**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING**

# Chapter 145, ZONING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Winthrop 4-27-1989 by Art. 12. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Signs -- See Ch. 97.**
**Streets and sidewalks -- See Ch. 110.**
**Wetlands -- See Ch. 138.**
**Noise -- See Ch. 242.**
**Sewers -- See Ch. 254.**
**Streets and sidewalks (Board of Selectmen) -- See Ch. 259.**
**Vehicles and traffic -- See Ch. 275.**

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE I, Title, Authority and Purpose**

## ARTICLE I, Title, Authority and Purpose

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE I, Title, Authority and Purpose / § 145-1. Titles.**

### § 145-1. Titles.

A. Title. The title of this chapter shall be the "Zoning Bylaw of the Town of Winthrop, Massachusetts, Chapter 145 of the Winthrop Town Code."

B. Short title. This chapter may be cited as the "Zoning Bylaw of the Town of Winthrop," hereinafter referred to as "this chapter."

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE I, Title, Authority and Purpose / § 145-2. Authority.**

**§ 145-2. Authority.**

A. Adoption. This chapter is adopted pursuant to the authority granted by MGL c. 40A and amendments thereto, herein called the "Zoning Act." Where the Zoning Act is amended from time to time after the effective date of this chapter and where such amendments are mandatory, such amendments shall supersede any regulations of this chapter which have been set forth on the basis of the Zoning Act in existence on the effective date of this chapter.

B. Amendment. It shall be the duty of the Planning Board, upon petition signed by 10 registered voters of the Town or upon its own initiative, from time to time, to hold public hearings, 14 days' published notice of which shall be given, for the consideration of amendments altering the boundaries of any district established by this chapter or the regulations applied to the same by this chapter, and thereupon submit to the Town Meeting for action its recommendation in regard to the same.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE I, Title, Authority and Purpose / § 145-3. Purpose. [Amended 5-22-1997 ATM by Art. 24]

**§ 145-3. Purpose. [Amended 5-22-1997 ATM by Art. 24]**

A. The purpose of this chapter is to promote the health, safety, convenience, morals and welfare of the inhabitants of the Town of Winthrop; to lessen congestion in the streets; to conserve health; to secure safety from fire, panic and other danger; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the Town; to achieve optimum environmental quality through review and cooperation by the use of design review; and to preserve and increase Town amenities and to encourage an orderly expansion of the tax base by proper utilization and development of land. It is made with reasonable consideration of the character of the districts and their peculiar suitability for particular uses, with a view to giving direction or effect to land development policies and proposals of the Planning Board, including the making of Winthrop a more viable and more pleasing place to live, work and play.

B. For the purposes set forth in MGL c. 40A and all acts in amendment thereof and in addition thereto, and under the authority thereof and any other enabling laws, the inspection, materials, construction, alteration and repair, height, area, location and the use of buildings and structures and the use of land in the Town are hereby regulated as herein provided.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE II, Terminology

## ARTICLE II, Terminology

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE II, Terminology / § 145-4. Word usage.

### § 145-4. Word usage.

For the purpose of this chapter and unless the context of usage clearly indicates another meaning, the following terms shall have the meanings indicated herein. Words used in the present tense include the future; the singular number includes the plural, and the plural the singular; the words "used" or "occupied" include the words "designed, arranged, intended or offered to be used or occupied"; the words "building," "structure," "lot," "land" or "premises" shall be construed as though followed by the words "or any portion thereof"; and the word "shall" is always mandatory and not merely directory. Terms and words not defined herein but defined in the Commonwealth of Massachusetts State Building Code shall have the meanings given therein unless a contrary intention clearly appears. Words not defined in either place shall have the meaning given in the most recent edition of Webster's Unabridged Dictionary.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE II, Terminology / § 145-5. Definitions.

### § 145-5. Definitions.

The defined words and phrases are as follows:

ABANDONMENT -- The cessation of a use as indicated by the visible or otherwise apparent intention of an owner to discontinue a use of a structure or lot; or removal of the characteristic equipment or furnishing; or the replacement of a nonconforming use or structure by a conforming use or structure.

