SECTION VI

Use Regulations

A. AGRICULTURAL-RECREATION DISTRICT:

This District is intended to protect the public health and safety, to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, swamp land, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife, and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions and open spaces for education, recreation, agriculture, and the general welfare.

The Watershed and Wetland Areas are included in this District to facilitate the adequate protection of the natural storage capacity of the watershed, to protect, preserve and maintain the water table and water recharge areas, to protect and preserve the marshes, bogs, ponds, watercourses and their adjoining wetlands, to protect the Town's significant environmental features by reducing the sources and possibilities of pollution, sedimentation and destruction of water bodies.

The following Agriculture-Recreation Districts are added to the Zoning Map:

AR-1 All that land along or sloping toward Poor Meadow Brook lying beyond two hundred (200) feet southerly of the center line of Main Street and beyond two hundred (200) feet westerly of the center line of Elm Street that is at or below fifty-five (55) feet Mean Sea Level (MSL).

AR-2 All that land adjacent to or sloping toward Oldham Pond lying northeasterly of the center line of Lakeside Road, westerly of the Town of Hanson Boundary line and southwesterly of the existing Agriculture-Recreation District that is at or below seventy (70) feet MSL line, beyond two hundred (200) feet westerly of the center line of Pearl Street, and beyond two hundred (200) feet southwesterly of the center line of Brook Street that is at or below seventy (70) feet MSL.

AR-3 All that land beyond two hundred (200) feet easterly of the center line of Indian Head Street, northerly of the center line of an unnamed road immediately north of Indian Head Pond, and lying beyond two hundred (200) feet southerly of the center line of Maquan Street that is at or below eighty (80) feet MSL, as well as that land westerly of Maquan Pond lying beyond two hundred (200) feet southerly of the center line of Maquan Street and beyond two hundred (200) feet easterly of the center line of Indian Head Street that is at or below ninety (90) feet MSL.

AR-4 All that land adjacent to or sloping toward Indian Head Pond and beyond two hundred (200) feet easterly of the center line of Indian Head Street, that is at or below seventy (70) feet MSL.

AR-5 All that land lying beyond two hundred (200) feet northeasterly of the center line of the New York, New Haven, and Hartford Railroad tracks, beyond two hundred (200) feet easterly of the center line of Pleasant Street, beyond two hundred (200) feet westerly of

the center line of Monponsett Street and beyond two hundred (200) feet southerly of the center line of South Street that is at or below seventy (70) feet MSL.

AR-6 All that land lying beyond two hundred (200) feet easterly of the center line of Monponsett Street, beyond two hundred (200) feet northeasterly of the center line of the New York, New Haven, and Hartford Railroad tracks, southwesterly of the Town of Hanson boundary line, and beyond two hundred (200) feet southerly of the center line of South Street that is at or below seventy (70) feet MSL.

AR-7 Town of Hanson Conservation property lying Southerly of E. Washington Street, westerly of State Street northerly, of Brook Street and easterly of Indian Head Brook.

AR-8 Town of Hanson property purchased for water purposes lying easterly of Franklin Street, northerly of Main Street, southwesterly of the New York, New Haven, and Hartford Railroad tracks and southerly of the Town of Hanson property purchased for industrial purposes. (10/1982)

1. **Uses permitted.**

    a. Conservation areas for water, water supply, plants and wildlife, and dams' necessary for achieving this purpose.

    b. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, cranberry bogs, grazing and the raising of poultry.

    c. Orchards, nurseries, forests and tree farms.

    d. Single-family detached dwellings with one of the uses permitted in paragraph a-c above.

2. **Minimum Lot Area in Square Feet**
   Agricultural/Recreation – 40,000 square feet with 36,000 square feet of uplands.
   ***At least ninety (90) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40.**

3. **Minimum Frontage in Feet**
   Agricultural/Recreation – 175 feet
   ***Measured at the street line. Where a lot has frontage on two (2) streets only one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred (100) feet.**

4. **Minimum Setback Requirements in Feet**
   Agricultural/Recreation – Front: 50 feet Side: 25 feet Rear: 50 feet
   ***In the case of lot having frontage on more than one (1) street, the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
   ***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**

5. **Maximum Total Gross Coverage**
   Agriculture/Recreation – 10%
   ***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**

6. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

   a. Picnic areas, day camps, overnight camps, recreation and any non-commercial open-air recreation use, including golf courses, parks (but not an amusement park), boating, fishing, hunting (where legally permitted), marinas and landings, provided that there are adequate provisions for disposal of waste products and for parking. Storage buildings required in connection with these uses shall be located subject to the same provisions which apply to farm buildings, except that small buildings for the sale of fishing supplies or in connection with a marina may be located below the appliance contour line in accordance with Section V, paragraph c, swimming pools and related accessories. (10/1979)

   b. Restaurants, provided that their use is in connection with a permitted use and that adequate parking areas are provided, as required in Section VII D, and further provided that any such building be located subject to the same conditions as apply to farm buildings.

   c. Country clubs or other membership clubs, provided that any buildings in connection therewith are located subject to the same conditions as apply to farm buildings.

   d. Single-family detached dwellings.

   e. Tourist camps and overnight camps where structures are used for shelter.

   f. Accessory uses.

   Any use determined to be of similar character to the permitted uses of this district and to the intent of this district, said determination to be made by the Board of Appeals following petition of the land owner or owners.

7. **Uses not permitted.**

   a. The storage or disposal of hazardous wastes, as defined by the Hazardous Waste Regulations promulgated under the Provisions of Section 27(8) and 52 of Chapter 21 of the General Laws.

   b. Draining, excavation or dredging, or removal or relocation of loam, peat, sand, gravel, soil, or other mineral substance except accessory to work permitted as of right or by Special Permit.

   c. The storage or disposal of any soil, loom, peat, sand, gravel, rock or other

mineral substance, refuse, trash, rubbish, debris or dredged soil.

d. The storage or disposal of materials used for snow and ice control including treated sand, salt and other deicing chemicals.

8. Compliance with Wetlands Protection Act.

This section does not excuse any person of the necessity of complying with the Wetlands Protection Act (Massachusetts General Laws, Chapter 131, Section 40) as administered by the Hanson Conservation Commission. (10/1982)

B. RESIDENCE A AND RESIDENCE AA DISTRICTS:

The Residence A and Residence AA Districts are intended as districts for rural, residential and non-commercial uses.

1. Uses permitted.

a. Uses a, b and c permitted in an Agricultural-Recreation District, Par. A1.

b. Single-family detached dwellings.

c. Boarding houses or Rooming Houses for not more than four (4) persons provided that the house is also occupied as a private residence.

d. Public and parochial schools, hospitals, playgrounds, churches or parish houses.

e. Fields, pastures, woodlots, greenhouses and farms as permitted in the Agricultural-Recreation District, except that piggeries shall not be located in this district.

f. Display and sale or offering for sale of farm produce and related products provided that the major portion of the produce is raised within the Town, and provided that no stand for such sale is located within twenty-five feet (25') of a Street line, and provision is made for off-street parking in accord with Section VII D.

g. Accessory uses, including normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, and a structure approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory and used for shelter from natural disaster or war. (10/2005)

2. Minimum Lot Area in Square Feet
Residence AA – 40,000 square feet with 36,000 square feet of uplands
Residence A – 30,000 square feet with 27,000 square feet of uplands
***At least ninety (90) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40.**

3. **Minimum Frontage in Feet**
   Residence AA – 175 feet
   Residence A – 150 feet
   ***Measured at the street line. Where a lot has frontage on two (2) streets only one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred feet (100').**

4. **Minimum Setback Requirements in Feet**
   Residence AA – Front: 50 feet Side: 25 feet Rear: 50 feet
   Residence A – Front: 50 feet Side: 20 feet Rear: 40 feet
   ***In the case of lot having frontage on more than one (1) street, the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
   ***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**

5. **Maximum Total Gross Coverage**
   Residence AA – 30%
   Residence A – 30%
   ***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**
   ***Except ten (10) percent for uses a-d and f of Section VI, paragraph B2.**

6. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.
   a. Museums, Private schools, Nursery schools, and Colleges with or without Dormitory facilities, including dance, photographic, and music studios, provided adequate off-street parking areas in accord with Section VII D are provided and there is no external change of appearance of any dwelling converted for such use except as required by Massachusetts law.

   b. Cemeteries, Hospitals, Sanitariums or other Medical Institutions, including Medical and Dental Laboratories, Nursing Homes, Rest Homes or Charitable Institutions.

   c. Telephone Exchange Buildings, Radio Stations, and utility structures, provided there are no service yards except for required parking.

   d. Conversion of a single-family dwelling existing at the time of the adoption of Zoning by Town of Hanson to a two-family structure provided that:

      1) the exterior appearance of the structure is not altered;
      2) the lot on which the structure is located contains at least 40,000 sq. ft.

   e. Funeral homes, mortuaries and crematories.

   f. Home Occupations such as dressmaking, home cooking, repair of portable

equipment or appliances, real estate agent, arts and crafts, selling antiques, and computer based businesses, but not including convalescent or nursing home, tourist home, motor vehicle sales or similar establishments offering services to the general public may be engaged in as an accessory use of a dwelling by a resident of that dwelling, upon issuance of a Special Permit by the Board of Appeals pursuant to Section VIII.D, and upon conformance with all of the following conditions: (10/2005)

1) The occupation shall be carried on wholly within the principal building or within a building or other structure accessory thereto.

2) No more than twenty-five (25) percent of the floor area of the residence shall be used for the purpose of the home occupation, or more than fifty (50) percent of the combined floor area of the residence and any accessory structures used in the home occupation. Day care facilities licensed under the provisions of M.G.L.A. Ch. 28A, §.10 shall be exempt from this limitation.

3) The home occupation shall be accommodated within an existing structure without extension thereof.

4) Not more than two persons not a member of the household shall be employed on the premises in the home occupation.

5) Except for a permitted sign, there shall be no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation, or other variation from the residential character of the premises.

6) No offensive noise, vibrations, smoke, dust, odors, heat, or glare shall be produced detectable without instruments off of the premises.

7) Traffic generated by the home occupation shall not significantly increase volumes normally expected in the residential neighborhood.

8) Parking generated shall be accommodated off-street.

g. An in-law apartment is a housekeeping unit with a common means of egress and separate sleeping, cooking, and sanitary facilities that is contained within the structure of a single family dwelling. The intent of this provision is to provide dwelling units for persons who are related to the owner/occupant(s) of existing single family dwellings either by blood or marriage which may be allowed under the following conditions:

1) The owner(s) must occupy either the principal residence or the in-law apartment.

2) There shall be not more than one in-law apartment within a single-family dwelling.

