

COMMONWEALTH OF MASSACHUSETTS
TOWN OF TEMPLETON
WARRANT FOR SPECIAL TOWN MEETING
December 7, 2006

WORCESTER, ss.

To either of the Constables of the Town of Templeton in said County.

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the precincts of the Town of Templeton, County of Worcester, qualified to vote in elections and Town affairs to meet in the Narragansett Regional Middle School, 460 Baldwinville Road, Baldwinville, in said Templeton on Thursday, December 7, 2006 at 7:00 p.m., then and there to act on the following articles:

Article 1. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Two Thousand Dollars **(\$2,000.00)** to supplement the Solid Waste Disposal Expense budget for fiscal year 2007, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Montachusett Regional Vocational Technical School Assessment account the sum of Two Thousand Dollars **(\$2,000.00)** to supplement the Solid Waste Disposal Expense budget for fiscal year 2007.

Passed Unanimously/December 7th @ 7:04

Article 2. To see if the Town will vote to transfer from a transfer from available funds or otherwise provide the total sum of Two Hundred Twenty-Two Dollars **(\$222.00)** to be apportioned as follows: the sum of One Hundred Sixty-Seven Dollars **(\$167.00)** to supplement the Building Inspector Salary account for fiscal year 2007 and the sum of Fifty-five Dollars **(\$55.00)** to supplement the Building Inspector Clerk account for fiscal year 2007, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Montachusett Regional Vocational Technical School Assessment account the total sum of Two Hundred Twenty-Two Dollars **(\$222.00)** to be apportioned as follows: the sum of One Hundred Sixty-Seven Dollars **(\$167.00)** to supplement the Building Inspector Salary account for fiscal year 2007 and the sum of Fifty-five Dollars **(\$55.00)** to supplement the Building Inspector Clerk account for fiscal year 2007.

Passed Unanimously/December 7th @ 7:06

Article 3. To see if the Town will vote to transfer from available funds in the Sewer Enterprise account(s) the sum of One Hundred Twenty-Five Thousand Dollars

(\$125,000.00) to purchase a front end loader, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Sewer Enterprise Engineering Services for Future Sewer Expansion Projects account the sum of One Hundred Twenty-Five Thousand Dollars **(\$125,000.00)** to purchase a front end loader for the Sewer Department.

Passed/December 7th @ 7:11

- Article 4. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Fourteen Thousand, Three Hundred Seventy Dollars **(\$14,370.00)** to supplement the Police Department Salary account for fiscal year 2007, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Interest on State Grants Chapter 90 account the sum of Fourteen Thousand, Three Hundred Seventy Dollars **(\$14,370.00)** to supplement the Police Department Salary account for fiscal year 2007.

Passed Unanimously/December 7th @ 7:12

- Article 5. To see if the Town will vote to transfer from available funds or otherwise provide the sum of Five Thousand Dollars **(\$5,000.00)** to supplement the Police Department Expense account for fiscal year 2007, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer from the Montachusett Regional Vocational Technical School Assessment account the sum of Five Thousand Dollars **(\$5,000.00)** to supplement the Police Department Expense account for fiscal year 2007.

Passed Unanimously/December 7th @ 7:13

- Article 6. To see if the Town will vote to allow the Municipal Building Study Committee to present a report and to take any other action relative thereto.

On a motion duly made and seconded the Town voted to allow the Municipal Building Study Committee to present a report.

Passed Unanimously/December 7th @ 7:13

- Article 7. To see if the Town will vote to expand the scope of Article 5 voted at the May 5, 2006 Special Town Meeting that established a seven (7) member oversight committee to be appointed by the Board of Selectmen to oversee the planning and construction of a Senior Center to be located at 9 Main Street in the Village of Otter River to include the charge of examining additional sites and/or buildings for a Senior Center, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to expand the scope of Article 5 voted at the May 5, 2006 Special Town Meeting that established a seven (7) member oversight committee to be appointed by the Board of Selectmen to oversee the planning and construction of a Senior Center to be located at 9 Main Street in the Village of Otter River to include the charge of examining additional sites and/or buildings for a Senior Center.

Passed Unanimously/December 7th @ 7:32

Article 8. To see if the Town will vote to authorize the Board of Selectmen to request a special act of the General Court as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Under the provisions Massachusetts General Laws, Chapter 71, §16B (Public Schools) entitled “Budgets; apportionment of expenses,” paragraph four (4), relating to electing to reallocate the sum of required local contributions to members of a regional school district which reads as follows, shall be deleted:

“The members of a regional school district, including a vocational regional school district, may elect to reallocate the sum of their required local contributions to the district in accordance with the regional agreement; provided, however, that the total sum of their required contributions shall not be decreased. Election shall be by approval of all members of the district. Approval of each member shall be given by majority vote at an annual or special town meeting, in the case of towns, or by majority vote of the council, in the case of cities. The commissioner of education shall be notified upon the adoption of this section by this district. Nothing in this section shall be construed to affect the calculation of the members’ required local contributions for any succeeding year as provided by chapter seventy of the General Laws.”

or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen to request a special act of the General Court as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Under the provisions Massachusetts General Laws, Chapter 71, §16B (Public Schools) entitled “Budgets; apportionment of expenses,” paragraph four (4), relating to electing to reallocate the sum of required local contributions to members of a regional school district which reads as follows, shall be deleted:

“The members of a regional school district, including a vocational regional school district, may elect to reallocate the sum of their required local contributions to the district in

accordance with the regional agreement; provided, however, that the total sum of their required contributions shall not be decreased. Election shall be by approval of all members of the district. Approval of each member shall be given by majority vote at an annual or special town meeting, in the case of towns, or by majority vote of the council, in the case of cities. The commissioner of education shall be notified upon the adoption of this section by this district. Nothing in this section shall be construed to affect the calculation of the members' required local contributions for any succeeding year as provided by chapter seventy of the General Laws."

Defeated/December 7th @ 7:46

- Article 9. To see if the Town will vote to establish a special Stabilization Account to be known as the Municipal Capital Stabilization Fund and to transfer from available funds or otherwise provide the total amount of Two Hundred Twenty-Six Thousand, Four Hundred Ten Dollars and Seventy-Eight Cents (**\$226,410.78**), an amount equivalent to the proceeds of the sale of the single parcel of land and single family home gifted to the Town by Wilbur H. Pajari in the amount of One Hundred Fifty Thousand, Five Hundred Dollars and Eighty-Nine Cents (**\$150,500.89**) and the proceeds from the cash assets left to the Town according to the terms of Mr. Pajari's will in the amount of Seventy-Five Thousand, Nine Hundred Nine Dollars and Eighty-Nine Cents (**\$75,909.89**), or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to establish a special Stabilization Account to be known as the Pajari Municipal Capital Stabilization Fund and to transfer from Free Cash in the total amount of Two Hundred Twenty-Six Thousand, Four Hundred Ten Dollars and Seventy-Eight Cents (**\$226,410.78**), an amount equivalent to the proceeds of the sale of the single parcel of land and single family home gifted to the Town by Wilbur H. Pajari in the amount of One Hundred Fifty Thousand, Five Hundred Dollars and Eighty-Nine Cents (**\$150,500.89**) and the proceeds from the cash assets left to the Town according to the terms of Mr. Pajari's will in the amount of Seventy-Five Thousand, Nine Hundred Nine Dollars and Eighty-Nine Cents (**\$75,909.89**).

Passed Unanimously/December 7th @ 7:49

- Article 10. To see if the Town will vote to transfer the sum of Sixty-Eight Thousand, Six Hundred Sixty Dollars (**\$68,660.00**) from the Maturing Principal on Long-Term Debt account for the purchase and equipping, including a plow frame, of a ten-wheel truck with all-season dump body for the Highway Department; and to disperse the remaining funds for said purchase from supplemental, fiscal year 2007 Chapter 90 funds with the approval of MassHighway, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to transfer the sum of Sixty-Eight Thousand, Six Hundred Sixty Dollars (**\$68,660.00**) from the Maturing Principal on Long-Term Debt account for the purchase and equipping, including a plow frame, of a ten-wheel truck with all-season dump body for the Highway Department, which truck shall cost not more than One

Hundred Fifty Thousand Dollars (**\$150,000.00**); and to disperse the remaining funds for said purchase from supplemental, fiscal year 2007 Chapter 90 funds with the approval of MassHighway.

Passed /December 7th @ 8:02

Article 11. To see if the Town will vote to authorize the Board of Selectmen to accept the deed, upon such terms and conditions as the Board shall determine appropriate, of a gift of a fee simple interest in a parcel of land comprised of approximately 7.318 acres, shown on a Definitive Plan entitled “Definitive Subdivision Plan, Meadowbrook Estates, Templeton, MA,” as “Open Space,” signed by the Planning Board on October 20, 2004, and filed with the Town Clerk, to be designated for general municipal purposes, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to authorize the Board of Selectmen to accept the deed, upon such terms and conditions as the Board shall determine appropriate, of a gift of a fee simple interest in a parcel of land comprised of approximately 7.318 acres, shown on a Definitive Plan entitled “Definitive Subdivision Plan, Meadowbrook Estates, Templeton, MA,” as “Open Space,” signed by the Planning Board on October 20, 2004, and filed with the Town Clerk, to be designated for general municipal purposes.

Passed Unanimously/December 7th @ 8:03

Article 12. To see if the Town will vote to accept as a public way a way known as Meadowbrook Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Layout Plan of Meadowbrook Lane, Templeton, MA, dated December 28, 2005, prepared by Szoc Surveyors, a copy of which is on file with the Town Clerk, and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, an easement to use said Meadowbrook Lane for all purposes for which public ways are used in the Town of Templeton and associated easements, or to take any other action relative thereto.

On a motion duly made and seconded the Town voted to accept as a public way a way known as Meadowbrook Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled “Layout Plan of Meadowbrook Lane, Templeton, MA, dated December 28, 2005, prepared by Szoc Surveyors, a copy of which is on file with the Town Clerk, and further to authorize the Board of Selectmen to acquire, on behalf of the Town, by purchase, gift, eminent domain or otherwise, an easement to use said Meadowbrook Lane for all purposes for which public ways are used in the Town of Templeton and associated easements.

Passed Unanimously/December 7th @ 8:07

Article 13. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by deleting the existing Section 2.0 and inserting a new Section 2.0 for the purpose of providing a Definitions Section for Article XXI, as follows:

ARTICLE XXI, SECTION 2.0 - DEFINITIONS

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

Abutter: See Parties of Interest.

Accessory building: A subordinate building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building use of the land.

Accessory apartment: A dwelling unit located within or attached to a structure constructed as a single family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the structural appearance of a single family house.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement whether by extending on a side or by increasing in height, or the moving of the building or structure from one (1) location or position to another.

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

Applicant: The party, whether an individual, partnerships, corporation, trust or other legal entity, that applies for a permit or approval under this zoning by-law or other regulations of the Town of Templeton. If the applicant is not the record owner or representative of the owner of the subject property, consent of the legal owner shall be required.:

Assisted Living Residence: See Nursing Home.

Automotive Repair Shop: See Motor Vehicle Body Repairs, Motor Vehicle General Repairs and Motor Vehicle Light Service.

Automatic Teller Machine (ATM), Freestanding: A pedestrian oriented mechanical device, not in proximity to a bank or other financial institution, which is accessed by an individual for the purpose of receiving cash from accounts and / or allows patrons to perform minor financial transactions. ATMs for use by Patrons in vehicles are to be considered drive-up customer service facilities.

Basement: The space in a residence or other building in which all or part of the space is located below the average surface grade of the lot.

Bed and breakfast establishment: A private owner-occupied dwelling of not more than 6 bedrooms for occupation by bed and breakfast guests where individual rooms are let as overnight accommodations and a breakfast is included in the rent as an accessory use. Bed and Breakfast establishments are intended for guests staying on an intermittent visits and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to individuals without meals shall be considered a boarding house.

Buffer Zone: An area along the boundary line between a residential district in the Town of Templeton and any Commercial, Industrial or Highway Business districts, extending into the aforementioned non-residential districts for a distance of fifty feet (50'), in order to reduce adverse development impacts on neighboring residential districts. NOTE: See Table of Dimensions.