ACCESSORY BUILDING OR USE -- See "use, accessory."

ADULT ENTERTAINMENT [Added 5-22-1997 ATM by Art. 24]

A. Adult uses/sexually oriented businesses are defined as those with up to 10% or more of goods or items on display or presentation time of live or recorded performances, characterized by depiction, description or display of or use in connection with "sexual conduct" as defined by state statute, or where more than 10% of the business revenue comes from such goods or presentations.

B. Such goods or other items would include theaters, motion picture displays, nightclubs, bars or similar establishments, nude modeling studios, massage parlors, escort agencies, adult bookstores or adult videos.

C. And further that no sexually explicit materials or advertising are visible from outside the building or Town boundary line; there are no private vending booths unless one side is always open to a central public area; no one under 18 is permitted inside and a procedure is developed to keep those under 18 from entering the building; all operators and employees must be of good moral character, including that employees have no convictions of sex-related misdemeanor or felony in the previous five years.

D. Adult entertainment uses shall be allowed by special exception based on specific criteria: no location within the Town's designated Drug Free School Zone or within 1,000 feet of the property line of a church, cemetery, school, day-care center, residential structure or senior center.

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

APARTMENT HOUSE -- A building designed or intended or used as a home or residence of three or more families, each in a separate dwelling unit, living independently of each other and who may have a common right in halls and stairways. (See "multifamily dwelling".)

ATTACHED DWELLING -- A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls. Attached dwellings are also referred to as "townhouses," "townhouse dwellings" or "row houses."

ATTACHED DWELLING DEVELOPMENT -- A row of at least three one-family attached dwelling units whose sidewalls are separated from other dwelling units by a fire wall or walls. Each unit in the row house or townhouse may be owned by a separate owner and shall have its own at-grade access.

BA -- The Board of Appeals of the Town of Winthrop, Massachusetts.

BASEMENT -- A portion of a building, partly below-grade, which has more than 1/2 of its height, measured from finish floor to finish ceiling, above the average finished grade of the ground adjoining the building. A basement is not considered a story unless its ceiling is four feet six inches or more above the average finish grade.

BOARDINGHOUSE; BOARDING HOME -- A house in which a regular service of meals is furnished for persons for a remuneration.

BUILDING -- A combination of any materials, whether portable or fixed, having a roof, enclosed within exterior walls or fire walls, built to form a structure for the shelter of persons, animals or property. For purposes of this definition, "roof" shall include an awning or any similar covering, whether or not permanent in nature.

BUILDING, ACCESSORY -- A building the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building or on an adjacent lot in the same ownership.

BUILDING AREA -- The aggregate of the maximum horizontal cross-sectional area of all buildings on a lot, exclusive of cornices, eaves, gutters, chimneys, steps, unenclosed porches, balconies and terraces.

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

BUILDING COVERAGE -- The building area expressed as a percent of the total lot area.

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

BUILDING HEIGHT -- For the purpose of this chapter, the height of any building or accessory structural feature shall be the vertical distance of the highest point of the roof above the mean finished grade of the ground adjoining such building. The limitations of height in feet shall not apply to chimneys, ventilators, skylights, tanks, bulkheads, elevator penthouses and other accessory structural features usually carried above roofs, nor to domes, towers or spires of churches or other buildings, provided that such features shall in no way be used for living purposes.

BUILDING, NONCONFORMING -- A building lawfully existing at the time of adoption of this chapter, or any subsequent amendment thereto, which does not conform to one or more of the applicable dimensional and density regulations for the district in which the building is located.

BUILDING SETBACK LINE -- The line established by this chapter beyond which a building shall not extend except as specifically provided by this chapter.

CARPORT -- A roofed structure, unenclosed on two or more sides, which may serve as a shelter

for motor vehicles.

CELLAR -- A portion of a building, partly or entirely below-grade, which has more than 1/2 of its height, measured from finished floor to finished ceiling, below the average finished grade of the ground adjoining the building. A cellar is not deemed a story.