3) The in-law apartment shall be designed so that the appearance of the structure remains that of a one-family dwelling, subject further to the following conditions:

   a. The in-law apartment shall be a maximum of nine hundred (900) square feet unless the unit is contained within the existing footprint or structure and shall conform to all applicable requirements of the zoning district.

   b. Any additional entrance shall be located on the side or in the rear of the dwelling.

   c. The principal residence and the in-law apartment shall be serviced and monitored by common gas, electric and water meters.

   d. There shall be provided at least two (2) off-street parking spaces for the main dwelling and at least one (1) off-street parking space for the in-law apartment.

4) A single family dwelling with an in-law apartment shall terminate upon any of the following events:

   a. Sale of the premises.

   b. Residence by any person other than a family member related by blood or marriage in either the main dwelling or in-law apartment.

   c. Violation of any of the special permit restrictions imposed by the Board of Appeals

5) No in-law apartment shall be permitted prior to the issuance of a special permit by the Board of Appeals and a Building Permit by the Building Inspector. Upon receiving a special permit, the new owner(s) must file on subject property a Declaration of Covenants at the Plymouth County Registry of Deeds. The Declaration shall state that the right to rent a temporary in-law apartment ceases upon transfer of title. No building permit for an in-law apartment may be issued until a time-stamped copy of said recorded Declaration is provided to the Board of Appeals.

6) When a structure which has received a special permit for an in-law apartment is sold, the new owner(s), if they wish to continue to exercise the special permit, must, within ninety (90) days of the sale, apply to the Board of Appeals for a new special permit issued in their name stating that they will occupy one of the dwelling units in the structure as their permanent/primary residence, and shall conform to all of the criteria and conditions for in-law apartments and the approved special permit.

h. Any use determined to be of similar character to the permitted uses of this district and to the intent of the district, said determination to be made by the Board of Appeals following petition of the land owner or owners. (10/2007)

C. RESIDENCE B DISTRICT:

The Residence B District is intended for residential and non-commercial uses.

1. **Uses permitted:**

   All uses permitted in Residence A District, Section B-1.

2. **Minimum Lot Area in Square Feet**
   Residence B - 30,000 square feet with 27,000 square feet of uplands
   ***At least ninety (90) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40.**
   ***Except ten (10) acres for uses a and b of Section VI, paragraph B2.**
   ***Except 60,000 square feet for the first four (4) units plus 5,000 square feet for each additional unit for each building permitted by Section VI, paragraph C2b.**

3. **Minimum Frontage in Feet**
   Residence B - 150 feet
   ***Except three hundred (300) feet for the first building and twenty-five feet (25') for each additional building permitted by Section VI, paragraph C2b.**
   ***Measured at the street line. Where a lot has frontage on two (2) streets only one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred (100) feet.**

4. **Minimum Setback Requirements in Feet**
   Residence B – Front 50 feet Side: 20 feet Rear: 40 feet
   ***In the case of lot having frontage on more than one (1) street the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
   ***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**
   ***Except fifty (50) feet for each building permitted by Section VI, Paragraph C2b.**

5. **Maximum Total Gross Coverage**
   Residence B – 30%
   ***Except ten (10) percent for uses a – d and f of Section VI, paragraph B2.**
   ***Except forty (40) percent for uses of Section VI, paragraph C2b.**
   ***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**

6. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

a. All uses permitted in Residence A District, Section B-2.

b. Structures containing more than one (1) but not more than eight (8) dwelling units provided that:

1. Each dwelling unit shall have two (2) exposures.

2. Each dwelling unit shall have two (2) separate exits.

3. All off-street parking areas as required under Section VII D shall be in the rear of buildings.

4. Each structure shall be connected to Town water.

5. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.

6. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.

7. Demolition of existing historic structures, as designated in the "Bay Circuit/Open Space Plan, Hanson, Massachusetts," Table 1, Hanson Historic Sites, pages 5-6 and accompanying map, by IEP, Inc., dated January, 1988 shall not be permitted in order to construct a new multi-family structure.

c. Professional office in accord with provisions of paragraphs 2b, 3, and 4 above.

d. Funeral homes, mortuaries and crematories.

D. BUSINESS DISTRICT:

The Business District is intended to provide consumer goods and services.

1. Uses permitted, subject to site plan approval as provided in Section VII.F., where such use does not have, as may be determined by the Zoning Board of Appeals, any of the following qualities or attributes:

- 10 or more required parking spaces;
- any wastewater disposal system requiring a permit from the Massachusetts Department of Environmental Quality Engineering under 310 CMR 15.02, as may be amended;
- aggregate building footprint(s) (excluding driveways and required parking areas) in excess of 5000 sq. ft.;
- generation, as certified by a recognized traffic engineer, of more than 50 traffic

trips per day;

- any use or storage of hazardous materials, as defined in Section VI.F., in excess of that normally associated with household use. In the event that such proposed use does have attributes that equal or exceed one or more of the thresholds set forth above, the requirements of Section VI.D.2 shall apply.

a. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.

b. Business or professional offices or banks.

c. Restaurants, membership clubs.

d. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.

e. Public, religious or denominational schools, hospitals, churches and religious buildings or uses.

f. Theaters, museums, bowling alleys and other commercial amusement provided all business is conducted within the structure.

g. Gasoline service stations provided that:

1. Repairs shall be limited to minor repairs and adjustments unless conducted in a building.
2. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure.

h. Motels and hotels.

i. Accessory building and uses.

j. Signs as provided in Section VII E.

k. Licensed Kennels, by special permit of the Appeal Board.

l. Salesrooms and yards for automobiles. (10/1979)

m. Body Art Establishments, including but not limited to tattooing and body piercing. (05/2001)

2. **Minimum Lot Area in Square Feet**
Business – 44,000 square feet with 39,600 square feet of uplands
***At least ninety (90) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40).**

3. **Minimum Frontage in Feet**
   Business – 150 feet
   ***Measured at the street line. Where a lot has frontage on two (2) streets only one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred (100) feet.**

4. **Minimum Setback Requirements in Feet**
   Business – Front: 50 feet Side: 15 feet Rear: 15 feet
   ***In the case of lot having frontage on more than one (1) street the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
   ***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**
   ***In Business and Commercial/Industrial Zones, setbacks are exclusive of buffer area. Buffer areas shall be measured from the lot line. Yard requirements shall be measured from the buffer line, or in the case of no buffer requirements, from the lot line.**
   ***Except fifty (50) feet for each building permitted by Section VI, paragraph C2b.**

5. **Minimum Percent Building Coverage**
   Business – 15%

6. **Minimum Total Gross Coverage**
   Business – 60%
   ***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**

7. Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.:
   a. Any use set forth in Section VID.1.a - 1, which meets or exceeds any of the thresholds established in Section VI.D.1.

E. COMMERICAL-INDUSTRIAL DISTRICT:

The Commercial-Industrial District is intended for use by research laboratories, office buildings and light industries which are compatible with a low-density, rural residential community.

1. Uses permitted, subject to site plan approval as provided in Section VII.F., where such use does not have, as may be determined by the Zoning Board of Appeals, any of the following qualities or attributes:

   - 10 more required parking spaces;

   - any wastewater disposal system requiring a permit from the Massachusetts Department of Environmental Quality Engineering under 310 CMR 15.02, as may be amended;

- aggregate building footprint(s) (excluding driveways and required parking areas) in excess of 5000 sq. ft.;

- generation, as certified by a recognized traffic engineer, of more than 50 traffic trips per day;

- any use or storage of hazardous materials, as defined in Section VI.F., in excess of that normally associated with household use.

2. In the event that such proposed use does have attributes that equal or exceed one or more of the thresholds set forth above the requirements of Section VI.E.2 shall apply.

    a. Research laboratories with incidental assembly or test manufacture.

    b. Uses a, b, c, d, and h permitted in Business District, Paragraph D-1.

    c. Manufacturing enterprises, provided that such activities will not be offensive, injurious, or noxious because of sewerage and refuse, vibration, smoke or gas, fumes, dust or dirt, odors, danger of combustion or unsightliness.

    d. Building materials salesrooms, salesrooms and yards for automobiles, bicycles, boats, farm implements, and similar equipment, terminals, utility structures, contractors' yards, storage warehouses, yards and buildings and wholesale distribution plants.

    e. Printing, publishing and commercial photographic establishments, medical or dental laboratories, subject to the restrictions in paragraph c and d above.

    f. Cafeterias for employees and other normal accessory uses, when contained in the same structure as a permitted use.

    g. Theaters, halls, bowling alleys, skating rinks, marinas, clubs and other places of amusement or assembly.

    h. Licensed Kennels, by special permit of the Appeal Board.

3. **Minimum Lot Area in Square Feet**
   Commercial/Industrial District: 44,000 square feet with 39,600 square feet of uplands
   ***At least ninety (90) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40).**

4. **Minimum Frontage in Feet**
   Commercial/Industrial District - 200 feet
   ***Measured at the street line. Where a lot has frontage on two (2) streets only**

one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred (100) feet.

5. **Minimum Setback Requirements in Feet**
   Commercial/Industrial – Front: 50 feet Side: 25 feet Rear: 25 feet
   ***In the case of lot having frontage on more than one (1) street the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
   ***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**
   *** In Business and Commercial/Industrial Zones, setbacks are exclusive of buffer area. Buffer areas shall be measured from the lot line. Yard requirements shall be measured from the buffer line, or in the case of no buffer requirements, from the lot line.**

6. **Maximum Total Gross Coverage**
   Commercial/Industrial - 60%
   ***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**

7. **Uses permitted by special permit granted by the Board of Appeals, in accordance with Section VI.E.3:**

   a. Any use set forth in Section VI.E.1.a - h, which meets or exceeds any of the thresholds established in Section VI.E.1.

8. **Conditions for Approval:**

   a. **Building construction:**

      All buildings shall be of construction prescribed in the Building Code of the Town of Hanson.

   b. **Odor, dust and smoke:**

      No such emissions shall be discernible beyond the property line or, in the case of an industrial park development, or of multiple use of the property, beyond one hundred feet (100') of the building generating the emission, except that in no case shall the discharge from any source exceed the following limits:

      1. Smoke measured at the point of discharge into the air shall not exceed a density of No. 1 on the Ringlemen Smoke Chart as published by the U.S. Bureau of Mines, except that a smoke of a density not darker than No. 2 on the Ringlemen Chart may be emitted for not more than three (3) minutes in any one (1) hour.

      2. Lime dust, as CaO, measured at the property line of any lot on which

the activity creates such dust, shall not exceed ten (10) micrograms per cubic meter of air.

