Restaurant, Place of Worship, other place of assembly:</b> | 1 space/3 seats or 36" of counter   |
| j. | <b>Auto Service Station</b>                                   | 3 spaces per service bay  |

6.4.1.2 **Shared Parking.** Notwithstanding any other parking requirements set forth in this bylaw for individual land uses, when any land or building is used for two or more distinguishable purposes

(i.e., joint or mixed use development), the minimum total number of parking spaces required to serve the combination of all uses shall be determined in the following manner: Multiply the minimum parking requirement for each individual use (as set forth by the schedule of uses, Section 6.4.1.1 of this bylaw) by the appropriate percentage (as set forth below) for each of the five designated time periods and then add the resulting sums from each vertical column. The column total having the highest total value is the minimum shared parking space requirement for that combination of land uses.

**PARKING CREDIT SCHEDULE CHART**

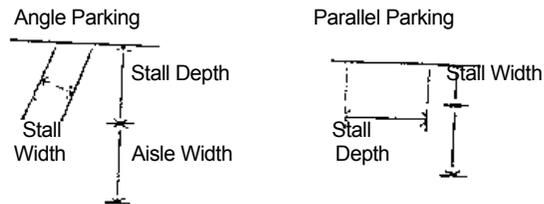
USES	WEEKDAY			WEEKEND	
	Night Midnight- 7 a.m.	Day 7 a.m.- 5 p.m.	Evening 5 p.m.- Midnight	Day 6 a.m.- 6 p.m.	Evening 6 p.m.- Midnight
Dwelling	100%	50%	90%	80%	80%
Business and Professional					
Office and Industrial	5%	100%	10%	10%	5%
Retail and Service Business	5%	50%	90%	100%	5%
Hotel/Motel or Lodging House	70%	70%	100%	70%	100%
Restaurant	5%	50%	100%	50%	100%
Day Care Facilities	5%	100%	5%	20%	5%
Education	5%	100%	20%	20%	5%
Hospital and Nursing Home	100%	100%	100%	100%	100%
Auto Service Station	5%	100%	70%	100%	70%
All Other	100%	100%	100%	100%	100%

6.4.1.3 One or more off-street loading areas shall be provided for any business that may be regularly serviced by tractor-trailer trucks, to the end that, in the opinion of the Inspector of Buildings, adequate areas shall be provided to accommodate all service vehicles at the premises at any one time. Loading Areas shall be 12 feet wide, 50 feet long. The Inspector of Buildings may authorize loading areas with reduced dimensions provided the service vehicles normally associated with the business do not require the dimensions herein.

6.4.1.4 Parking Requirements for Central Business District. In the Central Business District off-street parking shall be consistent with the requirements of this bylaw except that retail and service business shall be required to provide one off-street space per 400 sq. ft. of gross floor area, and office space at the rate of one space per 500 sq. ft. of gross floor area. Further, in the instance where the property line boundary of a retail store, business or professional office, bank, personal service or craft shop and building trade shop is within 600 feet of a public parking lot of at least 60 spaces and that at least two-thirds of the parking spaces are designated for use of less than two hours, the off-street parking requirement for the uses noted above shall be 1 space per 600 sq. ft. of gross floor area for all uses noted above except that off-street parking for business or professional office use shall be required at a rate of one space per 750 sq. ft. of gross floor area.

6.4.2 **Parking Dimensional Regulations** - Off-street parking facilities shall be laid out and striped in compliance with the following minimum provisions:

<u>Angle of Parking</u>	<u>Width of Parking Stall</u>	<u>Depth of Parking Stall</u>	<u>Width of Maneuvering Aisle</u>
61° - 90°	9' 0"	18'	22'
46° - 60°	9' 0"	18'	18'
45°	9' 0"	18'	14'
Parallel	8' 0"	22'	14' one-way 20' two-way



6.4.2.1 **Small Car Stalls** - In parking facilities containing more than 40 parking stalls, 40 percent of the spaces required under the schedule of uses for Business and Professional Office and for Industrial Use and Permanent Storage Facility may be small car spaces. Such small car stalls, if provided, shall have a stall depth of at least 16 feet and a width of at least 7.5. The width of the maneuvering aisle shall not vary from that set forth in Section 6.4.2. Such small car stalls shall be located in one continuous area and shall be identified by a directional sign(s).