CERTIFICATE OF OCCUPANCY -- A statement signed by the Building Inspector setting forth either that a building or structure complies with this chapter or that a building, structure or parcel of land may lawfully be employed for specified uses, or both.

COMMERCIAL VEHICLE -- For the purpose of this chapter, any cart or wagon or any vehicle which is included in the definition of a "motor vehicle" given in MGL c. 90, including but not limited to a passenger car or van on which is permanently affixed any writing to designate the business or professional use or affiliation of said car or van or any truck or other vehicle which would be classified as other than a passenger vehicle for purposes of registration in the Commonwealth of Massachusetts or an auto home or bus, but excluding a passenger car not marked for business use.

COURT -- An open, uncovered, unoccupied space partially or wholly surrounded by the walls of a structure.

COURT, INNER -- A court, surrounded on all sides by the exterior walls of a structure.

COURT, OUTER -- A court having at least one side thereof opening onto a street, alley or yard or other permanent open space.

DETACHED DWELLING -- A building which is designed or occupied as a one-family residence on its own lot and is separated by side yards from any other structure or structures, except accessory buildings.

DISTRICT -- A zoning district as established by Article III of this chapter.

DRIVE-IN RETAIL OR SERVICE ESTABLISHMENT -- A business or commercial establishment which dispenses any food, beverages, goods or services from inside a building to persons standing outside or seated in their automobiles.

DRIVEWAY -- An open space, which may be paved, located on a lot, which is not more than 20 feet in width, built for access to a garage or off-street parking or loading space and as further regulated by Article VI hereof.

DUPLEX HOUSE -- A house containing two dwelling units adjoining side by side; that is, in which no part of one dwelling unit is over any part of the other dwelling unit. A duplex house shall be considered as one principal building occupying one lot for the purpose of determining yard requirements. The term "duplex house" is synonymous with the term "semidetached

dwelling."

DWELLING -- A privately or publicly owned permanent structure, whether owned by one or more persons or in condominium, or any other legal form which is occupied in whole or part as the home residence or sleeping place of one or more persons. The term "one-family dwelling" or "two-family dwelling" shall not include a hotel, lodging house, hospital, membership club, mobile home or dormitory.

DWELLING UNIT -- One or more living and sleeping rooms providing complete living facilities for the use of one or more individuals constituting a single housekeeping unit, with permanent provisions for living, sleeping, eating, cooking and sanitation.

ERECTED -- Includes the words "attached," "built," "constructed," "reconstructed," "altered," "enlarged" and "moved."

ESSENTIAL SERVICES -- Services provided by private or public utility or 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. Facilities necessary for the provisions of essential services include poles, wires, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith. Specifically excluded from this definition are buildings necessary for the furnishing of adequate service by such public utility or governmental agencies for the public health, safety or general welfare.

FAMILY -- Individuals living together as a single housekeeping unit and doing their cooking upon the premises. For the purpose of this definition, no more than three unrelated individuals shall constitute a family.

FAST-ORDER FOOD ESTABLISHMENT -- An establishment whose primary business is the sale of food for consumption on or off the premises which is primarily intended for immediate consumption rather than for use as an ingredient or component of meals, available upon a short waiting time and packaged or presented in such a manner that it can be readily eaten inside or outside the premises where it is sold.

FLOODLINE -- The limits of flooding from a particular body of water caused by a storm whose frequency or occurrence is once in a given number of years, as determined and certified by a registered professional engineer qualified in drainage.

FLOOR AREA RATIO -- The ratio of the gross floor area to the total area of the lot.

FRONTAGE -- The front property line of a building or lot abutting on a public or private way approved by the Town.

GARAGE, AUTO REPAIR -- Any building in which a business or industry dealing with the repair or servicing of motor vehicles is maintained.