3. Total particulate matter measured at all stacks or other points of emission to the air shall not exceed thirty (30) grams per hour per acre of land included in the lot.

4. All measurements of air pollution shall be by the procedures, and with equipment, approved by the Building Inspector, which procedures and equipment shall be of the latest generally recognized development and design readily available.

5. No open burning is permitted.

c. Noise:

All noise shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness, and as measured at any property line of the lot shall not exceed the following intensity in relation to sound frequency:

Frequency, Cycles per second			**Maximum Sound Level Above Zero Decibels Permitted ***
0	to	74	74
75	to	149	59
150	to	299	52
300	to	599	46
600	to	1199	42
1200	to	2399	39
2400	to	4799	36
4800	to	--	33

* According to the following:
Sound Pressure Levels in Decibels - equal
10 log P1/P2 where P2 equals 0.0002 dynes/cm2

- Such sound levels shall be measured with a sound level meter and octave band analyzer approved by the Building Inspector.
- Noise making devices which are maintained and are utilized strictly to serve as warning devices are excluded from these regulations.

d. Heat, glare, vibration and radiation:
No heat, glare, or vibration shall be discernible from the outside of any structure, and all radiation shall be contained within a structure.

e. Exterior lighting:
No exterior lighting, other than street lighting approved by the Selectmen, shall shine directly on adjacent properties or towards any street.

f. Storage:

All materials, supplies and equipment shall be stored in accord with Fire Prevention Standards of the National Board of Fire Underwriters and shall be screened from view from public ways and abutting properties.

g. **Waste disposal and water supply:**
Regulations of the State Board of Health and the Board of Health of the Town of Hanson shall be met and shall be as indicated on the approved site plan.

h. **Screening, surfacing, parking and signs:**
As provided in Section VII of this bylaw.

F. AQUIFER AND WELL PROTECTION DISTRICT

Purpose: the purpose of the Aquifer and Well Protection District is to protect the public health by preventing contamination of the ground and surface water resources providing public water supply.

1. **Definitions Pertaining to an Aquifer and Well Protection District:**

Animal Feedlot:
Any site used regularly for the feeding of ten (10) or more animals for agricultural/commercial purposes.

Aquifer:
Geologic formation composed of rock or sand and gravel that contain significant amounts of potentially recoverable potable water.

Aquifer and Well Protection Area Map:
As filed with the Town Clerk dated June 24, 1969 and revised September 1990, revised November 30, 1990 and revised March 2, 1992, revised March 22, 1993. (10/1993)

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 Massachusetts General Laws C. 21C, as amended, shall also be deemed a hazardous material for the purposes of this Zoning Bylaw.

High Water Line:
Limit of area covered by 100 year flood.

Impervious:
A surface that is impenetrable by surface water.

Mining of Land:

The removal or relocation of geologic materials such as topsoil, sand, and gravel, metallic ores, or bedrock.

Overlay District:
Consists of aquifers and/or aquifer recharge areas where uses are regulated in accordance with the provisions of an adopted by-law 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:
The Special Permit Granting Authority for the Aquifer and Well Protection District is the Hanson Zoning Board of Appeals.

2. Establishments of Districts

There are hereby established within the Town certain Aquifer and Well Protection Districts and Hydro geologic Zone, which are delineated on an overlay map at a scale of one inch (1") equals one thousand feet (1000') entitled "Aquifer Protection Districts, Town of Hanson, Massachusetts". The map is hereby made a part of this Zoning By-Law and is on file in the office of the Town Clerk. The aquifer and well protection districts and zones herein established shall be considered as overlaying other existing zoning districts. These boundaries of the Aquifer and Well Protection District and Zones are delineated to reflect the best hydro geologic information available as of the date of the maps.

The Aquifer and Well Protection District includes the following zones:

Zone I: means the protection radius required around a public water supply or well field. All zoning district uses are prohibited within Zone I area. There is no activity within this area, which is owned by the Town.

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).

Zone IIIA: means that land area beyond the area of Zone II from which groundwater drains into Zone II.

Zone IIIB: means that land area beyond the area on Zone II from which surface water drains into Zone II.

3. Use Regulations

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 scheduled, and that uses are permitted where indicated by a "P" 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.

SCHEDULE OF USES	ZONE II & IIIA	ZONE IIIB
1) Solid waste disposal facilities, including, without limitations, landfills and junk salvage yards that require a site assignment from the Board of Health under M.G.L., Ch. 111, § 150A (the landfill assignment law) and Regulations adopted by the Department of Environmental Quality Engineering 310 CMR 19.00;	**N**	**N**
2) Landfills and open dumps, as defined in 310 CMR 19.006;	**N**	**N**
3) Land filling of sludge and septage, as defined in 310 CMR 32.05;	**N**	**N**
4) Automobile graveyards and junkyards as defined in M.G.L. c. 140B § 1;	**N**	**N**
5) Car wash, Laundromat, auto repair, used car lots and automobile sales lots, auto body shop, truck and heavy equipment repair; (05/1984)	**N**	**SP**
6) Trucking or bus terminals;	**N**	**SP**
7) Printing, publishing, and commercial photographic establishments, medical or dental laboratories or research laboratories;	**N**	**SP**
8) Hospital or nursing homes;	**N**	**SP**
9) Veterinary hospital;	**N**	**SP**
10) Funeral establishments;	**N**	**SP**
11) Hotel, inn, or motel;	**N**	**SP**
12) Agriculture tree nurseries and orchards;	**SP**	**P**

SCHEDULE OF USES	ZONE II & IIIA	ZONE IIIB
13) Land uses that result in the rendering of impervious of more than fifteen percent (15%) or 2500 square feet of any lot, whichever is greater, are permitted provided that a system for artificial recharge of precipitation is provided that will not result in the degradation of ground water quality. In no case will the maximum impervious coverage exceed 30% when an approved artificial recharge system has been provided. CMR 22.21 (05/1998)	**P**	**P**
14) Treatment works (refers to waste water treatment plants) that are subject to 314 CMR 5.00, except the following:	**N**	**N**
a. The replacement or repair of an existing system(s) that will not result in a design capacity of the existing system(s)	**SP**	**SP**
b. The replacement of an existing sub-surface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s)	**SP**	**SP**
c. Treatment works approved by the Department of Environmental Protection designed for the treatment of contaminated ground or surface waters; and	**SP**	**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 (PSTFs) privately owned sewage treatment facilities permitted in accordance with 314 CMR 5.00 as amended.	**SP**	**SP**
15) Facilities that generate, treat, store, hazardous waste are subject to M.G.L. C. 21C and 310 CMR 30.00 except for the following:	**N**	**N**
a. very small quantity generators as defined by 310 CMR 30.00;	**SP**	**P**

SCHEDULE OF USES	ZONE II & IIIA	ZONE IIIB
b. household hazardous waste collection centers or events operated pursuant to 310 CMR 30.390;	P	P
c. waste oil retention facilities required by M.G. L. c. 21, § 52A and;	SP	P
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	P
16) 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	N
17) Storage or disposal of hazardous waste, including, without limitation, chemical wastes, radioactive wastes, and waste oils other than normal household activities;	N	N
18) Storage of liquid hazardous materials, as defined in M.G.L. Ch. 21E; in quantities greater than associated with normal household use;	N	N
19) storage of animal manures, 310 CMR 22.21	SP	SP
20) Storage of sludge and septage, 310 CMR 32.05;	N	N
21) Stockpiling and disposal of snow or ice removed from highway and streets located outside of Zone II/IIIA that contains sodium chloride, calcium chloride, chemically treated abrasives or other chemicals used for snow and ice removal, 310 CMR 22.21;	N	P

SCHEDULE OF USES	ZONE II & IIIA	ZONE IIIB
22) 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 leachate, 310 CMR 22.21;	N	N
23) Storage of commercial fertilizers and soil conditioners, M.G.L. Ch. 128, § 64; (05/1984)	SP	SP
24) The removal of soil, loam, sand, gravel, or any other mineral substances 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 Geologic Survey), unless the substances removed are Re-deposited within forty-five (45) days of removal on site to achieve a final grading greater than four (4) 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	SP
25) Removal of earth, loam, sand, and gravel, or any mineral in excess of 50 cubic yards, not incidental to construction of building	N	SP
26) Storage of liquid petroleum products of any kind, except those incidental to (1) normal household use and outdoor maintenance or the heating of a structure, (2) waste oil retention facilities required by M.G.L. Ch. 21, § 52A, (3) emergency generators required by statute, rule or accordance with 314 CMR 5.00 for the treatment of contaminated ground or surface waters, provided that such storage is either in a free standing container within a building or in a free standing container above ground level with protection adequate to contain a spill the size of the container's total storage capacity. (10/1993)	N	SP

4. Establishment of Low Salt Road Area

A low salt area shall receive no more than a mixture of three (3) parts sand to one (1) part salt.

Road designated as "Low Salt Road Areas" include:

1. Franklin Street from East Bridgewater town line south to the intersection of Franklin Street and Main Street.

2 West Washington Street from East Bridgewater town line to intersection with County Road and Holmes Street.

3. Other roadways so designated by Water Commissioners.

5. District Boundaries

a. 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.

b. 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 properly be located. At the request of the owner(s), the Town may engage a professional engineer (civil or sanitary) hydro geologist or soil scientist to determine more accurately the location and extent of an aquifer or hydro geologic zone, and may charge the owner(s) for all or part of the cost of the investigation.

6. Special Permit Granting Authority.

The Special Permit Granting Authority (SPGA) shall be the Board of Appeals. Any Special Permit required under this Section VI.F shall be in addition to, and separate from, any other Special Permit required under any section of this Zoning Bylaw.

7. Special Permit Application and Review Procedures.

Whenever an application for a Special Permit is filed with the Board of Appeals under Section VI.F (6), the Board of Appeals shall transmit within six (6) working days of the filing of the completed application, copies of the application and other documentation to the Water Commissioners, Board of Health, Planning Board, Conservation Commission, Highway Surveyor, Hazardous Waste Coordinator, and the Building Inspector for their consideration, review, and report. The copies necessary to fulfill this requirement shall be furnished by the applicant. 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 thirty-five (35) days after having received copies of all such required materials shall be deemed a lack of opposition thereto. The Decision/Findings of the Board of Appeals shall contain, in writing, an explanation for any departures from the recommendations of a reviewing party.

a. Public Hearings. The Special Permit Granting Authority shall hold a hearing in

accordance with the provisions of M.G.L.A. Ch. 40A, §.9, as amended, within sixty-five (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 M.G.L.A. Ch. 40A, §. 11, as amended.

Failure by the SPGA to take final action upon an application for a special permit within ninety (90) days following the date of public hearing shall be deemed to be a grant of the permit applied for.