6.4.2.2 **Handicapped Stalls and Access** - In addition to the parking requirements in this Bylaw, all parking facilities must comply with the currently applicable Rules and Regulations of the Architectural Barriers Board of the Commonwealth of Massachusetts.

6.4.2.3 **Layout and Setback of Residential Parking** - For a single family detached or attached dwelling, or a dwelling conversion, one parking space may be provided directly behind another for each dwelling unit, provided that each stall shall meet the width and depth requirement and in no case shall such stalls which are more than two deep be considered in computing the required parking.

6.4.2.4 **Layout and Setback of Non-Residential Parking** - In the non-residential districts required parking spaces, loading areas and driveways shall be provided and maintained with suitable grading, paved surfaces and adequate drainage. Curbs or stall bumpers shall be located around the perimeter of all paved areas (other than entrances and exits) to prevent motor vehicles from damaging buildings, fences and other structures and to prevent vehicles from overhanging planted areas and walks. Parking lots shall be clearly marked indicating the direction of traffic flow as well as the space to be occupied by each motor vehicle.

No parking space or other paved surface, other than driveway entrances or walkways, shall be located within 20 feet of the sideline of the street or within 10 feet of any other lot line. Each lot may have one driveway entrance from a street which shall be at least 22 feet wide but not more than 30 feet at the side line of the right of way and may have one additional driveway entrance for each 200 feet of frontage provided such additional driveway(s) shall be at least 200 feet apart. Interior driveways, other than parking aisles, may be reduced to no less than 20 feet for two-way traffic and 14 feet for one-way traffic.

6.4.2.5 **Parking Lot Landscaping** - All parking and loading facilities shall be suitably landscaped. Such landscaping shall be designed to minimize the impact of the parking area upon adjacent property and within the lot by the use of existing vegetation to the extent practicable and new trees, shrubs, walls, fences or other landscape elements. In the case of parking facilities for more than 40 spaces at least

five percent of the area within the limits of the parking facilities shall be set aside for landscaped areas and such areas shall be provided with a minimum width of 10 feet, curbing and shade trees or such other type of landscaped areas as may be required under site plan review.

**6.4.3 Relief from Parking Regulations by Special Permit from the Board of Appeals** - Relief from the parking requirements of Subsection 6.4 may be authorized by special permit from the Board of Appeals provided that the Board of Appeals finds either (1) that in the case of a change in use of an existing facility the use to which the premises subject to such regulations are to be put is not different in kind in its effect on the neighborhood from an existing use so that a literal application of such parking regulations would be unreasonable or (2) in all other cases including new construction that the desired relief may be granted without substantial detriment to the neighborhood and without derogating from the intent and purpose of this Bylaw. In either case the petitioner shall submit a site plan of the off-street parking facilities and the Board of Appeals shall make its determination based upon all matters arising under this Bylaw.

#### **6.4.4 Site Design Standards**

**6.4.4.1 General Regulations** - Site design and construction standards are intended to ensure that further consideration in all districts will be given to the natural resources and characteristics of a site, to its topographic and geologic conditions, to public convenience and safety and to the attractiveness of a proposed use on a site.