Building: A building in which is conducted the main or principle use of the lot, on which said building is situated.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building, detached: A detached building is one separated on all sides from adjacent building by open spaces from the ground up.

Building height: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures that do not enclose potentially habitable floor space.

Building Inspector: The local municipal officials charged with the enforcement of the Templeton Zoning Bylaw.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

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

Cellar: See Basement.

Cemetery: An area set apart for or containing graves, tombs, crypts or funeral urns; a burial ground or grave yard.

Child Care Facility and Child Care Center: See Daycare Center.

Club or lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Cluster Development: See Open Space Residential Development.

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, as permitted by federal, state and local law, including all connected rooms or space with a common means of egress and entrance. Indoor commercial recreation centers shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health

clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in the by-law.

Contractor's yard: Premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of operative wheeled equipment.

DEPOT: See warehouse.

Drive-Up Customer Service Facility: A fast food restaurant, bank, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This definition shall not include the selling of fuel at a gas station, or self-service gas station, or the accessory functions of a car wash facility such as vacuum cleaning stations.

Driveway: An open space on a private lot that provides adequate access to a private garage or off-street parking space.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) occupants, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more occupants.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Easement: A grant of one or more of the property rights by the owner to another for a general or specific purpose, such as access.

Educational use, nonexempt: Educational facilities not exempted from regulation by M.G.L. c. 40A, s. 3.

Elevation: Height relative to mean sea level.

Environmental Impact Report (EIR): A report that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Environmental Notification Form (ENF): A form that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

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

Family: Any number of individuals residing together on the premises as a single housekeeping unit.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, s. 3.

Financial Institution: A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities.

Flea Market: A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include selling goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent profit seeking businesses that require all local permits and licenses.

FIRM – Flood Insurance Rate Map: A map created and maintained by Federal Emergency Management Agency (FEMA) that depicts areas where flooding can be expected.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area Ratios (FAR): A mathematical expression determined by dividing total floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

Frontage: Frontage shall be determined as the distance measured along the street right of way at the front of a lot, from one side line of the lot to the other. Frontage shall be an unbroken distance along said street right of way and shall provide both rights of access and safe year-round practical vehicular access. In the case of a lot that fronts on a curve or angle in the street, the distance shall be measured along the lot line in continuous linear feet to include any curve or angle.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Garage: A structure for the storage of motor vehicles or the use of which is customarily incidental to that of the principal building.

Garage Auto and Truck Repair, (mechanical): An establishment for the storage, repair, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body work and/or supplying oil and other automotive fluids to motor vehicles, and including repair of heavy motorized equipment.

Gasoline Station: An establishment that provides for the sale of gasoline and accessory items, servicing and the minor repair of motor vehicles.

Golf Course-Country Club: Establishments consisting of golf courses and related facilities, usually known as "country clubs", consisting of restaurants, function rooms, accessory buildings, tennis courts, and other recreational facilities.

Golf Driving Range: A facility used for the instruction and practice of the game of golf by striking golf balls from fixed locations onto an open field together with incidental uses including but not limited to golf putting greens and rental of equipment. Each golf driving range shall be constructed according to nationally recognized safe practice standards for such amusements to protect patrons, passers-by and the surrounding area.

Sufficient off-street parking for patrons shall be furnished and maintained. The premises shall be kept in an orderly manner and grass and weeds will be kept down.

Grade: The rate of change in elevation of the surface of the land as measured in feet of vertical change per one hundred feet horizontal, or percent. One foot (1') vertical change per one hundred feet horizontal is equal to a one percent (1%) grade.

Hazardous material: Any substance that is listed in, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.

Home Occupation, Minor: any use customarily conducted for profit by the inhabitants of a dwelling, provided such use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character thereof. Such use shall be deemed incidental and secondary if it does not meet the definition of major home occupation.

Home Occupation, Major: A business where the operation of the business may have a greater impact on the neighborhood than a minor home occupation. A business shall be deemed a major home occupation if it has one or more of the following characteristics:

- More than one non-resident employee, but limited to three on the premises,
- Outdoor storage of materials or equipment,
- Outdoor parking of more than one commercial vehicle or any commercial vehicle exceeding 10,000 pounds gross vehicle weight,
- Occupies more than 25% of the floor area of the dwelling,
- Occupies more than 500 square feet of floor space in accessory buildings, or
- Routinely serves more than three customers or clients on the premises at any one time.

Household - a household shall include

- 1) All family members related by blood, marriage or adoption, regardless of generation;
- 2) Fewer than four unrelated adults living in any one dwelling unit, with or without children;

Impervious: Any surface impenetrable by surface water.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or stored for salvage or conversion. Any article or material which, unaltered

or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or Automobile Graveyard: The licensed use, by the Board of Selectmen, of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

Kennel, Commercial: A commercial establishment, licensed by the Town Clerk in which more than six (6) dogs or domesticated animals are housed, groomed, boarded or trained located on at least two (2) acres of land.

Lot: A continuous parcel of land with legally definable boundaries.

Lot Area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that within any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L., as amended.

Lot, Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces. Corner lots shall meet the front yard requirements (setback) for each way that the parcel fronts.

Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than ninety (90) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot, Width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Manufacturing, Light: Fabrication, processing, packaging, or assembly operation employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights,

refuse matter, electro-magnetic radiation, heat, or vibration. Any manufacturing other than above shall be classified as “Heavy Manufacturing.”

Massage Therapy: An establishment created for the purpose of providing the public Massage Therapy by a duly licensed Massage Therapist.

Medical Center or Clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile Home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Motel or Hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Motor Vehicle Body Repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts.

Motor Vehicle General Repairs: Premises for the servicing and mechanical repair of autos, but not to include fuel sales.

Motor Vehicle Light Service: Premises for the supplying of fuel, oil lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Municipal Facilities: Facilities owned or operated by cities or towns created under the appropriate statute of the Commonwealth of Massachusetts. Examples include the Town of Templeton and the City of Gardner.

Nursing or Convalescent Home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Non-Conforming Use – use of a building or land, existing at the time of enactment or subsequent amendment of the zoning bylaw, which does not currently conform to the regulation of the district in which it is situated.

Open Space Residential Development: A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property by open land, and in which provision has been made by conveyance or restriction that the land be kept in an open and natural state. Lot sizes, frontage, density, dimensional standards or types of buildings may vary from those otherwise permitted or required. The land not included in the building lots is permanently preserved as open space.

Parcel – any area of land as defined on an assessors’ map or other plan, but not necessarily a buildable Lot.

Passenger Transport Terminal: A building or structure intended solely for the shelter and services needed for passengers of mass transportation (example: bus stop).

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

Recorded: Recorded in the Worcester County Registry of Deeds or for registered land, in the Land Court.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term “restaurant” shall not include “fast food establishments”.

Restaurant, Fast-Food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Senior Housing: Independent living and assisted living facilities located in detached single-family dwelling units, townhouse-style dwelling units or multi-family dwelling unit buildings restricted to individuals or families in which all residents are aged 55 or older, with the exception of spouses or caregivers, or unless specifically precluded by a public housing program under which the proposal is submitted, included or not, meals, housekeeping and transportation.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line, including terraces or any covered projection thereof, excluding handicapped ramps.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs."

Solid Waste Disposal Facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Templeton for processing, handling, treating, and sludge, but not raw sewage and similar waste items.

Special Hospital: A facility or building used primarily for providing to members of the public, or members of designated groups of the public, either as residents of, or as periodic visitors thereto, psychiatric, psychological, mental health or emotional care, counseling and/or treatment; including herein a facility or building which is used for the care, counseling and / or treatment of persons suffering from substance abuse, including drugs and/or alcohol.

Special Permit Granting Authority (SPGA): The SPGA shall include the board of selectmen, board of appeals and planning board as designated by zoning by-law for the issuance of special permits.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

Structure, Permanent: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, and mast for radio antenna or the like.

Structure, Temporary: A structure without any foundation or footing to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the building inspector.

Townhouse: A multi-family dwelling in which all dwelling units are separated by side or party walls.

Toxic Materials: A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, and assimilation into any organism can cause death, disease, mutations, deficiencies, or malfunctions in such organisms or their offspring.

Trailer or Camper: A vehicular, portable unit designed for travel, camping or recreational use. This definition excludes mobile homes, but includes every variety of tent and boat trailers.

Transport Terminal: Terminal facilities for handling freight with or without maintenance facilities.

Variance: An exception allowed by the Board of Appeals where strict enforcement of the zoning bylaw would create unusual hardship due to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. Variances shall only be granted upon satisfaction of the criteria for a variance set forth in M.G.L. c. 40A §10, as amended.

Warehouse: A building used primarily for the storage of goods and materials, for distribution but not for sale on the premises.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, Front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building. See Table of Dimensions.

Yard, Rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot. See Table of Dimensions.

Yard, Side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. See Table of Dimensions.

Zoning Administrator: A person designated by the Board of Appeals in accordance with MGL c. 40A §13, to assume certain duties of said board.

Zoning Enforcement Officer: The Building Inspector or other party so designated who shall be charged with the enforcement of the zoning by-law, Article XXI, and with duties consistent with MGL. c. 40A §7.

A motion was made and seconded to move the question.

Passed/December 7th @ 8:18

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, by deleting the existing Section 2.0 and inserting a new Section 2.0 for the purpose of providing a Definitions Section for Article XXI, as follows:

ARTICLE XXI, SECTION 2.0 - DEFINITIONS

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

Accessory building: A subordinate building located on the same lot as the main or principal building or principal use, the use of which is customarily incidental to that of the principal building or use of the land.

Accessory use: A use customarily incidental to that of the main or principal building use of the land.

Accessory apartment: A dwelling unit located within or attached to a structure constructed as a single family dwelling, subordinate in size to the principal dwelling unit and separated from it in a manner that maintains the structural appearance of a single family house.

Alterations: As applied to a building or structure, a change or rearrangement in the structural parts, or in the exit facilities, or an

enlargement whether by extending on a side or by increasing in height, or the moving of the building or structure from one (1) location or position to another.

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

Applicant: The party, whether an individual, partnerships, corporation, trust or other legal entity, that applies for a permit or approval under this zoning by-law or other regulations of the Town of Templeton. If the applicant is not the record owner or representative of the owner of the subject property, consent of the legal owner shall be required.:

Assisted Living Residence: See Nursing Home.

Automotive Repair Shop: See Motor Vehicle Body Repairs, Motor Vehicle General Repairs and Motor Vehicle Light Service.

Automatic Teller Machine (ATM), Freestanding: A pedestrian oriented mechanical device, not in proximity to a bank or other financial institution, which is accessed by an individual for the purpose of receiving cash from accounts and / or allows patrons to perform minor financial transactions. ATMs for use by Patrons in vehicles are to be considered drive-up customer service facilities.

Basement: The space in a residence or other building in which all or part of the space is located below the average surface grade of the lot.

Bed and breakfast establishment: A private owner-occupied dwelling of not more than 6 bedrooms for occupation by bed and breakfast guests where individual rooms are let as overnight accommodations and a breakfast is included in the rent as an accessory use. Bed and Breakfast establishments are intended for guests staying on an intermittent visits and shall not be used as long-term rental units or apartments. All parking for residents and guests shall be off-street.

Boarding house: A dwelling or part thereof in which lodging is provided by the owner or operator to individuals without meals shall be considered a boarding house.

Buffer Zone: An area along the boundary line between a residential district in the Town of Templeton and any Commercial, Industrial or Highway Business districts, extending into the aforementioned non-residential districts for a distance of fifty feet (50'), in order to reduce adverse development impacts on neighboring residential districts. NOTE: See Table of Dimensions.

Building: A building in which is conducted the main or principle use of the lot, on which said building is situated.

Building coverage: That percentage of the lot or plot area covered by the roof area of a building or buildings.

Building, detached: A detached building is one separated on all sides from adjacent building by open spaces from the ground up.

Building height: The vertical distance from the grade to the highest point of the roof. When a building faces more than one street, the height shall be measured from the average of the grade at the center line of each street front. Not included are spires, cupolas, antennae, or similar parts of structures that do not enclose potentially habitable floor space.