8. Special Permit Criteria.

Special Permits hereunder shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated in Section VI.F (6) that;

a. the purpose and intent of this section VI. F are upheld;

b. groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration. In making such determination, the SPGA shall give consideration to the simplicity, reliability, and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed.

9. 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 therefore.

a. 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 (5) gallons or twenty-five (25) pounds dry weight of any substance or a total of all substances not to exceed fifty (50) gallons or two hundred fifty (250) pounds dry weight, accompanied by a description of the measures proposed to protect all storage containers from vandalism, corrosion, and leakage, and to provide for control of spills.

b. A description of all potentially hazardous wastes to be generated in quantities in excess of five (5) gallons or twenty-five (25) pounds dry weight of any substance or a total of all substances not to exceed fifty (50) gallons or two hundred fifty (250) 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.

c. For any proposed activity on a lot which will render greater than twenty (20) percent of the total lot area impervious, the application shall be accompanied by drainage calculations, utilizing U.S. Soil Conservation Service methodology, demonstrating that any increase in the volume of runoff shall be recharged on-site and diverted towards areas with vegetation for surface infiltration to the maximum extent possible. 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.

d. For any use retaining less than forty (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.

e. For any use, other than a single-family dwelling, with an on-site disposal system for domestic or industrial wastes with a design capacity of greater than 1,500 gallons per day (gpd), 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 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 well field(s) down gradient from the proposed disposal system.

f. Applications for removal of earth, loam, sand and gravel, or any other mineral in excess of fifty (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 well field(s) down gradient from the proposed activity or use.

g. 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 U.S. Soil Conservation Service.

h. For all uses available on a Special Permit as provided in Section VI F.(3) (a) herein, the applicant shall also indicate the distance between the proposed activity or use and any down gradient town well field(s).

10. Non-conforming Use

Non conforming uses which are lawfully in existence, begun or in receipt of a building or special permit prior to the first publication of notice of public hearing for this bylaw may be continued. Such non-conforming uses may be extended or altered, as specified in M.G.L. Ch 40A, §6, provided that there is a finding by the Board of Appeals that such change does not increase the danger of groundwater pollution from such use.

G. FLOODPLAIN DISTRICT: (05/2013)

SECTION 1. Statutory Authorization and Purpose

1.1 Whereas further development of the flood plain district could threaten human life, health, and safety, the Town of Hanson and in compliance with 44CFR 60.3 of the National Flood Insurance Program hereby adopts the following regulation.

SECTION 2. The purposes of the Floodplain District are to:

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

SECTION 3. Floodplain District Boundaries and Base Flood Elevation and Floodway Data

3.1 Base flood Elevation and Floodway Data.

A. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

SECTION 4. Notification of Watercourse Alteration

In a riverine situation the Town of Hanson shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities

- NFIP State 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, 6th Floor
  Boston, MA 02110

SECTION 5. Definitions

5.1 **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, AO, AH, A1-30, AE, A99, V1-30, VE, or V.

5.2 **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.

5.3 **"FLOOD" or "FLOODING"** means a general temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland waters and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

SECTION 6. Flood Insurance Study

6.1 The areas of special flood hazard in Hanson, Massachusetts area identified as Zones A or AE on the Plymouth County Flood Insurance Rate map (FIRM) 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 Hanson are panel numbers 25023C0183J, 25023C0184J, 25023C0191J, 25023C0192J, 25023C0194J, 25023C0201J, 25023C0202J, 25023C0203J, 25023C0204J, 25023C0211J, 25023C0212J, 25023C0213J, and 25023C0214J dated July 17, 2012. The exact boundaries of the District are defined by the 100- year base flood elevations shown on the FIRM and further defined by Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Department, Conservation Commission, and Board of Health.

SECTION 7. Compliance

7.1 Reference to Existing Regulations:

All development in the floodplain 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) which address floodplain and coastal high hazard areas;

-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);

7.2 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.

SECTION 8. General Standards

The Town of Hanson, in reviewing all proposed water and sewer facilities to be located in the Floodplain District shall require that:

8.1 All new and replacement water supply systems be designed to minimize or eliminate infiltration of

floodwaters into the systems, and

8.2 All new and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during floods.

8.3 The placement of mobile homes and mobile home parks and mobile home subdivisions is prohibited.

SECTION 9. Specific Standards for Subdivision Proposals

All subdivision proposals shall be reviewed by the Town of Hanson prior to the issuance of any building permits or sewage disposal construction permit to insure that the following requirements are met.

9.1 All subdivision proposals shall be consistent with the need to minimize flood damage.

9.2 All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

9.3 All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,

9.4 Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least fifty (50) lots or five (5) acres, (whichever is lesser).

SECTION 10. Specific Standards for Floodways

In the floodway, designated on the flood boundary and floodway map, the following provisions shall apply:

10.1 All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a Registered Professional Engineer 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 (100) year flood.

10.2 Normal maintenance and improvement of land in agricultural or aqua cultural use, as defined by the Wetlands Protection Act regulations 310 CMR 10.4 are exempt. (05/2013)

H. FLEXIBLE ZONING BYLAW/SPECIAL DISTRICT (10/1998)

The flexible zone district of this bylaw is intended to provide for a mixture of residential, agricultural, business, commercial and industrial, and mixed uses provided such use does not detract from the livability and aesthetic qualities of the environment:

1. **Uses permitted:**

   a. Conservation areas for water, water supply, plants and wildlife, and dams' necessary for achieving this purpose.

b. Farming and horticulture, including raising, harvesting and storing crops, truck gardening, cranberry bogs, grazing, poultry raising, fields, pastures, woodlots, and greenhouses, except that piggeries shall not be located in this district.
c. Orchards, nurseries, forests and tree farms.
d. Display and sale or offering for sale of farm produce and related products provided that the major portion of the produce is raised within the Town, and provided that no stand for such sale is located within twenty-five feet (25') of a street line, and provision is made for off-street parking in accord with Section VII D.
e. Single-family detached dwellings.
f. Boarding houses or Rooming Houses for not more than four (4) persons, provided that the house is also occupied as a private residence.
g. Accessory uses, including normal accessory uses as private garages, storage sheds, tennis courts, swimming pools, cabanas for swimming pools, summer houses, and a structure approved by Civil Defense authorities and designed for use by the inhabitants, employees or customers of the property to which it is accessory and used for shelter from natural disaster or war.

2. **Minimum Lot Area in Square Feet**
Flexible Zone: 35,000 square feet with 31,500 square feet of uplands
***At least eighty (80) percent of the minimum lot size required shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Mass. General Law, Chapter 131, Section 40.**

3. **Minimum Frontage in Feet**
Flexible Zone: 150 feet
***Measured at the street line. Where a lot has frontage on two (2) streets only one-half (1/2) of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage. Width of all lots shall at least meet the minimum frontage for a depth of one hundred (100) feet.**

4. **Minimum Setback Requirements in Feet**
Flexible Zone: Front: 35 feet Side: 20 feet Rear: 15 feet
***In the case of lot having frontage on more than one (1) street the front yard requirements shall apply to all streets on which the lot has frontage. In all cases, the front yard requirement shall be measured from the street right-of-way to the nearest building line.**
***A detached accessory building may be erected in the rear or side yard at least twenty (20) feet from the lot line. (10/1987)**
***The minimum front yard shall be thirty-five (35) feet from lot line or the average of the front set back of the buildings on lots on the same side of the street and within three hundred (300) feet of the subject lot, which front yard setback line shall be less.**

5. **Maximum Total Gross Coverage**
Flexible Zone: 75%
***Maximum coverage of land, including structures, parking and service areas, all paved areas, storage and disposal areas, etc.**

Uses permitted by special permit granted by the Board of Appeals as provided in Section VIII.D.

a. Professional office, Funeral homes, and mortuaries.

b. Retail store or service establishment, the principal activity of which shall be the offering of goods or services at retail within the building.

c. Restaurants, membership clubs.

d. Parking areas or garages for use of employees, customers, or visitors, subject to design standards in Section VII D.

e. (Disapproved by the Attorney General)

f. (Omitted by intention)

g. (Omitted by intention)

h. Theaters, museums, and bowling alleys.

i. Gasoline service stations provided that:

1. Repairs shall be limited to minor repairs and adjustments unless conducted in a building.
2. There shall be no storage of motor vehicles, appliances and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure.

j. Motels, hotels and bed and breakfast establishments.

k. Salesrooms and yards for automobiles.

l. Picnic areas, day camps, overnight camps, recreation and any non-commercial open-air recreation use, including golf courses, parks (but not an amusement park), boating, fishing, hunting (where legally permitted).

m. Marinas and landings provided that there are adequate provisions for disposal of waste products and for parking. Storage buildings required in connection with these uses shall be located subject to the same provisions which apply to farm buildings, except that small buildings for the sale of fishing supplies or in connection with a marina may be located below the appliance contour line in accordance with Section V, paragraph c, swimming pools and related accessories.

n. Restaurants, provided that their use is in connection with a permitted use and that adequate parking areas are provided.

o. Country clubs or other membership clubs.

p. (Disapproved by the Attorney General)

q. Tourist camps and overnight camps where structures are used for shelter.

r. Commercial amusements provided all business is conducted within the structure.

s. Licensed Kennels, by special permit of the Appeal Board.

t. Structures containing more than one (1) but not more than eight (8) dwelling units provided that:

1. Each dwelling unit shall have two (2) exposures.
2. Each dwelling unit shall have two (2) separate exits.
3. All off-street parking areas as required under Section VII D shall be in the rear of buildings.
4. Each structure shall be connected to Town water.

5. A site plan prepared in accordance with the provisions of Section VII F has been submitted to and been approved by the Board of Appeals.

6. If there is more than one (1) such structure on a lot of record, there shall be at least forty feet (40') between each structure.

7. Demolition of existing historic structures, as designated in the "Bay Circuit/Open Space Plan, Hanson, Massachusetts," Table 1, Hanson Historic Sites, pages 5-6 and accompanying map, by IEP, Inc., dated January, 1988 shall not be permitted in order to construct a new multi-family structure.

Any use determined to be of similar character to the permitted uses of this district and to the intent of this district, said determination to be made by the Board of Appeals following petition of the land owner or owners.

Additional Uses Allowed By Special Permit

In the flexible zone district, the following uses may be allowed by special permit:

Uses permitted:

a. Mixed use in one (1) structure (*i.e.* residence & business).

b. Assisted living residence at a limit of six (6) in one structure.