GARAGE, PRIVATE -- Any building or portion of a building accessory to and located upon the same lot as a residential building or upon a lot in the same ownership and adjacent to the lot on which the served residential building is located which is used for keeping of a motor vehicle or motor vehicles and in which no business or industry dealing with sales, servicing or repair of such vehicles is carried on.

GARAGE, PUBLIC -- Any building in which a business dealing with the storage of motor vehicles is maintained either for profit or public service. Such business shall not involve the repair or servicing of any motor vehicles.

GASOLINE STATION -- A building, facility or part thereof with at least one and no more than two service bays whose chief activity is the selling of gasoline, oil and related products for motor vehicles and the provisions for lubricating service or auto repair limited to: tire service and repair (but not recapping or regrooving), replacement of miscellaneous parts and minor adjustments to parts of the motor not involving removal of the head, crankcase or motor. A self-service portion of a gasoline station may be part of a full-service station only. (See § 145-40.) [Amended 5-4-1992 ATM by Art. 31]

GASOLINE STATION (SELF-SERVICE) -- A facility or part thereof which dispenses gasoline, oil or other petroleum or lubricating products on a self-service basis to the patrons.

GROSS FLOOR AREA

A. The sum, in square feet, of the gross horizontal areas of all the floors of a principal building and its accessory buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls or center lines of walls separating two buildings, including:

B. Elevator shafts and stairwells on each floor.

C. Attic space with a structural headroom of seven feet or more, except as hereafter excluded.

D. Interior mezzanines and penthouses.

E. Basement and cellar areas not devoted exclusively to uses accessory to the operation of the building.

F. All-weather habitable porches and balconies.

G. But excluding:

H. Areas used for parking garages, accessory parking or off-street loading purposes.

I. Basement and cellar areas devoted exclusively to uses accessory to the operation of the building.

J. Open or lattice-enclosed exterior fire escapes.

K. Attic space and other areas for elevator machinery or mechanical equipment accessory to the building.

L. Open porches and balconies.

HOME OCCUPATION -- An accessory use which by custom has been carried on entirely within a dwelling unit and is incidental and subordinate to the dwelling use. In connection with such use, there shall be no retail sale of merchandise on the premises. Such use shall be carried on by the occupants of the dwelling unit in compliance with the provisions of Article IV, Use Regulations, and shall not in any manner change the residential character of the building. Home occupations do not include such uses as barbershops, beauty parlors, commercial stables or kennels, real estate or insurance offices, teaching of more than three pupils simultaneously and, in the case of musical instruction, more than one pupil at a time. (See § 145-17.)

HOSPITAL -- An institution certified by the American Hospital Association as an accredited hospital providing health services for inpatient and/or outpatient medical or surgical care of the sick or injured and including related facilities, such as but not limited to laboratories, outpatient departments, central staff service facilities and staff offices which are an integral part of the institution.

HOSPITAL, VETERINARY -- A building providing for the diagnosis and treatment of ailments of animals other than human, including facilities for overnight care.

HOTEL -- A building or any part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances; and including an inn, motel and motor inn, but not including a boardinghouse, lodging house or rooming house.

INSPECTOR OF BUILDINGS -- Building Inspector, Town of Winthrop, Massachusetts.

JUNK -- Any worn out, cast off or discarded articles or material which is ready for destruction or has been collected or stored for salvage or conversion to some use.

JUNKYARD -- The use of any portion of any lot, inside or outside any building, that joins any street, for the storage, keeping or abandonment of junk.

LIGHT MANUFACTURING -- Manufacturing employing only electric or other substantially

noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and process, free from neighborhood-disturbing odors or agencies, but subject to the following provisions. Any light manufacturing business, the conduct of which may be disturbing or detrimental to the health, safety or welfare of persons working in or living near the proposed location of such manufacturing, including special danger of fire or explosion, pollution of waterways, corrosive, toxic or noxious fumes, gas, smoke, soot, obnoxious dust, disagreeable odors and offensive noise or vibrations, is expressly prohibited.