Building Inspector: The local municipal officials charged with the enforcement of the Templeton Zoning Bylaw.

Business or professional office: A building or part thereof, for the transaction of business or the provision of services exclusive of the receipt, sale, storage, or processing of merchandise.

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

Cellar: See Basement.

Cemetery: An area set apart for or containing graves, tombs, crypts or funeral urns; a burial ground or grave yard.

Child Care Facility and Child Care Center: See Daycare Center.

Club or lodge, private: Buildings, structures and premises used by a nonprofit social or civic organization, or by an organization catering exclusively to members and their guests for social, civic, recreational, or athletic purposes which are not conducted primarily for gain and provided there are no vending stands, merchandising, or commercial activities except as may be required generally for the membership and purposes of such organization.

Cluster Development: See Open Space Residential Development.

Commercial recreation, indoor: A structure for recreational, social or amusement purposes, which may include as an accessory use the consumption of food and drink, as permitted by federal, state and local

law, including all connected rooms or space with a common means of egress and entrance. Indoor commercial recreation centers shall include theatres, concert halls, dance halls, skating rinks, bowling alleys, health clubs, dance studios, or other commercial recreational centers conducted for or not for profit.

Commercial recreation, outdoor: Drive-in theatre, golf course/driving range, bathing beach, sports club, horseback riding stable, boathouse, game preserve, marina or other commercial recreation carried on in whole or in part outdoors, except those activities more specifically designated in the by-law.

Contractor's yard: Premises used by a building contractor, general contractor or subcontractor for storage of equipment and supplies, fabrication of subassemblies, and parking of operative wheeled equipment.

DEPOT: See warehouse.

Drive-Up Customer Service Facility: A fast food restaurant, bank, retail, commercial, or service use which allows customers to access sales or services directly from a motor vehicle or where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This definition shall not include the selling of fuel at a gas station, or self-service gas station, or the accessory functions of a car wash facility such as vacuum cleaning stations.

Driveway: An open space on a private lot that provides adequate access to a private garage or off-street parking space.

Dwelling: A building designed and occupied as the living quarters of one (1) or more families. Single- and two-family dwellings shall be designed for and occupied by not more than one (1) or two (2) occupants, respectively. A multifamily dwelling shall be one designed for and occupied by three (3) or more occupants.

Earth removal: Extraction of sand, gravel, top soil, or other earth for sale or for use at a site removed from the place of extraction exclusive of the grading of a lot preparatory to the construction of a building for which a building permit has been issued, or the grading of streets in accordance with an approved definitive plan, and exclusive of granite operations.

Easement: A grant of one or more of the property rights by the owner to another for a general or specific purpose, such as access.

Educational use, nonexempt: Educational facilities not exempted from regulation by M.G.L. c. 40A, s. 3.

Elevation: Height relative to mean sea level.

Environmental Impact Report (EIR): A report that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Environmental Notification Form (ENF): A form that must be filed by a developer when MEPA thresholds are expected to be exceeded or encountered.

Erect: To build, construct, reconstruct, move upon, or conduct any physical development of the premises required for a building; to excavate, fill, drain, and the like preparation for building shall also be considered to erect.

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

Family: Any number of individuals residing together on the premises as a single housekeeping unit.

Farm stand, nonexempt: Facility for the sale of produce, wine and dairy products on property not exempted by M.G.L. c. 40A, s. 3.

Financial Institution: A state or federally chartered bank, savings association, credit union, or industrial land company located in a building, or portion of a building, which provides for the custody, loan, exchange, or issue of money, the extension of credit, or facilitating the transmission of funds, and which may include accessory drive-up customer service facilities on the same premises. This does not include small loan businesses or check cashing facilities.

Flea Market: A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include selling goods at retail by businesses or individuals who are generally engaged in retail trade. Flea markets are conventional, permanent profit seeking businesses that require all local permits and licenses.

FIRM – Flood Insurance Rate Map: A map created and maintained by Federal Emergency Management Agency (FEMA) that depicts areas where flooding can be expected.

Floor area, gross: The total square feet of floor space within the outside dimensions of a building including each floor level, without deduction for hallways, stairs, closets, thickness of walls, columns, or other features.

Floor Area Ratios (FAR): A mathematical expression determined by dividing total floor area of a building by the area of the lot on which it is located. For example, a one acre lot with a FAR of .75 could contain 32,670 square feet of gross floor area ($43,560 \times .75 = 32,670$).

Frontage: Frontage shall be determined as the distance measured along the street right of way at the front of a lot, from one side line of the lot to the other. Frontage shall be an unbroken distance along said street right of way and shall provide both rights of access and safe year-round practical vehicular access. In the case of a lot that fronts on a curve or angle in the street, the distance shall be measured along the lot line in continuous linear feet to include any curve or angle.

Funeral home: Facility for the conducting of funerals and related activities such as embalming.

Garage: A structure for the storage of motor vehicles or the use of which is customarily incidental to that of the principal building.

Garage Auto and Truck Repair, (mechanical): An establishment for the storage, repair, servicing, adjusting and/or equipping of automobiles or other motor vehicles, body work and/or supplying oil and other automotive fluids to motor vehicles, and including repair of heavy motorized equipment.

Gasoline Station: An establishment that provides for the sale of gasoline and accessory items, servicing and the minor repair of motor vehicles.

Golf Course-Country Club: Establishments consisting of golf courses and related facilities, usually known as "country clubs", consisting of restaurants, function rooms, accessory buildings, tennis courts, and other recreational facilities.

Golf Driving Range: A facility used for the instruction and practice of the game of golf by striking golf balls from fixed locations onto an open field together with incidental uses including but not limited to golf putting greens and rental of equipment. Each golf driving range shall be constructed according to nationally recognized safe practice standards for

such amusements to protect patrons, passers-by and the surrounding area. Sufficient off-street parking for patrons shall be furnished and maintained. The premises shall be kept in an orderly manner and grass and weeds will be kept down.

Grade: The rate of change in elevation of the surface of the land as measured in feet of vertical change per one hundred feet horizontal, or percent. One foot (1') vertical change per one hundred feet horizontal is equal to a one percent (1%) grade.

Hazardous material: Any substance that is listed in, but not limited to, the EPA priority pollutants as described in section 307(a) of the Clean Water Act, as amended.

Home Occupation, Minor: any use customarily conducted for profit by the inhabitants of a dwelling, provided such use is clearly incidental and secondary to the use of the building for dwelling purposes and does not change the residential character thereof. Such use shall be deemed incidental and secondary if it does not meet the definition of major home occupation.

Home Occupation, Major: A business where the operation of the business may have a greater impact on the neighborhood than a minor home occupation. A business shall be deemed a major home occupation if it has one or more of the following characteristics:

- More than one non-resident employee, but limited to three on the premises,
- Outdoor storage of materials or equipment,
- Outdoor parking of more than one commercial vehicle or any commercial vehicle exceeding 10,000 pounds gross vehicle weight,
- Occupies more than 25% of the floor area of the dwelling,
- Occupies more than 500 square feet of floor space in accessory buildings, or
- Routinely serves more than three customers or clients on the premises at any one time.

Household - a household shall include

- 3) All family members related by blood, marriage or adoption, regardless of generation;
- 4) Fewer than four unrelated adults living in any one dwelling unit, with or without children;

Impervious: Any surface impenetrable by surface water.

Junk: Any article or material or collection thereof which is worn out, cast off or discarded and which is ready for destruction or has been collected or

stored for salvage or conversion. Any article or material which, unaltered or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.

Junkyard or Automobile Graveyard: The licensed use, by the Board of Selectmen, of any area or any lot, whether inside or outside of a building, for the storage, keeping, or abandonment of junk, scrap or discarded materials, or the dismantling, demolition, or abandonment of automobiles, other vehicles, machinery, or parts thereof.

Kennel, Commercial: A commercial establishment, licensed by the Town Clerk in which more than six (6) dogs or domesticated animals are housed, groomed, boarded or trained located on at least two (2) acres of land.

Lot: A continuous parcel of land with legally definable boundaries.

Lot Area: The horizontal area of the lot exclusive of any area in a street or recorded way open to public use. At least eighty (80) percent of the lot area required for zoning compliance shall be contiguous land other than that within any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in section 40, Chapter 131, G.L., as amended.

Lot, Corner: A lot with two (2) adjacent sides abutting upon streets or other public spaces. Corner lots shall meet the front yard requirements (setback) for each way that the parcel fronts.

Lot, Depth of: The mean distance from the street line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Frontage of: A lot line coinciding with the sideline of a street which provides both legal rights of vehicular access and physical vehicular access to the lot, said line to be measured continuously along a single street or along two (2) intersecting streets if their angle of intersection is greater than ninety (90) degrees. Vehicular access to a building site on the lot shall be exclusively through the frontage of the lot.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot, Width of: The horizontal distance between side lot lines, measured parallel to the lot frontage at the front yard setback line.

Manufacturing, Light: Fabrication, processing, packaging, or assembly operation employing only electric or other generally noiseless and inoffensive motor power, utilizing hand labor or quiet machinery and processes, and free from agents disturbing to the neighborhood, such as

odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electro-magnetic radiation, heat, or vibration. Any manufacturing other than above shall be classified as “Heavy Manufacturing.”

Massage Therapy: An establishment created for the purpose of providing the public Massage Therapy by a duly licensed Massage Therapist.

Medical Center or Clinic: A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

Mobile Home: A dwelling built upon a chassis, containing complete electrical, plumbing and sanitary facilities, and designed without necessity of a permanent foundation for year-round living, irrespective of whether actually attached to a foundation or otherwise permanently located.

Motel or Hotel: A building or buildings intended and designed for transient, overnight or extended occupancy, divided into separate units within the same building with or without a public dining facility. If such hotel or motel has independent cooking facilities, such unit shall not be occupied by any guest for more than four (4) continuous months, nor may the guest stay more than six (6) months in any calendar year. No occupant of such hotel or motel may claim residency at such location.

Motor Vehicle Body Repair: An establishment, garage or work area enclosed within a building where repairs are made or caused to be made to motor vehicle bodies, but does not include the storage of vehicles for the cannibalization of parts.

Motor Vehicle General Repairs: Premises for the servicing and mechanical repair of autos, but not to include fuel sales.

Motor Vehicle Light Service: Premises for the supplying of fuel, oil lubrication, washing, or minor repair services, but not to include body work, painting, or major repairs.

Municipal Facilities: Facilities owned or operated by cities or towns created under the appropriate statute of the Commonwealth of Massachusetts. Examples include the Town of Templeton and the City of Gardner.

Nursing or Convalescent Home: Any building with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

Non-Conforming Use – use of a building or land, existing at the time of enactment or subsequent amendment of the zoning bylaw, which does not currently conform to the regulation of the district in which it is situated.

Open Space Residential Development: A residential development in which the buildings and accessory uses are clustered together into one or more groups separated from adjacent property by open land, and in which provision has been made by conveyance or restriction that the land be kept in an open and natural state. Lot sizes, frontage, density, dimensional standards or types of buildings may vary from those otherwise permitted or required. The land not included in the building lots is permanently preserved as open space.

Parcel – any area of land as defined on an assessors’ map or other plan, but not necessarily a buildable Lot.

Passenger Transport Terminal: A building or structure intended solely for the shelter and services needed for passengers of mass transportation (example: bus stop).

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

Recorded: Recorded in the Worcester County Registry of Deeds or for registered land, in the Land Court.

Restaurant: A building, or portion thereof, containing tables and/or booths for at least two-thirds (2/3) of its legal capacity, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, except that food may be consumed outdoors in landscaped terraces, designed for dining purposes, which are adjuncts to the main indoor restaurant facility. The term “restaurant” shall not include “fast food establishments”.

Restaurant, Fast-Food: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready to consume state for consumption either within the restaurant building or off premises and usually requires ordering food at a counter.

Senior Housing: Independent living and assisted living facilities located in detached single-family dwelling units, townhouse-style dwelling units or multi-family dwelling unit buildings restricted to individuals or families in which all residents are aged 55 or older, with the exception of spouses or caregivers, or unless specifically precluded by a public housing program under which the proposal is submitted, included or not, meals, housekeeping and transportation.