Density Requirements:

a. The minimum lot size for all structures shall be 35,000 square feet. At least eighty (80) percent of the minimum lot size shall be upland (i.e., not a bank, bog, dune, marsh, swamp or wet meadow under the Massachusetts General Law, Chapter 131, Section 40).

b. The minimum frontage in feet for all structures shall be 150 feet measured at the street line. Where a lot has frontage on two streets only one-half of the linear distance on the curve at the intersection shall be computed as frontage on any street. Both frontages shall meet the requirements of minimum lot frontage for a depth of one hundred (100) feet.

c. The minimum front yard shall be thirty-five (35) feet from lot line or the average of the front set back of the buildings on lots on the same side of the street and within three hundred (300) feet of the subject lot, which front yard set back line shall be less.

d. The minimum side yard shall be twenty (20) feet from the lot line.

e. The minimum rear yard shall be fifteen (15) feet from the lot line.

f. The maximum percent building coverage shall be twenty (20) percent

g. The maximum total gross coverage shall be seventy-five (75) percent

Parking Requirements

Throughout this zone, where there is parking for eight (8) or more vehicles, sixty (60) percent of the number of spaces shall be to the rear of the main structure on the lot, provided this requirement may be altered by the Board of Appeals in the manner set forth here-in-below at subparagraph **"j."**

The requirements for off-street parking and loading areas shall be as specified below for specific uses. These requirements shall be met in the case of all new construction, including expansions, additions, or changes of use. Where applicable, such parking areas shall be noted on a required Site Plan under Section VII.F of this By-Law. Where stipulated, "net floor area" shall mean usable floor space, exclusive of enclosed or inaccessible floor areas. In applying for a building or occupancy permit, the applicant must demonstrate that the following minimums will be met for the new

demand without counting existing parking:

a. **Dwellings**: Two (2) spaces per dwelling unit, garage space inclusive.

b. **Motels, hotels, lodging houses**: One (1) space per guest unit plus one (1) additional space per eight (8) guest units or fraction thereof, plus one (1) space for each employee on the largest shift.

c. **Retail stores, offices, municipal offices, banks**: One (1) space per one hundred fifty (150) square feet of net floor area.

d. **Motor vehicle service station or repair or body shop**: Three (3) spaces for each service bay plus one (1) space per employee on the largest shift.

e. **Industrial or wholesale**: A minimum of five (5) spaces, plus one (1) space for each 2,000 sq. ft. net floor area for the first 20,000 sq. ft., plus one (1) space for each additional 10,000 sq. ft of net floor area, plus one (1) space per employee on the largest shift.

f. **Places of assembly, restaurants**: One (1) space per three (3) seats, or one (1) space per twelve (12) square feet of seating area, whichever is greater.

g. **Hospitals**: One (1) space per bed.

h. **Nursing homes**: One (1) space per each two (2) beds, plus one (1) space per employee on the largest shift.

i. **Bowling alleys**: Four (4) spaces per lane.

j. **All others, including shared parking**: As determined by the Board of Appeals only upon its written determination that the proposed use will not have adverse effects on either the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. The determination shall include consideration of each of the following:

   1.) Social, economic, or community needs which are served by the proposal;

   2.) Traffic flow and safety;

   3.) Adequacy of utilities and other public services;

   4.) Neighborhood character and social structures;

   5.) Impacts of the natural environment;

   6.) Potential fiscal impact.

2. Design of Off-Street Parking and Loading Spaces shall meet the requirements specified below:

a. Location:

Required parking shall be either on the same premises as the activity it serves, or on a separate parcel if said parcel is located within three hundred (300) feet of the building's major entrance, and if not separated by a state-numbered highway, and if in a zoning district allowing the activity it serves.

b. Backing:

All parking areas shall be designed and located so that their use does not involve vehicles backing onto a public way. This shall not apply to residential uses.

c. For all required off-street parking spaces, open or enclosed, each three hundred (300) square feet of net standing and maneuvering area shall be considered one (1) space. All such parking spaces shall be designed so as to provide a twelve foot (12') clear space adjacent to each building. All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such a manner as to permit them to be used at all times. All required parking spaces shall be located on the same lot as the use with which such spaces are connected or, in the case of unenclosed spaces, within two hundred (200) feet of the lot, except that two (2) or more businesses may jointly provide the required spaces on one (1) or more of their lots. The number of spaces in any such joint facilities shall at least equal the total number required under the provisions of this Section for their individual uses.

d. Required off-street parking and loading spaces shall not hereafter be reduced, nor shall one be counted as or substituted for the other.

e. Whenever off-street parking in Business or Commercial-Industrial Districts is required in accordance with Section VII D, there shall be an area at least twenty feet (20') deep between the street line and the balance of the lot which shall be separated from the street and the balance of the lot by a curb which shall encompass an area that shall be seeded and landscaped except at an access. Such access shall be at least twenty feet (20') wide and at least one hundred twenty feet (120') center to center apart and further provided that there shall be only one (1) access if the street frontage is two hundred (200) feet or less. If the street frontage is greater, additional accesses may be allowed in the ratio of one (1) such access for each additional two hundred (200) feet or portion thereof of frontage.

f. Except in the case of parking spaces provided for dwellings, requirements for paving off-street parking and loading areas shall be determined by the Planning Board.

g. Except in the case of parking spaces provided for single-family dwellings, off-street parking and loading areas used after sundown shall be illuminated with illumination so arranged so as not to shine directly on abutting properties or on streets.

h. Entrance cuts to be made onto a traveled way shall be designed by the Planning Board after consultation with the State DPW Engineers as required, Police Chief, and Highway Surveyor.

i. For Parking areas of fifteen (15) cars or more, the following requirements shall apply:

1. Parking lots for fifteen (15) or more cars shall be screened from any residential use or district which is abutting or separated from it only by a street. Screening shall be by a four (4) foot planting strip maintained with densely planted shrubs, or by a fence of not less than four (4) feet in height, and shall be landscaped as required below.

2. Parking lots for fifteen (15) or more cars shall contain or be bordered within five (5) feet by at least one (1) tree per ten (10) cars, trees to be of two (2) inch caliper or larger, and if within the parking area, to be planted in curbed soil plots allowing not less than forty (40) square feet of unpaved soil area per tree.

3. Parking lots for fifty (50) or more cars shall be separated into areas not to contain more than twenty-five (25) spaces. Parking areas of twenty-five (25) spaces shall be separated by grass or shrub buffer areas, not less than ten (10) feet in width.

Signage

1. Non-illuminated signs are permitted in all districts subject to the restrictions of Article XIII of the Town bylaws and as follows:

   a. One (1) sign for identification, announcement of professional or home occupations or announcement of membership of an occupant of a dwelling, or announcement of use of any other property, not exceeding three (3) square feet in area.

   b. One (1) sign not exceeding twelve (12) square feet in area pertaining to the rent, lease or sale of land or building on which the sign is located except in the case of a corner lot, one (1) such sign for each street.

2. In the Flexible Zone, for non-residential use, signs are permitted as follows:

   a. An announcement sign advertising goods and services available on the premises, or the name of the occupant, attached to the facade of the building, not exceeding thirty-six (36) square feet unless approved with the site plan (see Section VII F), and provided that except for clocks the sign is not oscillating, flashing or operated with movable parts.

   b. An identification sign for a business development or industrial park of a size and location approved with the site plan (see Section VII F).

   c. One (1) free standing sign for identification, announcement of professional occupation, advertising goods and services available on the premises, not to exceed nine (9) square feet in area, and provided that except for clocks the sign is not oscillating, flashing or operated with movable parts, and provided that no sign shall be located within twenty feet (20') of the paved surface of any public or private way.

Landscaping and Buffer Area Requirements

1. A coordinated landscape design for the entire project area, including landscaping of structures, parking areas, driveways and walkways, shall be submitted for approval by the Board of Appeal, and shall be, subsequent to such approval, implemented.
2. Existing trees and vegetative cover shall be conserved and integrated into the landscape design.
3. There shall be a minimum of a twenty (20) foot buffer for each lot, and within buffer areas, screening shall be retained or provided as follows:

   a. When natural vegetative cover and natural contours have been preserved, the Special Permit Granting Authority may waive, in whole or in part, the strict enforcement of screening requirements if said natural screening substantially conforms to the intent of this bylaw to the satisfaction of said Authority.

b. Street plantings shall be required and consist of grass, low ground covers and/or shrubbery and a staggered row of trees within the twenty (20) foot area. Such trees may be planted or retained and if newly planted, shall have a minimum two and one-half (2½) inch trunk diameter (measured three (3) feet above grade) and of a size, species and spacing such as to approximately meet at maturity. Species shall be common to this area and normally reach a mature height of at least thirty (30) feet.

c. The full length of side and rear buffers shall be planted (or retained) with the ground level screening which is at least three (3) feet in height and which is of a species likely to reach at least five (5) feet within three (3) years. Additionally, higher screening by trees shall be provided as for street plantings except initial minimum size shall be two (2) inches in diameter measured as above.

d. Any shrubs planted to meet these requirements shall be at least eighty (80) percent evergreen and planted trees sixty (60) percent evergreen.

e. Fencing may be used in conjunction with screening but not in place of it.

f. All plant materials required by this bylaw including retained vegetation shall be maintained in a healthful condition and dead materials replaced at the earliest appropriate season.

A waiver of the said buffer may be granted by the Zoning Board of Appeals by Special Permit in accordance with the requirements set forth in the Zoning By-Law Section VIII D.

4. In this flexible zone, common driveways of not more than twenty (20) feet in width at any point, serving only two (2) abutting lots may be allowed by Special Permit in accordance with the requirements set forth in the Zoning By-Law Section VIII D.

Site Plan Review

The site plan review process is a tool used by the Zoning Board of Appeal to help assure that all structures and uses are developed in a manner that considers community needs.

1. Traffic circulation and pedestrian safety;
2. Architectural and design features, scale of buildings;
3. Integration of development into the existing terrain;
4. Adequacy of water supply and sewage disposal systems;
5. Prevention of groundwater or surface water pollution and flooding;
6. Demands on town services and infrastructure;
7. Screening or buffering of unsightly uses and
8. Minimize odors, noise, glare, and other environmental impacts.