LODGING HOUSE -- A building where lodging units are rented to four or more persons. A lodging house shall not include convalescent, nursing or rest homes; dormitories or charitable, education or philanthropic institutions; or apartments or hotels.

LODGING UNIT -- One or more rooms for the semipermanent dwelling use of not more than three individuals not living as a single housekeeping unit and not having cooking facilities.

LOT -- An area or parcel of land or any part thereof in individual, joint or common ownership or in ownership by the entirety which is designated on a plan as a separate lot and which has boundaries identical with those on a plan recorded in the Suffolk County Registry of Deeds.

LOT, CORNER -- A lot at the junction of and abutting on two or more intersecting streets or ways, the interior angle of intersection of street lot lines or, in the case of a curved street, extended lot lines, being not more than 135°.

LOT, INTERIOR -- A lot the side lines of which do not abut on a street.

LOT LINE, FRONT -- The property line dividing a lot from a street and/or right-of-way.

LOT LINE, REAR -- Any lot line which is parallel to or within 45° of being parallel to a front lot line, except for a lot line that is itself a front lot line, and except that in the case of a corner lot the owner shall have the option of choosing which of the two lot lines that are not front lot lines is to be considered a rear lot line. In the case of a lot having no street frontage or a lot of odd shape, only the one lot line furthest from the street shall be considered a rear lot line.

LOT LINE, SIDE -- Any lot line not a front or rear lot line.

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

LOT, THROUGH -- A lot, the front and rear lot lines of which abut streets; or a corner lot, two opposite lines of which abut streets.

LOT WIDTH -- The shortest distance between opposite side lines of a lot measured through the principal structure on said lot. At no point between the street frontage line and the principal

structure shall the lot be narrower than 75% of the required lot width.

MARINA -- A boat basin that has docks, slips, supplies and repair facilities for small boats. [Added 5-27-2004 ATM by Art. 27]

MARQUEE -- A rigid surface canopy structure projecting from a building over an exterior entrance thereto and used as a shelter from rain or sun.

MEMBERSHIP CLUB -- A noncommercial social, sports or fraternal association or organization which is used exclusively by members and their guests.

MULTIFAMILY DWELLING -- A building designed or intended or used as the home of three or more families, each in a separate dwelling unit, living independently of each other and who may have common rights in halls and stairways. This definition is intended to include building types commonly known as "garden apartments," "mid-rise apartments" and "high-rise apartments," which are defined below.

A. GARDEN APARTMENT -- A building or group of buildings on a landscaped lot, arranged, intended and designed to be occupied by three or more families per building, each family separated by party walls or floors from the other, with each apartment having individual living, sleeping, kitchen and toilet facilities and 30 square feet of storage space provided for each apartment. Such building or buildings shall not exceed three stories.

B. MID-RISE APARTMENT -- A multifamily dwelling of more than three stories but not more that six stories in height.

C. HIGH-RISE APARTMENT -- A multifamily dwelling of more than six stories in height.

OFFICE -- A place in which functions such as directing, consulting, recordkeeping, clerical work and sales (without the presence of merchandise) of a firm are carried on; also, a place in which a professional person conducts his or her professional business.

OPEN SPACE LAND -- Land on a developed parcel which is unbuilt upon and contains no paved parking, loading or driveway areas, but which may contain active or passive recreation areas, including incidental paving related thereto. A minimum of 35% of open space land must be usable open space, as defined herein.

OPEN SPACE, LANDSCAPED -- Open space designed and developed for pleasant appearance in trees, shrubs, ground covers and grass, including other landscaped elements, such as natural features of the site, walks and terraces, and also including open areas accessible to and developed for the use of the occupants of the building.

OPEN SPACE, USABLE -- Open space land which is free of automotive traffic and parking and readily accessible to those for whom it is intended. It must have an average grade of less than 8%

and be sufficiently well drained to permit its use for informal recreation for most seasons of the year. Such space may include open areas intended for the exclusive use of site occupants as well as those accessible to the public.