Setback: The required minimum horizontal distance between the building line and the related front, side, or rear property line, including terraces or any covered projection thereof, excluding handicapped ramps.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located. Any building surfaces other than windows which are internally illuminated or decorated with gaseous tube or other lights are considered "signs."

Solid Waste Disposal Facility: Refuse transfer station, composting plant, solid waste recycling operation and any other works or use approved by the Massachusetts Department of Public Health and the Board of Health of the Town of Templeton for processing, handling, treating, and sludge, but not raw sewage and similar waste items.

Special Hospital: A facility or building used primarily for providing to members of the public, or members of designated groups of the public, either as residents of, or as periodic visitors thereto, psychiatric, psychological, mental health or emotional care, counseling and/or treatment; including herein a facility or building which is used for the care, counseling and / or treatment of persons suffering from substance abuse, including drugs and/or alcohol.

Special Permit Granting Authority (SPGA): The SPGA shall include the board of selectmen, board of appeals and planning board as designated by zoning by-law for the issuance of special permits.

Street: An accepted town way, or a way established by or maintained under county, state, or federal authority, or a way established by a subdivision plan approved in accordance with the subdivision control law, or a way determined by the planning board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the building erected or to be erected thereon.

Structure, Permanent: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, recreational tramway, and mast for radio antenna or the like.

Structure, Temporary: A structure without any foundation or footing to be removed within a twelve-month time period. Said structure shall conform to the requirements of the Table of Dimensional Requirements and shall receive a permit from the building inspector.

Townhouse: A multi-family dwelling in which all dwelling units are separated by side or party walls.

Toxic Materials: A combination of pollutants including disease-carrying agents, which after discharge and upon exposure, ingestion, inhalation, and assimilation into any organism can cause death, disease, mutations, deficiencies, or malfunctions in such organisms or their offspring.

Trailer or Camper: A vehicular, portable unit designed for travel, camping or recreational use. This definition excludes mobile homes, but includes every variety of tent and boat trailers.

Transport Terminal: Terminal facilities for handling freight with or without maintenance facilities.

Variance: An exception allowed by the Board of Appeals where strict enforcement of the zoning bylaw would create unusual hardship due to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located. Variances shall only be granted upon satisfaction of the criteria for a variance set forth in M.G.L. c. 40A §10, as amended.

Warehouse: A building used primarily for the storage of goods and materials, for distribution but not for sale on the premises.

Yard: A space open to the sky, located between a building or structure and a lot line, unoccupied except by fences, walls, poles, paving, and other customary yard accessories.

Yard, Front: A yard extending the full width of the lot and situated between the street line and the nearest point of the building. See Table of Dimensions.

Yard, Rear: A yard the full width of the lot and situated between the rear line of the lot and the nearest part of the main building projected to the side line of the lot. See Table of Dimensions.

Yard, Side: A yard situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line. See Table of Dimensions.

Zoning Administrator: A person designated by the Board of Appeals in accordance with MGL c. 40A §13, to assume certain duties of said board.

Zoning Enforcement Officer: The Building Inspector or other party so designated who shall be charged with the enforcement of the zoning by-law, Article XXI, and with duties consistent with MGL. c. 40A §7.

Passed/December 7th @ 8:18

Article 14. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by deleting the existing Section 4.0 and inserting a new Section 4.0 for the purpose of providing Dimensional Regulations for Article XXI, as follows:

TABLE OF DIMENSIONAL REGULATIONS

	C-I-A and C-I-B *	V *	R-A-1 *	R-A-2 *	R-A-5 *	H-B *
Minimum Lot Area	1.0 acre	0.5 acre (with municipal water and sewer) 1.0 acre (without municipal water and sewer)	1.0 acre	2.0 acres	5.0 acres	1.0 acre
Minimum Lot Frontage On A Street	150 LF	75 LF (with municipal water and sewer) 150 LF (without municipal water and sewer)	150 LF	150 LF	500 LF	150 LF
Minimum Front Yard Setback	30 LF	15 LF	30 LF	30 LF	30 LF	30 LF
Minimum Rear Yard Setback	30 LF	15 LF	30 LF	30 LF	30 LF	30 LF
Minimum Side Yard Setback	15 LF	15 LF	15 LF	15 LF	15 LF	15 LF
Minimum Lot Width	50 LF	50 LF	50 LF	50 LF	50 LF	50 LF
Buffer Zone Between C-I-A & C-I-B Districts and Abutting, Non-C-I-A & non-C-I-B Districts	50 LF	XXXXXX	XXXXXX	XXXXXX	XXXXXX	XXXXXX
Maximum Height	2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF

* - C-I-A and C-I-B – Commercial-Industrial-A and Commercial-Industrial-B Districts.

* - V – Village Districts.

* - R-A-1 – Residential-Agricultural District – 1 Acre Zone (where a minimum of 1 acre of land is required for the construction of a single-family home).

* - R-A-2 – Residential-Agricultural District – 2 Acre Zone (where a minimum of 2 acres of land are required for the construction of a single-family home).

* - R-A-5 – Residential-Agricultural District – 5 Acre Zone (where a minimum of 5 acres of land are required for the construction of a single-family home).

* - H-B – Highway-Business Districts.

A motion was duly made and seconded to amend Article 14 by moving column V* under column R-A-1*.

A motion was duly made and seconded to move the amended motion.

Passed/December 7th @ 8:39

On a motion duly made and seconded the Town voted to amended Article 14.

Passed/Yes-48-No-41/December 7th @ 8:45

A motion was duly made and seconded to amend Article 14 by making R-A-2* and R-A-5* 1.0 acre minimum lot areas and R-A-5* 150 LF minimum lot frontage on a street.

Defeated/ December 7th @ 8:57

On an amended motion duly made and seconded the Town voted to see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, by deleting the existing Section 4.0 and inserting a new Section 4.0 for the purpose of providing Dimensional Regulations for Article XXI, as follows:

TABLE OF DIMENSIONAL REGULATIONS

	C-I-A and C-I-B *		R-A-1 * & V*	R-A-2 *	R-A-5 *	H-B *
Minimum Lot Area	1.0 acre		1.0 acre	2.0 acres	5.0 acres	1.0 acre
Minimum Lot Frontage On A Street	150 LF		150 LF	150 LF	500 LF	150 LF
Minimum Front Yard Setback	30 LF		30 LF	30 LF	30 LF	30 LF
Minimum Rear Yard Setback	30 LF		30 LF	30 LF	30 LF	30 LF
Minimum Side Yard Setback	15 LF		15 LF	15 LF	15 LF	15 LF
Minimum Lot Width	50 LF		50 LF	50 LF	50 LF	50 LF
Buffer Zone Between C-I-A & C-I-B Districts and Abutting, Non-C-I-A & non-C-I-B Districts	50 LF		XXXXX	XXXXX	XXXXX	XXXXX
Maximum Height	2.5 stories or 35 LF		2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF	2.5 stories or 35 LF

- * - C-I-A and C-I-B – Commercial-Industrial-A and Commercial-Industrial-B Districts.
- * - R-A-1& V*– Residential-Agricultural District and Village Districts – 1 Acre Zone (where a minimum of 1 acre of land is required for the construction of a single-family home).
- * - R-A-2 – Residential-Agricultural District – 2 Acre Zone (where a minimum of 2 acres of land are required for the construction of a single-family home).
- * - R-A-5 – Residential-Agricultural District – 5 Acre Zone (where a minimum of 5 acres of land are required for the construction of a single-family home).
- * - H-B – Highway-Business Districts.

Passed by 2/3/December 7th @ 8:59

Article 15. To see if the Town will vote to amend the existing Templeton Zoning Map to add a Residential-Agricultural-One (R-A-1) District as depicted on the map attached hereto and captioned “Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006” and “Town of Templeton, MA Proposed Zoning Map dated September 22, 2006” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.5 for the purpose of creating a Residential-Agricultural-One (R-A-1) District, as follows:

8.5 Residential-Agricultural-1 District – R-A-1

The Residential-Agricultural-One Acre district (R-A-1) is intended for primarily residential and accessory uses, including customary home occupations, where the impact upon the R-A-1 District shall not be detrimental to the neighborhood or natural or cultural resources, where the minimum lot size shall be no less than one (1) acre for the following uses by right and by special permit to be constructed upon acceptance of this Zoning Bylaw in areas of the community as depicted on the town zoning map located in the office of the Town Clerk. All areas of Templeton that are not specifically defined as other zones are presumed to be within the R-A-1 zoning district.

8.5.1 Uses Allowed by Right in the R-A-1 District

The following uses shall be allowed in the R-A-1 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;
- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;

- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of sight or traffic safety when located adjacent to roadway intersections or curb cuts;
- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-1 District;
- (i) Apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.5.2 Special Permit Uses in the R-A-1 District

The following uses may be permitted by special permit at the discretion of the Planning Board or Board of Appeals, as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a special permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than five (5) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;
- (d) Hospitals, sanitariums, nursing, convalescent or rest homes, on five (5) acres or more upon the grant of a Special Permit by the Board of Appeals;
- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines, upon the grant of a special permit by the Planning Board;
- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX;

On a motion duly made and seconded the Town voted to amend the existing Templeton Zoning Map to add a Residential-Agricultural-One (R-A-1) District as depicted on the map captioned "Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006" and "Town of Templeton, MA Proposed Zoning Map dated September 22, 2006" with the corrections that "Gardner Road" should read "State Road" and "Depot Road" should read "Main Street" and to amend the existing Templeton

Bylaw, Article XXI, Zoning, by inserting a new Section 8.5 for the purpose of creating a Residential-Agricultural-One (R-A-1) District as printed in Article 15 of the Warrant.

8.5 Residential-Agricultural-1 District – R-A-1

The Residential-Agricultural-One Acre district (R-A-1) is intended for primarily residential and accessory uses, including customary home occupations, where the impact upon the R-A-1 District shall not be detrimental to the neighborhood or natural or cultural resources, where the minimum lot size shall be no less than one (1) acre for the following uses by right and by special permit to be constructed upon acceptance of this Zoning Bylaw in areas of the community as depicted on the town zoning map located in the office of the Town Clerk. All areas of Templeton that are not specifically defined as other zones are presumed to be within the R-A-1 zoning district.

8.5.1 Uses Allowed by Right in the R-A-1 District

The following uses shall be allowed in the R-A-1 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;
- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;
- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of sight or traffic safety when located adjacent to roadway intersections or curb cuts;
- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-1 District;
- (i) Apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.5.2 Special Permit Uses in the R-A-1 District

The following uses may be permitted by special permit at the discretion of the Planning Board or Board of Appeals, as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a special permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than five (5) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;
- (d) Hospitals, sanitariums, nursing, convalescent or rest homes, on five (5) acres or more upon the grant of a Special Permit by the Board of Appeals;
- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines, upon the grant of a special permit by the Planning Board;
- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX;

Passed by 2/3/December 7th @ 9:10

Article 16. To see if the Town will vote to amend the existing Templeton Zoning Map to add a Residential-Agricultural-Two (R-A-2) District as depicted on the map attached hereto and captioned “Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006” and “Town of Templeton, MA Proposed Zoning Map dated September 22, 2006” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.6 for the purpose of creating a Residential-Agricultural-Two (R-A-2) District, as follows:

8.6 Residential-Agricultural-Two District – R-A-2

The Residential-Agricultural-Two Acre district (R-A-2) is intended for primarily residential and accessory uses, including customary home occupations where the impact upon the R-A-2 District shall not be detrimental to the neighborhood or natural or cultural resources, and where the minimum lot size shall be no less than two (2) acres for the following uses by right and by special permit to be constructed upon

acceptance of this Zoning Bylaw as depicted on the town zoning map located in the office of the Town Clerk.

8.6.1 Uses Allowed by Right in the R-A-2 District

The following uses shall be allowed in the R-A-2 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;
- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;
- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of sight or traffic safety when located adjacent to roadway intersections or curb cuts;
- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-2 District;
- (i) In-law apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.6.2 Special Permit Uses in the R-A-2 District

The following uses may be permitted at the discretion of the Planning Board or Board of Appeals as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a Special Permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than five (5) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;

- (d) Hospitals, sanitariums, nursing, convalescent or rest homes, on five (5 acres or more upon the grant of a Special Permit by the Board of Appeals;
- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board in accordance with Article XXI, Section 6.0;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines;
- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX;

A motion was duly made and seconded to amend Article 16 by removing 500 yds. on both sides of Patriots Road for the Zoning change.