Within the flexible zone, the requirements of an overlay district continue to apply. (10/1998)

I. FLEXIBLE ZONE/SPECIAL OVERLAY DISTRICT (10/1998)

Beginning at the intersection of the center line of Main Street and the westerly side line of High Street, thence extending the Westerly side line of High Street southerly to the existing Agriculture-Recreation Line, said line passing through the existing Business & Commercial-Industrial Zone; thence continuing westerly along the Commercial-Industrial Line and Agriculture-Recreation Line to Angle Point (As Shown On Map 43) eight hundred (800) feet south of the center line of Main Street, thence running as shown on Map 43 along Commercial - Industrial, Agriculture-Recreation, Residential AA and Business, crossing Elm Street along Business/Residential AA to the Commercial - Industrial, Agriculture - Recreation (As Shown On Map 36); thence continuing to the Commercial - Industrial and Agriculture-Recreation to a point (As shown on the north east corner of Map 37); thence continuing from that point across Poor Meadow Brook to a point on Map 37 of Residence AA and the Commercial - Industrial Zone; thence continuing to the East Bridgewater Town line at approximately Franklin Street; thence by the town line north westerly to the center of line of Central Street (As Shown On Map 75); thence north easterly by the center line of Central Street to the center line of Franklin Street; thence by the center line of Franklin Street to the center line of Main Street; thence by the center line of Main Street crossing Elm Street and continuing to the westerly side line of High Street.

Beginning at the center line at West Washington Street at the East Bridgewater town line running along the town line to a point that is eight hundred (800) feet northerly and parallel to the center line of West Washington; thence running north easterly crossing the Conrail and the Shumatuscacant River to Brett's Brook; thence following Brett's Brook southerly until it meets Residential AA and Commercial-Industrial Zone at a point, it being eight hundred (800) feet. southerly of and parallel to West Washington Street; thence running south westerly eight hundred (800) feet and parallel to West Washington Street crossing Shumatuscacant River and to the Conrail, continuing four hundred (400) feet beyond the Conrail at eight hundred (800) feet and parallel from the center line of West Washington Street; thence running north westerly four hundred (400) feet and parallel from the Conrail to a point that is two hundred fifty (250) feet south easterly from the center line of West Washington Street; thence south westerly two hundred fifty (250) feet and parallel with West Washington Street to a point; thence running north westerly two hundred fifty (250) feet to the center line of West Washington Street said point is six hundred eighty (680) feet north easterly of the East Bridgewater town line at West Washington Street.

Beginning at the center line of Main Street at the westerly side line of High Street; thence running westerly by the center line of Main Street by Foster Street, by Phillips Street and continuing along the center line of Main Street by Conrail until Poor Meadow Brook; thence by the center line of Poor Meadow Brook to a point that is eight hundred (800) feet and parallel from the center line of Main Street; thence running parallel eight hundred (800) feet from the center line of Main Street easterly crossing the Conrail and to a point that is three hundred (300) feet westerly from the easterly side line of Phillips Street; thence north westerly in a line three hundred (300) feet and parallel to Phillips Street a distance of six hundred (600) feet; thence turning at right angles and running three hundred (300) feet to the easterly side line of Phillips Street at the Commercial - Industrial/Residential AA Zone; thence by the easterly side line of Phillips Street and running south easterly along Phillips Street to a point of the existing Business zone; thence south easterly along the existing Business zone to the westerly side line of High Street; thence southerly by the westerly side line to the point of beginning. (10/1998)

J. ADULT ENTERTAINMENT DISTRICT (02/2000)

1. Authority

This bylaw is enacted pursuant to M.G.L. Chapter 40A and pursuant to the Town's authority under the Home Rule Amendment to the Massachusetts Constitution to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment uses, as defined and designated herein, in response to studies demonstrating their deleterious effects.

2. Purpose

It is the purpose of this Adult Entertainment Bylaw to address and mitigate the secondary effects of the adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime, adverse impacts on public health, adverse impacts on the business climate of the Town, adverse impacts on the property values of residential and commercial properties and adverse impacts on the quality of life in the Town. The Town also relies upon the evidentiary foundation for adverse secondary effects set forth by the United States Supreme Court in Renton v. Playtime Theatres, Inc., 475 U.S. 41 and in Young v. American Min. Theatres, Inc., 427 U.S. 50. All of said adverse impacts are adverse to the health, safety and general welfare of the Town of Hanson and its inhabitants. The provisions of this bylaw have neither the purpose nor intent of imposing a limitation on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the purpose or intent of this bylaw to restrict or deny access by adults to adult entertainment establishments or to sexually oriented matter or materials that are protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor to restrict or deny rights that distributors or exhibitors of such matter or materials may have to sell, rent, distribute or exhibit such matter or materials. Neither is the purpose or intent of this bylaw to legalize the sale, rental, distribution or exhibition of obscene or other illegal matter or materials.

3. Adult Entertainment Overlay District

The Adult Entertainment Overlay District is herein established as an overlay district. A plan entitled "Proposed Adult Entertainment Overlay District Plan Job No. P2967" prepared by Land Planning, Inc. of Hanson, Massachusetts is on file in the office of the Town Clerk delineating this district and is hereby part of this by-law. (05/2014)

4. Definitions

Adult entertainment uses shall include the following uses:

a. **Adult Bookstores**, as defined by M.G.L., c. 40A, section 9A;
b. **Adult Motion Picture Theaters**, as defined by M.G.L., c. 40 A, section 9A;
c. **Adult Paraphernalia Store**, as defined by M.G.L., c. 40A, section 9A;
d. **Adult Video Store**, as defined by M.G.L., c. 40A, section 9A;
e. **Establishment Which Displays Live Nudity For Its Patrons,** as defined by M.G.L., c. 40A, section 9A.

5. Adult Entertainment Uses by Special Permit Criteria

Adult entertainment uses shall be prohibited in all zoning districts except as otherwise permitted in this Adult Entertainment Overlay District Bylaw and may be permitted only upon the grant of a special permit by the Zoning Board of Appeals. Such a special permit shall not be granted unless each of the following standards has been met.

a. The application for a special permit for an adult entertainment use shall provide the name and address of the legal owner of the establishment, the legal owner of the property, and the manager of the proposed establishment.

b. No adult entertainment use special permit shall be issued to any person convicted of violating the provisions of M.G.L. Chapter 119, Section 63 or M.G.L. Chapter 272, Section 28.

c. Adult entertainment uses shall not be located within:

1. 1,000 feet from the nearest church, school, park, playground, play field, youth center or other location where groups of minors regularly congregate; or

2. 1,000 feet from the nearest establishment licensed under M.G.L. Chapter 138, Section 12; or

3. 1000 feet from the nearest adult entertainment use as defined herein; or (05/2014)

4. 500 feet from the nearest residential zoning district. (05/2014)

The distances specified above shall be measured by a straight line from the nearest property line of the premises on which the proposed adult entertainment use is to be located to the nearest boundary line of a residential zoning district or to the nearest property line of any other designated uses set forth above.

d. All building openings, entries and windows shall be screened in such a manner as to prevent visual access to the interior of the establishment by the public.

e. No adult entertainment uses shall be allowed to display for advertisement or other purpose any signs, placards or other like materials to the general public on the exterior of the building or on the interior where the same may be seen through glass or other like transparent material any sexually explicit figures or words as defined in M.G.L. Chapter 272, Section 31.

f. No adult entertainment use shall be allowed to disseminate or offer to disseminate adult matter or paraphernalia to minors or suffer minors to view displays or linger on the premises.

g. The proposed adult entertainment use shall comply with all of the parking requirements set forth in the Hanson Zoning Bylaw.

h. No adult entertainment use shall have a freestanding accessory sign.

i. No adult entertainment use shall be established prior to the submission and

approval of a site plan by the Board of Appeals. The plan shall be in accordance with Section VI.E of the Hanson Zoning Bylaw.

6. Conditions

The Zoning Board of Appeals may impose reasonable conditions, safeguards and limitations on time or use of any special permit granted and shall require that any such special permit shall be personal to the applicant, shall not run with the land and shall expire upon sale or transfer of the subject property.

7. Expiration

A special permit to conduct an adult entertainment use shall expire after a period of three calendar years from its date of issuance and shall be automatically renewable for successive three year periods thereafter, provided that a written request for such renewal is made to the Zoning Board of Appeals prior to said expiration and that no objection to said renewal is made and sustained by the Zoning Board of Appeals based upon the public safety factors applied at the time that the original special permit was granted.

8. Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect. (05/2000)

K. ADULT COMMUNITIES (10/2001)

1. ADULT RETIREMENT VILLAGE (ARV)

A. APPLICABILITY: An adult retirement village use shall be allowed in Agricultural-Recreation; Residence A; Residence AA; Residence B; and Flexible Zoning Districts, but only upon issuance of a special permit from the Special Permit Granting Authority (SPGA) (Planning Board) under this section and in accordance with all of the requirements and criteria for issuance of a special permit under this Zoning By-law.

B. PURPOSE: An Adult Retirement Village (ARV), as approved by the Special Permit Granting Authority (SPGA) (Planning Board), is intended to: provide an alternative housing opportunity for the older population; provide an attractive and suitable residential environment that is more amenable to the needs of people in their later years; encourage creative and innovative site planning and design in order to enhance the attractiveness and suitability of smaller homes as a preferred alternative housing type in order to better meet the specific housing needs of this segment of the population and, to encourage the preservation of common land for open space and recreational use, by promoting better utilization of land in harmony with its natural features and to retain the rural character of the Town.

Where feasible, new homes shall be organized around traditional village streets. A central open space shall provide a focus for the community facility/building. The dwelling units shall be of high quality construction with care being taken in landscaping efforts to retain as much as possible the natural topography of the village environs. To enhance the village concept, the developer should be encouraged to employ historic, traditional and complimentary style, colors, and exterior lighting for

all units as well as street lighting.

C. GENERAL STANDARDS: No special permit shall issue for an ARV use unless the standards set forth below are satisfied. In addition, no such special permit shall issue unless all of the criteria for issuance of a special permit as set forth under this Zoning By-law and under G. L. c.40A §9 have been satisfied.

1. **Occupancy Qualifications**: The ARV Development is specifically limited to use, residence and occupancy by persons who have achieved a minimum age of fifty-five (55) years, provided, however, that no more than one of the persons occupying any unit may be under fifty-five (55) years of age, unless otherwise qualifying as a handicapped adult, or as herein further provided. In addition, and only in proven cases of family emergency, as determined by majority vote of any homeowners' association management board, no more than two (2) additional persons, above the number which is specifically herein authorized, who are under age fifty-five (55) and directly related, shall be allowed to be an occupant of any dwelling unit for more than six (6) months duration. Extensions of such minimum time duration may be granted by majority vote of such board. Occupancy requirements shall be exclusive of nurses or others persons to provide health care services to any occupant of said dwelling unit. In the event of the death of the qualifying owner/occupant of a dwelling unit, or foreclosure or other involuntary transfer of a dwelling unit in an ARV, a two (2) year exemption shall be allowed for the transfer of the unit to another eligible household.

2. **Minimum Tract Size:** ARV Developments shall be located on a parcel of land which has a gross area of not less than fifteen (15) acres and is located in the Agricultural/Recreation, Residence A, Residence AA, Residence B or Flexible Zoning Districts.