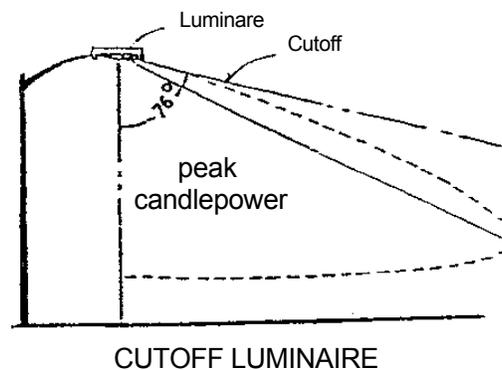
- a. Design and construction shall minimize, to the extent possible, the following features:
  - o Encroachment within any wetland or flood plain;
  - o Area over which existing vegetation is to be removed;
  - o Earth removal and volume of cut and fill;
  - o Points of traffic conflict (both pedestrian and vehicular); and
  - o Amount of impervious cover especially in aquifer areas.
- b. Design and construction shall maximize, to the extent possible, the following features:
  - o Maintenance of existing rates of runoff from the site;
  - o Preservation of the existing flood storage capacity of the site;
  - o Phased construction with detailed erosion control measures;
  - o Maintenance of existing site features particularly existing vegetative cover; and
  - o On-going maintenance of the site's land and water resources.

#### **6.4.4.2 Site Design and Construction Standards**

- a. **Grading, Pavement and Stormwater Runoff** - All non-residential parking spaces, loading and driveways shall be graded, paved and drained in accordance with construction specifications reviewed and approved by the Town Engineer. In addition, no stormwater runoff in excess of rates existing prior to new construction shall be discharged onto a public way or into a public drainage system unless there

is, in the determination of the Town Engineer, sufficient capacity to handle the additional runoff.

- b. **Landscaping Requirements** - Land which is required by Subsection 5.2.6 Open Space, Subsection 6.4.2.4 Layout and Setback of Non-Residential Parking and Subsection 6.4.2.5 Parking Lot Landscaping shall be maintained as open planted areas and used to (1) ensure buffers between properties; (2) provide landscaped areas between buildings and (3) minimize: the bulk and height of buildings, structures and parking areas; the effect of lights and signs on abutting properties and the impact of the use of the property on land and water resources. Landscaped areas shall be kept free of encroachment by all buildings, structures, storage areas and parking unless otherwise specifically authorized by this Bylaw.
- c. **Outdoor Lighting** - Outdoor lighting including lighting on the exterior of a building, in parking areas and on signs shall be arranged to eliminate glare and minimize light spillover to neighboring properties. Except for single family residential lights, public street lights and low-level pedestrian lighting with a height of less than 10 feet, all outdoor lighting shall be designed and located so that (1) the luminaire has an angle of cutoff less than 76 degrees, (2) a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site and (3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on a neighboring property including streets.



- d. **Within the Ground Water Protection District: Safeguards.** The following are required for any use within a GWPD to protect against hazardous material discharge or loss resulting from corrosion, accidental damage, Pillage or vandalism:
1. Storage of liquid petroleum and gasoline products of any kind in a manner shall be consistent with Section 37 of the Bylaws of the Inhabitants of the Town of Wilmington Revised and other applicable regulations;
  2. Spill control provisions in the vicinity of chemical or fuel delivery points;
  3. Secured storage areas for hazardous materials;
  4. Indoor storage provisions for corrodible or dissolvable materials;
  5. A closed vapor recovery system for each structure which allows the evaporation of hazardous materials into its interior to prevent discharge of contaminated condensate into the ground water; and

6. Proper manure containment.

Disposal. For any hazardous wastes to be produced in quantities greater than those associated with normal household use, the applicant must demonstrate the availability and feasibility of disposal methods which are in conformance with MGL, Chapter 21C, as amended.

Drainage. All runoff from impervious surfaces shall be drained in a manner designed to prevent the contamination of ground water and to recharge on site, to the extent possible. All runoff prior to discharge shall be preceded by oil, grease and sedimentation traps to facilitate removal of contaminants. Roof runoff from buildings may be drained into dry wells without traps unless the roof contains exposed mechanical equipment or is coated with asphalt.