A motion was duly made and seconded to move the amended motion.

Passed/December 7th @ 9:23

On the motion to amended Article 16.

Defeated/December 7th @ 9:24

On a motion duly made and seconded the Town voted to amend the existing Templeton Zoning Map to add a Residential-Agricultural-Two (R-A-2) District as depicted on the map attached hereto and captioned "Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006" and "Town of Templeton, MA Proposed Zoning Map dated September 22, 2006" with the corrections that "Gardner Road" should read "State Road" and "Depot Road" should read "Main Street" and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.6 for the purpose of creating a Residential-Agricultural-Two (R-A-2) District, printed in Article 16 of the Warrant.

8.6 Residential-Agricultural-Two District – R-A-2

The Residential-Agricultural-Two Acre district (R-A-2) is intended for primarily residential and accessory uses, including customary home occupations where the impact upon the R-A-2 District shall not be detrimental to the neighborhood or natural or cultural resources, and where the minimum lot size shall be no less than two (2) acres for the following uses by right and by special permit to be constructed upon acceptance of this Zoning Bylaw as depicted on the town zoning map located in the office of the Town Clerk.

8.6.1 Uses Allowed by Right in the R-A-2 District

The following uses shall be allowed in the R-A-2 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;
- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;
- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of sight or traffic safety when located adjacent to roadway intersections or curb cuts;
- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-2 District;
- (i) In-law apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.6.2 Special Permit Uses in the R-A-2 District

The following uses may be permitted at the discretion of the Planning Board or Board of Appeals as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a Special Permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than five (5) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;
- (d) Hospitals, sanitariums, nursing, convalescent or rest homes, on five (5) acres or more upon the grant of a Special Permit by the Board of Appeals;

- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board in accordance with Article XXI, Section 6.0;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines;
- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX;

Passed by 2/3/December 7th @ 9:24

Article 17. To see if the Town will vote to amend the existing Templeton Zoning Map to add a Residential-Agricultural-Five (R-A-5) District as depicted on the map attached hereto and captioned “Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006” and “Town of Templeton, MA Proposed Zoning Map dated September 22, 2006” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.7 for the purpose of creating a Residential-Agricultural-Five (R-A-5) District, as follows:

8.7 Residential-Agricultural-5 District – R-A-5

The Residential-Agricultural-Five Acre district (R-A-5) is intended for primarily residential and accessory uses, including customary home occupations where the impact upon the R-A-5 District shall not be detrimental to the neighborhood or natural or cultural resources, and where the minimum lot size shall be no less than five (5) acres for the following uses by right and by special permit to be constructed upon acceptance of this Zoning Bylaw as depicted on the town zoning map located in the office of the Town Clerk.

8.7.1 Uses Allowed by Right in the R-A-5 District

The following uses shall be allowed in the R-A-5 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;

- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;
- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of sight or traffic safety when located adjacent to roadway intersections or curb cuts;
- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-5 District;
- (i) In-law apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.7.2 Special Permit Uses in the R-A-5 District

The following uses may be permitted at the discretion of the Planning Board or Board of Appeals as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a Special Permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than six (6) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;
- (d) Hospitals, sanitariums, nursing, convalescent or rest homes on five (5) acres or more upon the grant of a Special Permit by the Board of Appeals;
- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines;

- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX.

On a motion duly made and seconded the Town voted to amend the existing Templeton Zoning Map to add a Residential-Agricultural-Five (R-A-5) District as depicted on the map attached hereto and captioned "Proposed Residential Districts, Town of Templeton, MA dated September 12, 2006" and "Town of Templeton, MA Proposed Zoning Map dated September 22, 2006" with the corrections that "Gardner Road" should read "State Road" and "Depot Road" should read "Main Street" and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.7 for the purpose of creating a Residential-Agricultural-Five (R-A-5) District, as printed in Article 17 of the Warrant:

8.7 Residential-Agricultural-5 District – R-A-5

The Residential-Agricultural-Five Acre district (R-A-5) is intended for primarily residential and accessory uses, including customary home occupations where the impact upon the R-A-5 District shall not be detrimental to the neighborhood or natural or cultural resources, and where the minimum lot size shall be no less than five (5) acres for the following uses by right and by special permit to be constructed upon acceptance of this Zoning Bylaw as depicted on the town zoning map located in the office of the Town Clerk.

8.7.1 Uses Allowed by Right in the R-A-5 District

The following uses shall be allowed in the R-A-5 zone, by right, and upon issuance of a building permit:

- (a) Single Family detached dwellings;
- (b) Two family dwellings;
- (c) Minor Home Occupations;
- (d) Customary home occupations, handicrafts, hobbies, or activities of a similar nature, provided that such are carried on by residents of the dwelling, and not more than one employee, and that accessory buildings used for such purposes shall not be placed forward of the rear line of the dwelling;
- (e) Parks; playgrounds; ballfields; conservation or nature study areas; water supply protection, storage and distribution; water based recreation; and bridle paths, walking and bike trails for use by public during the daylight hours or if illuminated for night time use;
- (f) Golf courses and driving ranges other than miniature golf with Site Plan Approval;
- (g) Accessory structures, including walls, fences, or other structures or plantings on a lot provided they shall not interfere with line of

sight or traffic safety when located adjacent to roadway intersections or curb cuts;

- (h) Accessory buildings and uses customarily incidental to uses otherwise allowed in the R-A-5 District;
- (i) In-law apartments contained within a single-family home where the residents are related to the residents of the primary dwelling;

8.7.3 Special Permit Uses in the R-A-5 District

The following uses may be permitted at the discretion of the Planning Board or Board of Appeals as designated below.

- (a) Multi-family residences containing greater than two dwelling units per structure upon the grant of a Special Permit by the Board of Appeals in accordance with Article XXI, Section 7.0 Special Regulations;
- (b) Conversion of a Seasonal Residence to Year-Round Residence with the grant of a special permit by the Board of Appeals;
- (c) Bed & Breakfast for more than six (6) rooms for rent or hire upon the grant of a special permit by the Board of Appeals;
- (d) Hospitals, sanitariums, nursing, convalescent or rest homes on five (5) acres or more upon the grant of a Special Permit by the Board of Appeals;
- (e) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (f) Non-profit clubs and lodges on three (3) acres or more upon grant of a Special Permit by the Planning Board;
- (g) Radio and television broadcasting facilities; telephone, telegraph, power and gas transmission facilities, not including transmission lines;
- (h) Wireless communications facilities with a Special Permit from the Planning Board in accordance with Article XXXX.

Passed by 2/3/December 7th @ 9:27

Article 18. To see if the Town will vote to amend the existing Templeton Zoning Map to add Village (V) Districts as depicted on the maps attached hereto and captioned “Town of Templeton, Ma Baldwinville Village September 18, 2006,” “Town of Templeton, MA East Templeton Village,” “Town of Templeton, MA Otter River Village,” “Templeton Center Village” and “Town of Templeton, MA Proposed Zoning Map dated September 22,

2006” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.8 for the purpose of creating Village (V) Districts, as follows:

8.8 Village (V) Districts

Section 8.8.1. The Village (V) districts:

- Shall be comprised of the following four Villages: Templeton Center Village District; East Templeton Village District; Otter River Village District; and, Baldwinville Village District and located, as described on the zoning map available for review in the office of the Town Clerk.
- Enable the development and re-development of Town’s four (4) Village Districts (“Villages”) in harmony with the existing historical, cultural and natural assets in each Village.
- Are target areas for a mix of single-family and multi-family housing and small neighborhood-scale businesses including services, retail and meeting places.
- Are intended as service and gathering spots primarily serving the immediate village, surrounding neighborhoods and community.
- Encourage upper floor housing units to provide a mix of commercial and residential uses and diversity of housing types in Templeton.

8.8.2 Uses Allowed by Right in the V District

Recognizing that village-style development entails a mixture of uses, the Planning Board, upon Site Plan Approval (Article XXI, Section 9.4, Site Plan Review), is authorized to allow a mix of residential and non-residential uses within the same building in the Village districts.

Single-family and two-family uses are allowed by right without Site plan Approval by the Planning Board, as long as structure(s) contain less than 5,000 square feet floor area.

The following non-residential uses are allowed by right, with site plan approval from the PLANNING BOARD.

- (a) Retail sales;
- (b) Personal Service shops, including but not limited to barber, salon, cosmetologist, massage therapist;
- (c) Business or professional offices;
- (d) Banks and other financial institutions;
- (e) Liquor store including the sale of beer, wine, liquor and/or other hard spirits;

- (f) Ice cream stands.

8.8.3 Special Permit Uses in the V District

The following residential uses may be permitted by Special Permit from the Boards designated below according to Article XXI, Section 6.3 and 6.4:

- (a) Multi-family dwellings (Board of Appeals, Article XXI, Section 6.1 and 7.0)

8.8.4 Floor Area greater than 5,000 square feet

Construction or expansion resulting in a structure or structures containing greater than 5,000 square feet floor area on a lot shall be allowed only upon receipt of a Special Permit by the PLANNING BOARD.

8.8.5 Non-Residential Uses.

The PLANNING BOARD may allow the following non-residential uses only upon the granting of a special permit.

- (a) Veterinary hospitals, clinics and grooming facilities; but not including kennels. Overnight stays of animals are permitted only if associated with medical procedures;
- (b) Gasoline and/or service stations;
- (c) An amusement enterprise, including but not limited to bowling, theater, performing arts center, skating or fitness clubs operated for profit;
- (d) Hotel, motel or inn;
- (e) Small appliance or equipment repair, including but not limited to household appliances, lawnmowers, chain saws;
- (f) Dry cleaner or self-service coin-operated laundry;
- (g) Wireless communications facilities in accordance with Article XXX.

On a motion duly made and seconded the Town voted to amend the existing Templeton Zoning Map to add Village (V) Districts as depicted on the maps attached hereto and captioned "Town of Templeton, Ma Baldwinville Village September 18, 2006," "Town of Templeton, MA East Templeton Village," "Town of Templeton, MA Otter River Village," "Templeton Center Village" and "Town of Templeton, MA Proposed Zoning Map dated September 22, 2006" with the corrections that on the "Town of Templeton, MA Otter River Map," "Gardner Road" should read "State Road" and "Depot Road" should read "Main Street" and "Pleasant Street" should read "River Road" and on the "Town of Templeton, MA East Templeton Village Map," "Pleasant Street" should

read “Orchard Lane” and “School Street” should read “Schoolhouse Road” and on the “Town of Templeton, MA Baldwinville Village Map, Gardner Road” should read “State Road” and “School House Street” should read “School Street” and Great Elm Farm” should read “Sunrise Drive” to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.8 for the purpose of creating Village (V) Districts, as printed in Article 18 of the Warrant.

8.8 Village (V) Districts

Section 8.8.1. The Village (V) districts:

- Shall be comprised of the following four Villages: Templeton Center Village District; East Templeton Village District; Otter River Village District; and, Baldwinville Village District and located, as described on the zoning map available for review in the office of the Town Clerk.
- Enable the development and re-development of Town’s four (4) Village Districts (“Villages”) in harmony with the existing historical, cultural and natural assets in each Village.
- Are target areas for a mix of single-family and multi-family housing and small neighborhood-scale businesses including services, retail and meeting places.
- Are intended as service and gathering spots primarily serving the immediate village, surrounding neighborhoods and community.
- Encourage upper floor housing units to provide a mix of commercial and residential uses and diversity of housing types in Templeton.

8.8.2 Uses Allowed by Right in the V District

Recognizing that village-style development entails a mixture of uses, the Planning Board, upon Site Plan Approval (Article XXI, Section 9.4, Site Plan Review), is authorized to allow a mix of residential and non-residential uses within the same building in the Village districts.

Single-family and two-family uses are allowed by right without Site plan Approval by the Planning Board, as long as structure(s) contain less than 5,000 square feet floor area.

The following non-residential uses are allowed by right, with site plan approval from the PLANNING BOARD.