3. **Maximum Density Ratio**: The maximum density ratio in the ARV shall be no greater than five (5) residential units per acre. The gross land area of the parcel minus the open space will be used in calculating compliance with this maximum density ratio.

4. **Distance Requirements**: Within the ARV, there shall be a minimum distance of thirty (30) feet between each building and minimum set-back from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way or closer than fifty (50) feet from the perimeter lot lines.

5. **Open Space**: Within the ARV, all open space shall be integrated with in and around the development. Additionally, not less than twenty (20) percent of the total land area contained within the development shall be designated as open space and further provided that no less than twenty percent of the designated open space land shall be suitable for use for passive and/or active recreational purposes. Community buildings and common facilities can be located within the open space. Area used for roadway layout shall not be used as open space area or site area.

6. **Multiple Uses**: The site, when utilized for the purposes of this section and combined with any other use or uses, also allowed in this section, shall be of sufficient size, shape, topography and location or be capable of accommodating such multiple uses, as determined by the Planning Board.

D. SITE DEVELOPMENT STANDARDS

The ARV application shall show conformance with the following minimum requirements. The Special Permit Granting Authority (SPGA) may, in appropriate cases, waive, increase, reduce or modify these Site Development Standards as a condition of the Special Permit.

1. **Parking**: Within the ARV, a minimum of two (2) parking spaces shall be required for each dwelling. Each parking space shall have an area of not less than ten (10) feet wide and nineteen (19) feet long. The parking area shall be paved and connected with a paved driveway to the roadway within the development. In order to reduce impervious area within the development, common driveways are encouraged.

2. **Dwelling Locations**: Within the ARV, the dwelling locations shall be designated as part of the Special Permit Plan. Where possible, the dwelling location shall be oriented with respect to natural landscape features, scenic views, topography and natural drainage patterns. Additionally, dwelling locations shall show a "random layout" so as to minimize the visual effects of the density of the development.

3. **Utilities**: Within the ARV, all utilities shall be installed underground. Each site shall be provided with a sanitary sewer service for the disposal of sanitary wastewater. The method of sanitary wastewater disposal shall conform to the requirements of the Hanson Board of Health and all Massachusetts Sanitary Codes and shall be approved by the Hanson Board of Health. No underground storage of petroleum products shall be allowed, and additionally, all storage of such products shall be within the structure.

4. **Antennas & Air Conditioners**: Within the ARV, no dwelling unit shall have an exterior radio, television, dish-type antenna or window air conditioner.

5. **Foundations**: Within the ARV, all homes shall be constructed on foundations meeting the minimum requirements of the Commonwealth of Massachusetts Building Code and the Town of Hanson Zoning Bylaws.

6. **Ownership**: The Planning Board shall have the authority to promulgate regulations to implement an Adult Retirement Village.

7. **On-Site Storage**: Within the ARV, on-site enclosed storage must be provided for material which is used on a seasonal or infrequent basis and which cannot be conveniently stored in the dwelling unit. Each storage building must be uniformly constructed of non-ferrous materials and erected on a concrete slab. The individual storage building shall have a minimum outside dimension of five (5) feet by seven (7) feet or a maximum of six (6) feet by eight (8) feet with a height of eight (8) feet. The storage building shall be located in an unobtrusive location. When possible, two or more storage buildings may be combined. There shall be no sideline setback distance for storage buildings located within a home site however storage buildings shall not be located within fifty (50) feet of the perimeter of the development.

8. **Access Ways**: Within the ARV, all roads shall have a minimum layout width of forty (40) feet and a paved roadway consisting of a minimum travel width of twenty (20) feet with two eighteen (18) inch wide "cape-cod style" berms for a total minimum pavement width of twenty-three (23) feet. The access ways shall be designed and constructed in general

accordance with the latest Rules and Regulations governing the subdivision of land in Hanson. Except that the pavement width and berm requirements as presented herein shall apply. Each access way shall be provided with at least one sidewalk, four (4) feet in width. Wheelchair ramps shall be provided at all intersections. Street lighting and fire hydrants shall be provided along the roadways throughout the development.

9. **Roads, Drainage, Driveways**: Within the ARV, all roads, drainage systems and driveways shall be maintained by the governing body or its designee. They shall be kept passable and in good condition at all times. Snow and ice removal shall be done by the permittee as part of the normal road and driveway maintenance. It is intended that all improvements within the development remain in private ownership and be maintained by the governing body or its designee.

10. **Open Space**: Open space shall be allocated to the recreational amenities and environmental enhancement of the development and shall be designed as such on the Special Permit plan.

11. **Buffer Zone**: Within the ARV, there shall be a buffer zone of at least fifty (50) feet in width around the entire perimeter of the development. The buffer zone may include land area designated as a recreational site, if determined to be appropriate by the SPGA. The buffer zone shall include natural vegetation, plantings, walls, fences or vegetated earthen berms to provide a screening barrier between the development and the abutting properties. Screening plantings shall be used in combination with fences or walls. The buffer zone and its associated screening barrier shall be designated on the special permit plan. The detailed plan for planting and screening shall be prepared by a Registered Landscape Architect and shall be part of the Special Permit application. The actual requirements regarding buffering, plantings, screening, and the like shall be determined by the SPGA as part of the special permit process.

12. **Community Building**: Within the ARV, there shall be a community building(s) and recreational facilities, which shall be available to all residents and their guests. Use of the community building(s) or facilities is specifically limited by this by-law to uses that will service the residents within the ARV. All uses within the development shall be delineated as part of the Special Permit application and must be specifically approved by the SPGA as an integral part of the Special Permit.

13. **Business**: Within the ARV, no business of any kind is to be conducted unless specifically authorized by the Special Permit herein granted.

14. **Solid Waste**: Within the ARV, the governing body or its designee shall be responsible for the disposal of all the solid waste(s) by a method or system approved by the Hanson Board of Health. Containers shall be screened from public view.

15. **Wastewater**: Within the ARV, the governing body or its designee shall maintain the system(s) for the subsurface disposal of sanitary wastewater as required by the Hanson Board of Health.

16. **State Law**: The ARV shall conform to the requirements for a self-contained retirement community as established by Massachusetts General Laws, Chapter 151B, Section 4, Subsection 8, together with any amendment thereto.

E. SPECIAL PERMIT PROCEDURES:

1. The application for a Special Permit for an ARV shall be filed with the SPGA, with a copy of the application form filed with the Town Clerk. The application shall be accompanied by ten (10) copies of the Special Permit plan and all pertinent information required in support of the subject application.

2. The Special Permit plan shall show the seal and signature of a Registered Professional Engineer or Registered Landscape Architect. Complete copies of the application and all documents shall be filed with and reviewed by the Board of Health, Water Commissioners and the Conservation Commission prior to filing with the SPGA.

3. The Special Permit plan shall provide sufficient detail to show the entire development, roadway systems, dwellings, community buildings and facilities, unit locations, buffer zones, open space and an analysis of the development showing compliance with site area, density and open space requirements.

4. The Special Permit plan shall be prepared in general accordance with the Subdivision Regulations for a Definitive Plan that are in effect as of the date of adoption of this zoning amendment.

5. In addition, the Special Permit plan shall show the proposed system for sanitary wastewater disposal, proposed screening plantings, wetlands, water bodies, flood zones, vegetative cover and other natural features.

6. The application package shall also include a narrative describing the tract of land, the surrounding neighborhood, and the possible impact(s) the development would have on the surrounding area. The narrative shall also include detailed information on the type of housing units to be used in the development, community buildings, recreational facilities and information in regard to the proposed operation of the ARV including anticipated community rules and regulations.

7. The Special Permit for the site plan shall only be issued by the SPGA following a public hearing held within sixty-five (65) days after the filing of the application. Any Board or Commission to which copies of the application was submitted for review, shall submit, in writing, any comments and/or recommendations as it deems appropriate to both the SPGA and the Applicant within forty-five (45) days of the receipt of said application. If no response is received within the forty-five (45) days, it shall be assumed by the SPGA that no response is required.

8. Any Special Permit issued under this by-law shall lapse if not exercised within two (2) years, provided, however, that this time shall not include the time required to pursue or await the determination of an appeal referred to G. L. c.40A, §17, from the grant thereof. The permit shall be deemed to have lapsed if a substantial use thereof has not sooner commenced except for good cause or, in the case of permit for construction, has not begun by such date except for good cause.

9. An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority.

2. ASSISTED LIVING FACILITY (ALF)

An Assisted Living Facility (ALF) is a non-institutional residential facility subject to certification by the Executive Office of Elder Affairs under G.L. Chapter 19D, defined as an entity, however organized, whether conducted for profit or not for profit, which meets all of the following criteria:

a. Provides room and board;
b. Provides assistance with activities of daily living and personal care services for three or more non-related adult residents; and
c. Collects payments or third party reimbursements from or on behalf of residents to pay for the provision of assistance.

Assisted living facilities are for elders who do not require twenty-four (24) hour skilled nursing care, but need assistance with dressing, bathing, eating, housekeeping, medicine monitoring and other activities of daily living. This definition shall not include group homes, rooming or lodging houses, nursing facilities or other types of elderly housing.

A. GENERAL STANDARDS

1. **Applicability**: The Planning Board is the Special Permit Granting Authority (SPGA) for Assisted Living Facilities as defined in this bylaw and, in appropriate cases the SPGA may waive, increase, reduce or modify these standards as conditions of the Special Permit.

2. **Building Height**: Any addition or new construction shall not exceed forty (40) feet in height, as measured in accordance with the State Building Code, or three (3) stories. This does not preclude the reuse and renovation of existing structures, which may exceed this height limit.

3. **Minimum Lot Size**: An assisted living facility shall be permitted in the Agricultural/Recreation, Residence A, Residence AA, Residence B, and/or Flexible Zoning Districts on a parcel containing a total area of not less than five (5) acres.

4. **Building Coverage**: The maximum building coverage, including accessory buildings, shall not exceed thirty (30) percent of the lot area for new construction or expansion of existing structures.

5. **Distance Requirements**: There shall be a minimum distance of thirty (30) feet between each building and minimum setback from the roadway layout of at least thirty (30) feet. No dwelling unit shall be located nearer than one hundred (100) feet from the traveled portion of any public way or closer than fifty (50) feet from the perimeter lot lines. Buffers may be required at the discretion of the SPGA.

6. **Setback From Residential Dwellings**: In all designated zones, all buildings associated with the assisted living facility shall be no closer than two hundred (200) feet from existing residential dwellings; however, with respect to accessory structures not greater than three hundred (300) square feet in said zones, the SPGA, in its discretion, may reduce said setback by an amount up to but not greater than one hundred (100) feet if it determines that said structure will not adversely impact the use and enjoyment of the existing residential dwelling.

7. **Minimum Living Space**: Every dwelling unit shall be at least three hundred (300) square feet for one person and four hundred (400) square feet for double occupancy.

B. OTHER REQUIREMENTS

1. **Services**: Assisted living residences shall be serviced by sewer of sufficient capacity to serve the project and public water. Any extension and/or replacement of sewer and/or water lines necessary to provide sufficient capacity shall be the responsibility of the applicant.

2. **Transportation Services**: The operator of the assisted living residence shall be required to provide or arrange transportation for ALF residents to and from local services and medical facilities, as required.

3. **Common Open Space**: The common open space shall consist of not less than twenty (20) percent of the total area and shall be retained in perpetuity for conservation or passive recreation use. No more than twenty-five (25) percent of the minimum required open space shall be situated within wetlands.

4. **Parking**: The minimum number of parking spaces provided on the lot shall be 0.5 parking space per assisted living unit plus one (1) parking space per employee during the largest shift. The Planning Board, in its discretion, may require additional parking spaces to serve the needs of employees, visitors and service vehicles, such spaces to be provided in a "reserve parking area" which would not be built unless determined necessary by the Inspector of Buildings.

5. **Access and On-Site Circulation**: Adequate on-site circulation shall be provided to and from the site, taking into consideration the adjacent sidewalks and streets and accessibility of the site and building(s) thereon for emergency vehicles. Adequate provision shall be made for off-street loading and unloading requirements of delivery vehicles and passengers using private transportation.

6. **Public Safety**: The facility shall also have an integrated emergency call, telephone and other communication system to provide monitoring for its residents. There shall be sufficient site access for public safety vehicles. A plan shall be approved by the Hanson Fire Department for the emergency evacuation of residents with emphasis on ensuring the safety of residents with physical impairments.

7. **Landscaping**: Suitable landscaping and screening is required to obscure visibility of parking areas, dumpster locations, and loading areas. In all designated zones, the minimum setback from all property lines of such parking lots, dumpster locations and loading areas, except for their points of ingress and egress, shall be fifteen (15) feet.

8. **Accessory Uses**: The operator of the assisted living facility may also provide optional services on the site for the convenience of residents, including, but not limited to barber/beauty services, sundries for personal consumption, laundry services, and other amenities, provided such uses serve primarily the residents and staff of the Assisted Living Facility and the accessory uses shall be wholly within the facility and shall have no exterior advertising display or signage.

9. **Special Permit Procedure**: The procedure for a special permit under this section shall comply with the procedures outlined in ARV Section K.1.C of this bylaw, which includes application procedures, special permit criteria and guidelines for Planning Board review of the proposal. The Planning Board may impose additional conditions, if in its judgment, such conditions are needed to increase the compatibility of the project with its surrounds or to better provide for the residents.

10. **Combined Units**: An Adult Retirement Village and an Assisted Living Facility may be combined into one project on one parcel of land at the discretion of the Special Permit Granting Authority. (10/2001)

L. TEMPORARY MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS (10/2013)

A. PURPOSE

By vote at the State election on November 6, 2012, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law became effective on January 1, 2013 and The State Department of Public Health issued regulations to provide guidance to the Town in regulating medical marijuana on May 24, 2013. Currently under the Zoning Bylaw, a Medical Marijuana Treatment Center is not a permitted use in the Town. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the Town needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The Town intends to adopt a temporary moratorium on the use of land and structures in the Town for Medical Marijuana Treatment Centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. DEFINITION

"Medical Marijuana Treatment Center" shall mean 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 educational materials to qualifying patients or their personal caregivers."

C. TEMPORARY MORATORIUM

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Medical Marijuana Treatment Center. The moratorium shall be in effect through **June 30, 2014**. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations Regarding Medical Marijuana Treatment Facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of Medical Marijuana Treatment Centers and related uses.

VI.L SPECIAL REQUIREMENTS FOR MEDICAL MARIJUANA FACILITIES (05/2014)

1. ***Purposes***

A. To provide for the establishment of Medical Marijuana Facilities in appropriate places and under strict conditions in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot).

B. To minimize the adverse impacts of Medical Marijuana Facilities on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Facilities.

C. To regulate the siting, design, placement, security, safety, monitoring, modification, and removal of Medical Marijuana Facilities.

2. ***Applicability***

A. The commercial cultivation [unless it meets the requirements for an agricultural exemption under Chapter 40A Section 3], production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana for Medical Use is prohibited unless permitted as a Medical Marijuana Facility under this Section VI.L.

B. No Medical Marijuana Facility shall be established except in compliance with the provisions of this Section VI.L.

C. Nothing in this Bylaw shall be construed to supersede federal and state laws governing the sale and distribution of narcotic drugs.

D. If any provision of this Section or the application of any such provision to any person or circumstance shall be held invalid, the remainder of this Section, to the extent it can be given effect, or the application of those provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby, and to this end the provisions of this Section are severable.

3. ***Definitions***

Medical Marijuana Facility –eShall mean a uMedical marijuana treatment center person or circumstance shall be held invalid, the remainder oflaw only, registered under this law, 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 educational materials to qualifying patients or their personal caregivers. These facilities shall be located inside a structure or building.

Marijuana for Medical Use –arijuana for Medical Usee or building.mean a not-for-pr, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions as set forth in Citizens Petition 11-11.

Marijuana –arijuana for Medical Usee or building.mean a not-for-pr, and for the benefit of, Qualifying Pat

4. ***Eligible Locations for Medical Marijuana Facilities.***

Medical Marijuana Facilities, other than agricultural operations meeting exemption standards under Chapter 40A Section 3, may be allowed by Special Permit from the Town of Hanson Board of Selectmen on ***Assessors Map 59 Lots 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-10, 17-11, 17-12, 17-13, Assessors Map 52 Lot 17-16*** as depicted on a map entitled Proposed Medical Marijuana Distribution Area Overlay District Plan, Job Number P-2967, prepared by Land Planning, Inc. of Hanson, Massachusetts, provided the facility meets the requirements of this Section VI.L.

5. ***General Requirements and Conditions for all Medical Marijuana Facilities.***

A. All non-exempt Medical Marijuana Facilities shall be contained within a building or structure.

B. No Medical Marijuana Facility shall have a gross floor area of less than 2,500 square feet or in excess of 20,000 square feet.

C. A Medical Marijuana Facility shall not be located in buildings that contain any medical doctorsn excess of 20,000 square feet. y Land Planning, Inc. of Hanson, Massaczed to prescribe the use of medical marijuana.

D. The hours of operation of Medical Marijuana Facilities shall be set by the Special Permit Granting Authority, but in no event shall said Facilities be open and/or operating between the hours of 8:00 PM and 8:00 AM.

E. No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Medical Marijuana Facility.

F. No Medical Marijuana Facility shall be located inside a building containing residential units, including transient housing such as motels and dormitories, or inside a movable or mobile structure such as a van or truck.

G. Signage for the Medical Marijuana Facility shall include the following language: "Registration card issued by the MA Department of Public Health required.cility shall include the following language: "Registration card

H. Medical Marijuana Facilities shall provide the Hanson Police Department, Building Commissioner and the Special Permit Granting Authority with the names, phone numbers and email addresses of all management staff and key holders to whom one can provide notice if there are operating problems associated with the establishment.

6. ***Special Permit Requirements***

A. A Medical Marijuana Facility shall only be allowed by special permit from the Town of Hanson Board of Selectmen in accordance with G.L. c. 40A, ovide notice if there are operating problems associated with the establishment.g between the ho

B. A special permit for a Medical Marijuana Facility shall be limited to one or more of the following uses that shall be prescribed by the Special Permit Granting Authority:

1) cultivation of Marijuana for Medical Use (horticulture) except that sites protected under Chapter 40A Section 3 shall not require a special permit;

2) processing and packaging of Marijuana for Medical Use, including Marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products;

3) retail sale or distribution of Marijuana for Medical Use to Qualifying Patients;

C. In addition to the application requirements set forth in Sections VI.L.5 and VI.L.6 of this Bylaw, a special permit application for a Medical Marijuana Facility shall include the following:

1) the name and address of each owner of the facility;

2) copies of all required licenses and permits issued to the applicant by the Commonwealth of Massachusetts and any of its agencies for the Facility;

3) evidence of the Applicantcenses and permithe site of the Facility for the Facility, such as a deed, or lease;

4) if the Applicant is a business organization, a statement under oath disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners of such entities until the disclosure contains the names of individuals;

5) a certified list of all parties in interest entitled to notice of the hearing for the special permit application, taken from the most recent tax list of the town and certified by the Town Assessor;

6) Proposed security measures for the Medical Marijuana Facility, including lighting, fencing, gates and alarms, etc., to ensure the safety of persons and to protect the premises from theft.

D. **Mandatory Findings**. The Special Permit Granting Authority shall not issue a special permit for a Medical Marijuana Facility unless it finds that:

1) the Facility is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c. 40A, ic i

2) the Facility demonstrates that it will meet all the permitting requirements of all applicable agencies within the Commonwealth of Massachusetts and will be in compliance with all applicable state laws and regulations; and

3) the applicant has satisfied all of the conditions and requirements of Sections VI.L.5 and VI.L.6 herein;

E. **Annual Reporting**. Each Medical Marijuana Facility permitted under this Bylaw shall as a condition of its special permit file an annual report to and appear before the Special Permit Granting Authority and the Town Clerk no later than January 31st, providing a copy of all current applicable state licenses for the Facility and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

F. A special permit granted under this Section shall have a term limited to the duration of the applicantt file an annual report to s as a Medical Marijuana Facility. A special permit may be transferred only with the approval of the Special Permit Granting Authority in the form of an amendment to the special permit with all information required in this Section 13.

G. The Board shall require the applicant to post a bond at the time of construction to cover costs for the removal of the Medical Marijuana Facility in the event the Town must remove the facility. The value of the bond shall be based upon the ability to completely remove all the items noted in 13.7.2 and properly clean the facility at prevailing wages. The value of the bond shall be developed based

upon the applicant providing the Town of Hanson Board of Selectmen with three (3) written bids to meet the noted requirements. An incentive factor of 1.5 shall be applied to all bonds to ensure compliance and adequate funds for the town to remove the tower at prevailing wages.

*7. **Abandonment or Discontinuance of Use***

A. A Special Permit shall lapse if not exercised within one year of issuance.

B. A Medical Marijuana Facility shall be required to remove all material, plants equipment and other paraphernalia:

1) prior to surrendering its state issued licenses or permits; or

2) within six months of ceasing operations; whichever comes first.