- (a) Retail sales;
- (b) Personal Service shops, including but not limited to barber, salon, cosmetologist, massage therapist;
- (c) Business or professional offices;
- (d) Banks and other financial institutions;

- (e) Liquor store including the sale of beer, wine, liquor and/or other hard spirits;
- (f) Ice cream stands.

8.8.3 Special Permit Uses in the V District

The following residential uses may be permitted by Special Permit from the Boards designated below according to Article XXI, Section 6.3 and 6.4:

- (b) Multi-family dwellings (Board of Appeals, Article XXI, Section 6.1 and 7.0)

8.8.4 Floor Area greater than 5,000 square feet

Construction or expansion resulting in a structure or structures containing greater than 5,000 square feet floor area on a lot shall be allowed only upon receipt of a Special Permit by the PLANNING BOARD.

8.8.5 Non-Residential Uses.

The PLANNING BOARD may allow the following non-residential uses only upon the granting of a special permit.

- (a) Veterinary hospitals, clinics and grooming facilities; but not including kennels. Overnight stays of animals are permitted only if associated with medical procedures;
- (b) Gasoline and/or service stations;
- (c) An amusement enterprise, including but not limited to bowling, theater, performing arts center, skating or fitness clubs operated for profit;
- (d) Hotel, motel or inn;
- (e) Small appliance or equipment repair, including but not limited to household appliances, lawnmowers, chain saws;
- (f) Dry cleaner or self-service coin-operated laundry;
- (g) Wireless communications facilities in accordance with Article XXX

Passed by 2/3/December 7th @ 9:31

Article 19. To see if the Town will vote to amend the existing Templeton Zoning Map to add a Highway-Business (H-B) District as depicted on four maps attached hereto and entitled “Proposed Highway Business District, Town of Templeton, MA dated September 12, 2006” and “Town of Templeton, MA Proposed Zoning Map dated September 22, 2006” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a

new Section 8.9 for the purpose of creating a Highway-Business (H-B) District, as follows:

8.9 Highway-Business (H-B)

The purpose of the Highway Business (H-B) District is to maintain Templeton's character for viable business uses that can co-exist with the residential areas in which many of the Town's business districts are located. The H-B district is intended to compliment the Village Districts and Residential-Agricultural Districts and the more intense Commercial-Industrial Districts. The locations of the H-B districts are depicted on the zoning map located in the office of the Town Clerk. No building or use shall be constructed, altered, or expanded in the H-B district without a Site Plan Approval by the Planning Board in accordance with this zoning bylaw.

8.9.1 Uses Allowed by Right in the H-B District

The following uses are allowed by right in the H-B district with Site Plan Approval by the PLANNING BOARD, so long as the new or expanded structure contains less than 5,000 square feet of gross floor area, unless otherwise specified. Where the use proposed is to be located within an existing structure and no structural changes or modification to the site plan are proposed, the PLANNING BOARD may waive the requirement for Site Plan Approval for non-residential uses. Structures of greater than 5,000 square feet, or other specified size, may be permitted with the grant of a special permit by the Planning Board. See the Table of Dimensional Requirements for minimum acreage and setback requirements.

- (a) Retail sales, excluding restaurants;
- (b) Personal Service shops, including but not limited to barber, salon, cosmetologist, massage therapist by a licensed practitioner;
- (c) Business or professional offices;
- (d) Banks and other financial institutions;
- (e) Convenience store; grocery store or supermarket;
- (f) Restaurant;
- (g) Liquor store including the sale of beer, wine, liquor and/or other hard spirits;
- (h) Art or craft studios (public and private), gallery, museum or library open to the public;
- (i) Post office, municipal uses up to 10,000 sf in size; including parks, golf-courses, subject to reasonable height and bulk regulations as applied by the Board of Appeals; public utilities, but not including wireless communication towers which are allowed only by special permit;
- (j) Ice cream stand;

- (k) Amusement enterprises including but not limited to dance academy, bowling alley, theater, movie cinema, performing arts center, skating, fitness clubs or place of instruction (not defined as educational use), operated for profit;
- (l) Small appliance or equipment repair, including but not limited to household appliances, lawnmowers, chain saws;
- (m) Outdoor recreational facilities on one (1) acre or more, including camping area, golf course, miniature golf, ski areas with accessory structures not exceeding 1,500 square feet, and other similar uses but not including Recreational Motorized Vehicles. Outdoor recreational facilities involving structures greater than 1,500 square feet may be permitted only upon a grant of a special permit by the Planning Board.
- (n) Veterinary hospitals, clinics and grooming facilities; but not including commercial kennels. Overnight stays for animals are permitted only if associated with medical procedures;
- (o) Accessory use customarily incidental to any of the above uses.

8.9.2 Special Permit Uses in the H-B District

The following uses may be allowed in the H-B District upon grant of a special permit by the Planning Board, unless otherwise specified. Where the use proposed is to be located within an existing structure and no structural changes or modification to the site plan are proposed the Planning Board may waive the requirement for Site Plan Approval for non-residential uses.

- (a) Lumber yard, contractor's yard, building trade supplier or other open-air establishment not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that all open storage of materials and vehicles are screened from public view;
- (b) Restaurants exceeding 5,000 square feet and dispensing food to be consumed within building and to be sold and packaged for take-out and drive-throughs;
- (c) Hotel, motel, inn or other lodging accommodations;
- (d) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (e) Dry cleaner or self-service coin-operated laundry;
- (f) Gasoline and/or repair service stations with or without mini-market and not within 500 feet of a residential zone;
- (g) Wireless communications facilities in accordance with Article XXXX;

- (h) Outdoor recreational facilities on one (1) acre or more, including but not limited to camping area, golf course, miniature golf, ski areas and accessory structures, and other similar uses but not including motorized vehicles;

On a motion duly made and seconded the Town voted to amend the existing Templeton Zoning Map to add a Highway-Business (H-B) District as depicted on four maps attached hereto and entitled “Proposed Highway Business District, Town of Templeton, MA dated September 12, 2006” and “Town of Templeton, MA Proposed Zoning Map dated September 22, 2006” with the corrections that “Gardner Road” should read “State Road” and “Depot Road” should read “Main Street” and to amend the existing Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.9 for the purpose of creating a Highway-Business (H-B) District, as printed in Article 19 of the Warrant.

8.9 Highway-Business (H-B)

The purpose of the Highway Business (H-B) District is to maintain Templeton’s character for viable business uses that can co-exist with the residential areas in which many of the Town’s business districts are located. The H-B district is intended to compliment the Village Districts and Residential-Agricultural Districts and the more intense Commercial-Industrial Districts. The locations of the H-B districts are depicted on the zoning map located in the office of the Town Clerk. No building or use shall be constructed, altered, or expanded in the H-B district without a Site Plan Approval by the Planning Board in accordance with this zoning bylaw.

8.9.1 Uses Allowed by Right in the H-B District

The following uses are allowed by right in the H-B district with Site Plan Approval by the PLANNING BOARD, so long as the new or expanded structure contains less than 5,000 square feet of gross floor area, unless otherwise specified. Where the use proposed is to be located within an existing structure and no structural changes or modification to the site plan are proposed, the PLANNING BOARD may waive the requirement for Site Plan Approval for non-residential uses. Structures of greater than 5,000 square feet, or other specified size, may be permitted with the grant of a special permit by the Planning Board. See the Table of Dimensional Requirements for minimum acreage and setback requirements.

- (a) Retail sales, excluding restaurants;
- (b) Personal Service shops, including but not limited to barber, salon, cosmetologist, massage therapist by a licensed practitioner;
- (c) Business or professional offices;
- (d) Banks and other financial institutions;
- (e) Convenience store; grocery store or supermarket;
- (f) Restaurant;

- (g) Liquor store including the sale of beer, wine, liquor and/or other hard spirits;
- (h) Art or craft studios (public and private), gallery, museum or library open to the public;
- (i) Post office, municipal uses up to 10,000 sf in size; including parks, golf-courses, subject to reasonable height and bulk regulations as applied by the Board of Appeals; public utilities, but not including wireless communication towers which are allowed only by special permit;
- (j) Ice cream stand;
- (k) Amusement enterprises including but not limited to dance academy, bowling alley, theater, movie cinema, performing arts center, skating, fitness clubs or place of instruction (not defined as educational use), operated for profit;
- (l) Small appliance or equipment repair, including but not limited to household appliances, lawnmowers, chain saws;
- (m) Outdoor recreational facilities on one (1) acre or more, including camping area, golf course, miniature golf, ski areas with accessory structures not exceeding 1,500 square feet, and other similar uses but not including Recreational Motorized Vehicles. Outdoor recreational facilities involving structures greater than 1,500 square feet may be permitted only upon a grant of a special permit by the Planning Board.
- (n) Veterinary hospitals, clinics and grooming facilities; but not including commercial kennels. Overnight stays for animals are permitted only if associated with medical procedures;
- (o) Accessory use customarily incidental to any of the above uses.

8.9.2 Special Permit Uses in the H-B District

The following uses may be allowed in the H-B District upon grant of a special permit by the Planning Board, unless otherwise specified. Where the use proposed is to be located within an existing structure and no structural changes or modification to the site plan are proposed the Planning Board may waive the requirement for Site Plan Approval for non-residential uses.

- (a) Lumber yard, contractor's yard, building trade supplier or other open-air establishment not stated elsewhere herein for the storage, distribution, or sale at wholesale or retail, of materials (excluding salvage materials), merchandise, products or equipment provided that all open storage of materials and vehicles are screened from public view;

- (b) Restaurants exceeding 5,000 square feet and dispensing food to be consumed within building and to be sold and packaged for take-out and drive-throughs;
- (c) Hotel, motel, inn or other lodging accommodations;
- (d) Operation and maintenance of commercial kennels on two (2) acres or more provided such activity is performed at least 100 feet from any property line upon grant of a Special Permit by the Board of Appeals;
- (e) Dry cleaner or self-service coin-operated laundry;
- (f) Gasoline and/or repair service stations with or without mini-market and not within 500 feet of a residential zone;
- (g) Wireless communications facilities in accordance with Article XXXX;
- (h) Outdoor recreational facilities on one (1) acre or more, including but not limited to camping area, golf course, miniature golf, ski areas and accessory structures, and other similar uses but not including motorized vehicles;

Passed by 2/3/December 7th @ 9:33

Article 20. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, inserting a new Section 8.10 for the purpose of regulating Major Home Occupations, as follows:

SECTION 8.10 MAJOR HOME OCCUPATIONS

Through a Special Permit home occupations that exceed the “minor home occupation” criteria may be permitted by the Planning Board. This section is intended to support a work-at-home concept appropriate for a rural-suburban community, in order to allow proprietors flexibility to operate businesses out of their homes.

8.10.1 Standards

Major home occupations shall comply with the following standards:

- (a) No more than three employees not residing on the premises shall be allowed to report to the home business site;
- (b) The home occupation shall be clearly incidental and subordinate to the primary residential nature of the property. The principal practitioner must be the owner of the property and maintain his permanent residence in the dwelling;
- (c) Utility areas (such as dumpsters, fuel storage facilities, etc.) and outdoor storage of equipment, vehicles, or supplies associated with the home occupation shall be adequately screened to minimize the visual intrusion on adjacent properties and views from public ways. The

Board may require an evergreen vegetative screen with plantings of not less than three (3) feet in width and not less than six (6) feet in height at commencement of the use. At the discretion of the Board, fences may be used, which shall not exceed four (4) feet in height in front yards or six (6) feet in side and rear yards. Materials consisting of chain link, metal, plastic, fiberglass, concrete block or plywood are not acceptable;

- (d) Parking needed for employees and visitors shall be located at the side or rear of the dwelling and shall be suitably landscaped to minimize the visual impact on adjacent properties. On-street parking shall not be permitted;
- (e) Signs provided in conformance with this zoning bylaw to advertise the home occupation;
- (g) Major home occupations may include the selling of products, the major portion of which are produced on the premises. Not more than 25% of the products sold shall be purchased or obtained elsewhere;
- (h) Lighting shall be appropriate to the building and its surroundings in terms of style, scale, hours, and intensity of illumination. Low wattage systems are recommended and site lighting shall be shielded, especially in developed residential areas;
- (i) The Board may grant a special permit if it determines that the activities will not create a hazard to the public or natural environment, disturbance to any abutter, or injury to the neighborhood, and will not create unsightliness visible from any public way or neighboring property. The Board may impose conditions deemed necessary to preserve neighborhood character and protect existing and future abutting land uses, including limitations on time and ownership. The special permit shall be granted to the owner and shall expire upon transfer of the property or business; any new owner shall apply for a new special permit. The special permit may at any time be subject to review and/or renewal by the Board, and may be further conditioned or amended as necessary to ensure that the intent of this section is maintained.

8.10.2. Process

- (a) Applicants shall submit the required fee and nine (9) copies of the special permit application and other information specified below, to the Town Clerk. The Town Clerk shall stamp each copy with the date and time of submission. Eight copies of said application and information shall be filed forthwith by the applicant with the Planning Board.

- (b) A site plan shall be submitted to show location of buildings and structures, utility areas, parking, lighting, fencing, landscaping and buffering, location and size of sign, and access to the lot from existing public ways.
- (c) A written statement shall be provided by the applicant describing the nature of the home occupation, the number of employees, hours of operation, and other pertinent information on the operation of the business.
- (d) The applicant, within three days of the Board accepting the application as complete, shall submit one copy to the Board of Appeals, Board of Health, Zoning Enforcement Officer, Conservation Commission, Highway Department, and Police and Fire Chiefs with a request for their review and comment. Said boards and officials shall have thirty-five (35) days to submit their comments to the Board.
- (e) The Board shall hold a public hearing in accordance with the Special Permit procedures described within this zoning bylaw and MGL c. 40A §9 and notice shall be given as specified by MGL c. 40A §11.

On a motion duly made and seconded the Town voted to amend the Templeton Bylaw, Article XXI, Zoning, by inserting a new Section 8.10 for the purpose of regulating Major Home Occupations as printed in Article 20 of the Warrant, with the deletion of the following language in proposed Section 8.10.0C: “Materials consisting of chain link, metal, plastic, fiberglass, concrete block or plywood are not acceptable”.

SECTION 8.10 MAJOR HOME OCCUPATIONS

Through a Special Permit home occupations that exceed the “minor home occupation” criteria may be permitted by the Planning Board. This section is intended to support a work-at-home concept appropriate for a rural-suburban community, in order to allow proprietors flexibility to operate businesses out of their homes.

8.10.1 Standards

Major home occupations shall comply with the following standards:

- (a) No more than three employees not residing on the premises shall be allowed to report to the home business site;
- (b) The home occupation shall be clearly incidental and subordinate to the primary residential nature of the property. The principal practitioner must be the owner of the property and maintain his permanent residence in the dwelling;

- (c) Utility areas (such as dumpsters, fuel storage facilities, etc.) and outdoor storage of equipment, vehicles, or supplies associated with the home occupation shall be adequately screened to minimize the visual intrusion on adjacent properties and views from public ways. The Board may require an evergreen vegetative screen with plantings of not less than three (3) feet in width and not less than six (6) feet in height at commencement of the use. At the discretion of the Board, fences may be used, which shall not exceed four (4) feet in height in front yards or six (6) feet in side and rear yards.
- (d) Parking needed for employees and visitors shall be located at the side or rear of the dwelling and shall be suitably landscaped to minimize the visual impact on adjacent properties. On-street parking shall not be permitted;
- (e) Signs provided in conformance with this zoning bylaw to advertise the home occupation;
- (g) Major home occupations may include the selling of products, the major portion of which are produced on the premises. Not more than 25% of the products sold shall be purchased or obtained elsewhere;
- (h) Lighting shall be appropriate to the building and its surroundings in terms of style, scale, hours, and intensity of illumination. Low wattage systems are recommended and site lighting shall be shielded, especially in developed residential areas;
- (i) The Board may grant a special permit if it determines that the activities will not create a hazard to the public or natural environment, disturbance to any abutter, or injury to the neighborhood, and will not create unsightliness visible from any public way or neighboring property. The Board may impose conditions deemed necessary to preserve neighborhood character and protect existing and future abutting land uses, including limitations on time and ownership. The special permit shall be granted to the owner and shall expire upon transfer of the property or business; any new owner shall apply for a new special permit. The special permit may at any time be subject to review and/or renewal by the Board, and may be further conditioned or amended as necessary to ensure that the intent of this section is maintained.

8.10.2. Process

- (a) Applicants shall submit the required fee and nine (9) copies of the special permit application and other information specified below, to the Town Clerk. The Town Clerk shall stamp each copy with the date

and time of submission. Eight copies of said application and information shall be filed forthwith by the applicant with the Planning Board.

- (b) A site plan shall be submitted to show location of buildings and structures, utility areas, parking, lighting, fencing, landscaping and buffering, location and size of sign, and access to the lot from existing public ways.
 - (c) A written statement shall be provided by the applicant describing the nature of the home occupation, the number of employees, hours of operation, and other pertinent information on the operation of the business.
 - (d) The applicant, within three days of the Board accepting the application as complete, shall submit one copy to the Board of Appeals, Board of Health, Zoning Enforcement Officer, Conservation Commission, Highway Department, and Police and Fire Chiefs with a request for their review and comment. Said boards and officials shall have thirty-five (35) days to submit their comments to the Board.
 - (e) The Board shall hold a public hearing in accordance with the Special Permit procedures described within this zoning bylaw and MGL c. 40A §9 and notice shall be given as specified by MGL c. 40A §11.
- Passed Unanimously/December 7th @ 9:37**

Article 21. To see if the Town will vote to amend the existing Templeton Bylaw, Article XXI, Zoning, inserting a new Section 8.11 for the purpose of creating an Adult Entertainment Zoning Bylaw to regulate Adult Entertainment Use in the C-I-B district, as follows:

Section 8.11 Adult Entertainment

8.11.1 Authority, Purpose and Intent

The purpose of this section is to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, in response to studies demonstrating their deleterious effect. This section addresses and mitigates the secondary effects of adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime and blight, the flight of existing businesses, and adverse impacts on public health, property values of residential and commercial properties, the business climate, and the general quality of life in the community. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Templeton and its inhabitants.

This section is intended to be consistent with the provisions of M.G.L. chapter 40A and the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. The provisions of this by-law 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 that are protected by the U.S. or Massachusetts Constitutions, 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. Similarly, it is not the intent nor effect of this chapter to condone or legitimize the distribution of obscene or other illegal matter or materials.

8.11.2 Definitions Specific to Adult Entertainment

As used herein, and consistent with the definitions in M.G.L. c.40A, section 9A, Adult Uses shall include the following: adult bookstore, adult video store, adult paraphernalia store, adult motion picture theatre establishment, adult live entertainment, massage service establishment, sexual encounter club, adult cabaret or club, adult motel or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Adult uses shall include an establishment with a combination of adult use materials as listed above including books, magazines, devices, objects, tools, or toys, movies, videos, and any similar audio/visual media for sale or rent, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272 §31, which in combination, is either:

- (a) greater than fifteen percent 15% of the subject establishment's inventory stock measured by volume and /or value; or
- (b) greater than twenty-five percent (25%) of subject premise's gross floor area, or 200 square feet, whichever is greater.

Adult Use - a use of a building or business (whether partial or entire) for the purpose of engaging in the sale, display, hire, trade, exhibition or viewing of materials or entertainment depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, §31, including adult bookstores, adult live entertainment, adult motion-picture theaters, adult paraphernalia stores and adult video stores, massage service establishments, sexual encounter clubs, adult cabaret or club, adult motel or similar establishment customarily excluding any minor by reason of age as a prevailing practice, as may be further defined in this bylaw.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock in trade devices, objects, tools, or toys

which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies, computer software, computer discs, laser discs or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, §31.

Nudity - Uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For the purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Conduct - Human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse that gives the appearance of the consummation of sexual intercourse, normal or perverted as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Excitement - The condition of human male or female genitals or the breasts of the female while in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Encounter Club - A business or commercial enterprise, public or private, that as one of its primary business purposes, offers for any form of consideration: (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (B) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or where the activities in (A) or (B) are distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31, as amended.

Adult Cabaret or Club - A restaurant, or other establishment licensed under Section 12 of Chapter 138, of the General Laws, which, as a form entertainment, which features exotic dancers, strippers, male or female

impersonators or similar entertainers, or allows a person or persons to work in a state of nudity; or provides films, motion pictures, video cassettes, compact disks, slides, photographic reproductions, or other visual and/or audio media, regardless of form or method of presentation, which are characterized by the depiction or description of sex-related anatomical areas, or relating to any sexual activity, including sexual conduct or sexual excitement, as defined in M.G.L. c. 272 § 31, as amended.

Adult Motel - A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31, as amended.

Membership Club - A social, sports, or fraternal association or organization used exclusively by members and their guests and which may contain bar facilities, but excluding sexual encounter clubs.

8.11.3 Special Permit

Adult entertainment uses shall be only in non-residential zoning districts, where such uses shall be allowed only upon the grant of a Special Permit by the Planning Board in accordance with Site Plan Approval by the Planning Board in accordance with this zoning bylaw.

8.11.4 Filing Requirements, Siting Criteria, Conditions

8.11.4.1 Submission Requirements

- a. The application for a special permit for an adult use shall provide
 - (1) name and address of the legal owner of the establishment,
 - (2) legal owner of the property,
 - (3) manager of the proposed establishment,
 - (4) proposed number of employees
 - (5) proposed security precautions,
 - (6) description of compliance with the siting criteria set forth in Section 4.2, and
 - (7) description and illustration of the physical layout of the premises.
- b. A special permit hearing shall be held within forty-five (45) days after an application is filed with the Town Clerk. A decision on the special permit application shall be held within forty-five (45) days after the public hearing.

- c. No adult use special permit shall be issued to any applicant, or the representative of an owner, operator, or manager of an adult entertainment facility who has been convicted of violating the provisions of M.G.L. c. 119, §63 (Inducing or abetting delinquency of a child) or M.G.L. c. 272, §28 (Crimes against chastity, morality, decency and good order) or equivalent statutes in other jurisdictions. The application shall include authorization for the Town to confirm criminal record information through the appropriate authorities.

8.11.4.2 Siting Criteria

Adult entertainment uses shall comply with the following siting criteria, where the distance from the developed portion of the subject site shall:

- a. Adult uses shall not be located closer than 100 feet from a residential zoning district or residential dwelling;
- b. Adult uses shall not be located within 1,000 feet from a church, school, playground, play field, cemetery, public open space, youth center, day care center or other location where groups of minors regularly congregate;
- c. Adult uses shall not be located within 1,000 feet from another adult use as defined herein;
- d. Adult uses shall not be located within 500 feet from an establishment licensed under M.G.L. c. 138, §12 allowing sale of alcohol for drinking on premises;
- e. The distances specified in this section shall be measured by a straight line from the nearest developed portion of the premises on which the adult entertainment use is proposed (including structures proposed to contain adult uses and associated accessory structures and parking) to the nearest property line of the uses stated in a. through d. above.
- f. All adult entertainment uses shall be located in the C-I-B district in accordance with Section 8.4.2(k).

8.11.4.3 Conditions

The Planning Board shall issue a special permit for an Adult Entertainment Use if the Submission Requirements of Section 4.1, the Siting Criteria in Section 4.2, and the following conditions are met:

- a. No adult 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. All entrances to an adult entertainment business, or portion of the business displaying material of adult content, shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises or portion of the business as the case may be.
- b. 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.
- c. No adult entertainment use shall be allowed to display any advertisement, sign, placard, or other matter of visual material containing or depicting nudity, sexual conduct or sexual excitement.
- d. Any special permit granted for an adult entertainment use shall be personal to the applicant, shall not run with the land, and shall expire upon the expiration of the applicant's lease or upon sale or transfer of the subject's property/business.
- e. If the Adult Use allows for the showing of films or videos within the premises, any booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths must be able to be clearly seen from the center of the establishment.
- f. No adult use shall be allowed within a building containing residential uses.
- g. No adult use shall be allowed within a shopping center, shopping plaza or mall. For the purposes of this section "shopping center", "shopping plaza", and "mall" shall be defined as an integrated group of retail establishments and associated parking whether located on one or more parcels of land.
- h. No loudspeakers or sound equipment shall be used by an Adult Entertainment Business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the Adult Entertainment Business is conducted.
- i. An Adult Entertainment Business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 1:00 A.M. and 10:00 A.M. of any particular day. In the case of Adult Bookstores, Video

Stores, and Adult Paraphernalia Stores, business hours shall be limited to hours between 9:00 A.M to 10:00 P.M. These hours of operation may be further restricted in the conditions granting a Special Permit for an Adult Entertainment Business.

- j. A Certificate of Occupancy for an Adult Use shall not be issued until the applicant has first received any required license from the appropriate Licensing Boards.
- k. Any adult entertainment use granted a special permit shall comply with all other Town Bylaws and all statutes of the Commonwealth of Massachusetts regarding public nuisances, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

8.11.4.4 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.

On a motion duly made and seconded the Town voted to amend the existing Templeton Bylaw, Article XXI, Zoning, inserting a new Section 8.11 for the purpose of creating an Adult Entertainment Zoning Bylaw to regulate Adult Entertainment Use in the C-I-B district, as printed in Article 21 of the Warrant.

Section 8.11 Adult Entertainment

8.11.1 Authority, Purpose and Intent

The purpose of this section is to serve the compelling Town interests of limiting the location of and preventing the clustering and concentration of certain adult entertainment enterprises, in response to studies demonstrating their deleterious effect. This section addresses and mitigates the secondary effects of adult entertainment establishments and sexually oriented businesses that are referenced and defined herein. Secondary effects have been shown to include increased crime and blight, the flight of existing businesses, and adverse impacts on public health, property values of residential and commercial properties, the business climate, and the general quality of life in the community. All of said secondary impacts are adverse to the health, safety and general welfare of the Town of Templeton and its inhabitants.

This section is intended to be consistent with the provisions of M.G.L. chapter 40A and the Town's authority under the Home Rule Amendment to the Massachusetts Constitution. The provisions of this by-law 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 that are protected by the U.S. or Massachusetts Constitutions, 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. Similarly, it is not the intent nor effect of this chapter to condone or legitimize the distribution of obscene or other illegal matter or materials.

8.11.2 Definitions Specific to Adult Entertainment

As used herein, and consistent with the definitions in M.G.L. c.40A, section 9A, Adult Uses shall include the following: adult bookstore, adult video store, adult paraphernalia store, adult motion picture theatre establishment, adult live entertainment, massage service establishment, sexual encounter club, adult cabaret or club, adult motel or any other business or establishment characterized by an emphasis depicting, describing or related to sexual conduct or sexual excitement as defined in MGL c. 272 §31.

Adult uses shall include an establishment with a combination of adult use materials as listed above including books, magazines, devices, objects, tools, or toys, movies, videos, and any similar audio/visual media for sale or rent, which are distinguished or characterized by their emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in MGL c. 272 §31, which in combination, is either:

- (a) greater than fifteen percent 15% of the subject establishment's inventory stock measured by volume and /or value; or
- (b) greater than twenty-five percent (25%) of subject premise's gross floor area, or 200 square feet, whichever is greater.

Adult Use - a use of a building or business (whether partial or entire) for the purpose of engaging in the sale, display, hire, trade, exhibition or viewing of materials or entertainment depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, §31, including adult bookstores, adult live entertainment, adult motion-picture theaters, adult paraphernalia stores and adult video stores, massage service establishments, sexual encounter clubs, adult cabaret or club, adult motel or similar establishment customarily excluding any minor by reason of age as a prevailing practice, as may be further defined in this bylaw.

Adult Paraphernalia Store: An establishment having as a substantial or significant portion of its stock in trade devices, objects, tools, or toys which are distinguished or characterized by their association with sexual activity, including sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31.

Adult Video Store: An establishment having as a substantial or significant portion of its stock in trade, videos, movies, computer software, computer discs, laser discs or other film material which are distinguished or characterized by their emphasis depicting, describing or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272, §31.

Nudity - Uncovered or less than opaquely covered human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered male genitals in a discernibly turgid state. For the purposes of this definition, a female breast is considered uncovered if the nipple or areola only are covered as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Conduct - Human masturbation, sexual intercourse, actual or simulated, normal or perverted, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship, any lewd touching of the genitals, pubic areas, or buttocks of the human male or female, or the breasts of the female, whether alone or between members of the same or opposite sex or between humans and animals, and any depiction or representation of excretory functions in the context of a sexual relationship. Sexual intercourse is simulated when it depicts explicit sexual intercourse that gives the appearance of the consummation of sexual intercourse, normal or perverted as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Excitement - The condition of human male or female genitals or the breasts of the female while in a state of sexual stimulation or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity as defined in M.G.L. c. 272, §31 as it may be amended.

Sexual Encounter Club - A business or commercial enterprise, public or private, that as one of its primary business purposes, offers for any form of consideration: (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (B) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; or where the activities in (A) or (B) are distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31, as amended.

Adult Cabaret or Club - A restaurant, or other establishment licensed under Section 12 of Chapter 138, of the General Laws, which, as a form of entertainment, which features exotic dancers, strippers, male or female impersonators or similar entertainers, or allows a person or persons to work in a state of nudity; or provides films, motion pictures, video cassettes, compact disks, slides, photographic reproductions, or other visual and/or audio media, regardless of form or method of presentation,

which are characterized by the depiction or description of sex-related anatomical areas, or relating to any sexual activity, including sexual conduct or sexual excitement, as defined in M.G.L. c. 272 § 31, as amended.

Adult Motel - A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by its emphasis depicting, describing, or relating to sexual conduct or sexual excitement as defined in M.G.L. c. 272 § 31, as amended.

Membership Club - A social, sports, or fraternal association or organization used exclusively by members and their guests and which may contain bar facilities, but excluding sexual encounter clubs.

8.11.3 Special Permit

Adult entertainment uses shall be only in non-residential zoning districts, where such uses shall be allowed only upon the grant of a Special Permit by the Planning Board in accordance with Site Plan Approval by the Planning Board in accordance with this zoning bylaw.

8.11.4 Filing Requirements, Siting Criteria, Conditions

8.11.4.1 Submission Requirements

- a. The application for a special permit for an adult use shall provide
 - (1) name and address of the legal owner of the establishment,
 - (2) legal owner of the property,
 - (3) manager of the proposed establishment,
 - (4) proposed number of employees
 - (5) proposed security precautions,
 - (6) description of compliance with the siting criteria set forth in Section 4.2, and
 - (7) description and illustration of the physical layout of the premises.
- b. A special permit hearing shall be held within forty-five (45) days after an application is filed with the Town Clerk. A decision on the special permit application shall be held within forty-five (45) days after the public hearing.
- c. No adult use special permit shall be issued to any applicant, or the representative of an owner, operator, or manager of an adult entertainment facility who has been convicted of violating the provisions of M.G.L. c. 119, §63 (Inducing or abetting delinquency of a child) or M.G.L. c. 272,

§28 (Crimes against chastity, morality, decency and good order) or equivalent statutes in other jurisdictions. The application shall include authorization for the Town to confirm criminal record information through the appropriate authorities.

8.11.4.2 Siting Criteria

Adult entertainment uses shall comply with the following siting criteria, where the distance from the developed portion of the subject site shall:

- a. Adult uses shall not be located closer than 100 feet from a residential zoning district or residential dwelling;
- b. Adult uses shall not be located within 1,000 feet from a church, school, playground, play field, cemetery, public open space, youth center, day care center or other location where groups of minors regularly congregate;
- c. Adult uses shall not be located within 1,000 feet from another adult use as defined herein;
- d. Adult uses shall not be located within 500 feet from an establishment licensed under M.G.L. c. 138, §12 allowing sale of alcohol for drinking on premises;
- e. The distances specified in this section shall be measured by a straight line from the nearest developed portion of the premises on which the adult entertainment use is proposed (including structures proposed to contain adult uses and associated accessory structures and parking) to the nearest property line of the uses stated in a. through d. above.
- f. All adult entertainment uses shall be located in the C-I-B district in accordance with Section 8.4.2(k).

8.11.4.3 Conditions

The Planning Board shall issue a special permit for an Adult Entertainment Use if the Submission Requirements of Section 4.1, the Siting Criteria in Section 4.2, and the following conditions are met:

- a. No adult 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. All entrances to an adult entertainment business, or portion of the business displaying material of adult content, shall be clearly and legibly posted by a notice indicating that minors are prohibited from entering the premises or portion of the business as the case may be.

- b. 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.
- c. No adult entertainment use shall be allowed to display any advertisement, sign, placard, or other matter of visual material containing or depicting nudity, sexual conduct or sexual excitement.
- d. Any special permit granted for an adult entertainment use shall be personal to the applicant, shall not run with the land, and shall expire upon the expiration of the applicant's lease or upon sale or transfer of the subject's property/business.
- e. If the Adult Use allows for the showing of films or videos within the premises, any booths in which the films or videos are viewed shall not be closed off by curtains, doors or screens. All booths must be able to be clearly seen from the center of the establishment.
- f. No adult use shall be allowed within a building containing residential uses.
- g. No adult use shall be allowed within a shopping center, shopping plaza or mall. For the purposes of this section "shopping center", "shopping plaza", and "mall" shall be defined as an integrated group of retail establishments and associated parking whether located on one or more parcels of land.
- h. No loudspeakers or sound equipment shall be used by an Adult Entertainment Business for the amplification of sound to a level discernible by the public beyond the walls of the building in which the Adult Entertainment Business is conducted.
- i. An Adult Entertainment Business shall not remain open for business, or permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of 1:00 A.M. and 10:00 A.M. of any particular day. In the case of Adult Bookstores, Video Stores, and Adult Paraphernalia Stores, business hours shall be limited to hours between 9:00 A.M to 10:00 P.M. These hours of operation may be further restricted in the conditions granting a Special Permit for an Adult Entertainment Business.
- j. A Certificate of Occupancy for an Adult Use shall not be issued until the applicant has first received any required license from the appropriate Licensing Boards.
- k. Any adult entertainment use granted a special permit shall comply with all other Town Bylaws and all statutes of the Commonwealth of

Massachusetts regarding public nuisances, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.

8.11.4.5 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.

Passed by 2/3/December 7th @ 9:39

Article 22. To see if the Town will vote to amend the “Town of Templeton Bylaws, Article XXI – Zoning” by adding to Section 6.0 GENERAL REGULATIONS a new section to be numbered 6.4 as follows: “6.4 All uses exempt under Section 3 of M.G.L. Chapter 40A, including but not limited to group homes, and excluding agricultural uses otherwise regulated by the Town of Templeton Right to Farm By-law, shall be located on lots consisting of no less than two and one half (2.5) acres of land.”

No a motion was made on Article 22

A motion was made and seconded to adjourn the meeting.

Passed Unanimously/December 7th @ 9:41

And you are hereby directed to serve this warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, at Cote’s Market in Otter River, and at the Town Office Buildings at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said County, in the City of Gardner.

Hereof, fail not, and make due return of this warrant with your doings thereon to the Town Clerk at the time and place of said meeting.

Given under our hands this 16th day of November in the year AD 2006.

BOARD OF SELECTMEN

Robert Columbus, Chairman

Gregg Edwards, Vice Chairman

John Henshaw, Clerk

Julie Farrell, Member

Gerald Skelton, Member

A True Copy, ATTEST:

Neil Cullen
Constable of Templeton

OFFICER'S RETURN

WORCESTER, ss.

November 16, 2006

This is to certify that I have served the within warrant by posting attested copies thereof in each precinct; namely, at the Post Office in Templeton, the Post Office in East Templeton, the Post Office in Baldwinville, at Cote's Market in Otter River and at the Town Offices at 4 Elm Street, Baldwinville, and at 690 Patriots Road, Templeton, and by delivering a copy to each of the Precinct Clerks fourteen (14) days at least before the time of holding said meeting and by causing notice of the same to be published once in the Gardner News, a newspaper published in said County in the City of Gardner.

Neil A. Cullen
Constable of Templeton

Meeting Attendance 12-7-2006
Voters Total 109