OPEN YARD AREA -- A yard area which is unbuilt upon, but which may include sidewalks, swimming pools, terraced areas, patios, playcourts and playground facilities, and is not devoted to streets, driveways, off-street parking or loading spaces or other paved areas.

OUTDOOR STORAGE AREA -- A space outside of a building which is used to keep merchandise for use, goods to be processed or machinery for use.

OWNER -- The duly authorized agent, attorney, purchaser, devisee, trustee, lessee or any person having vested or equitable interest in the use of the structure or lot in question.

PARKING SPACE -- An off-street space inside or outside a structure for exclusive use as a parking stall for one motor vehicle.

RECREATIONAL TRAILER OR VEHICLE -- A vehicular, portable unit designed for travel, camping or recreational use, including but not limited to the following:

A. TRAVEL TRAILER -- A vehicular, portable dwelling unit built on a chassis, being of any length, provided that its gross weight does not exceed 4,500 pounds, or being of any weight, provided that its overall length does not exceed 28 feet.

B. PICKUP CAMPER -- A portable dwelling unit designed to be mounted on a pickup truck or chassis, whether or not so mounted.

C. MOTORIZED CAMPER -- A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. TENT TRAILER -- A folding structure, constructed of canvas, plastic or similar water repellent material, designed to be mounted on wheels to be used as a temporary dwelling.

E. BOAT TRAILER -- A vehicle without motive power, designed to be drawn by a motor vehicle and designed for the hauling or storage of a boat, aircraft, snowmobile or other recreational vehicle. [Amended 5-22-1997 ATM by Art. 24]

F. BOATS -- Power and otherwise.

REPAIR -- With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size or location of a structure.

RESEARCH OR TESTING LABORATORIES -- Laboratories engaged in research, experimental and testing activities, including but not limited to the fields of biology, chemistry, electronics, engineering, geology, medicine and physics, but subject to the following conditions.

Any laboratory, the conduct of which may be disturbing or detrimental to the health, safety or welfare of persons working in or living near the proposed location of such laboratory, including special danger of fire or explosion, radiation, disease, pollution of waterways, corrosive, toxic or noxious fumes, gas, smoke, soot, obnoxious dust, hazardous waste, disagreeable odors, offensive noise or vibrations or potential danger to public health, is expressly prohibited. Permitted laboratories may manufacture, process or store goods and materials to the extent such manufacturing, processing or storage is a part of and related solely to such research, experimental and testing activities, but all other manufacturing, processing or storage of goods and materials is expressly prohibited.

RESTAURANT -- An establishment where the principal activity is the service or sale of prepared food or drink for on-premises or off-premises consumption.

ROOMING OR LODGING HOUSE -- A building containing four or more lodging units.

SEMIDETACHED DWELLING -- See "duplex house."

SETBACK -- The shortest horizontal distance from the front line to the nearest building wall or building part.

SIGN -- Any permanent structure, device, letter, word, model, insignia, trade flag, streamer, display, emblem or representation used as, or which is in the nature of, an advertisement, announcement or direction or is designed to attract the eye. This definition shall include signs located within a window when illuminated. Marquees, canopies, clocks, thermometers and calendars shall be subject to these provisions when used in conjunction with signs as defined above. A sign shall be painted, posted or otherwise securely affixed to a substantial intermediate removable surface and, except for freestanding signs, such surface shall be securely affixed to the face of the building front, which can be street or parking lot frontage, but shall be in a single, unbroken plane. The foregoing shall not prevent installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building, provided that such letters or devices have a minimum depth or projection of 1/4 of an inch. The material of the sign and intermediate surface and the manner of affixation of the sign to the intermediate surface and of the intermediate surface to the wall of the building shall be subject to the approval of the Building Inspector for the purpose of protecting the safety of the public.

SIGN, ACCESSORY -- Any sign that, with respect to the premises on which it is erected, advertises or indicates one or more of the following: the person occupying the premises, the business transacted on the premises and directional or parking instructions; or the sale or leasing of the premises or any part thereof.

SIGN AREA; AREA OF A SIGN; SIGNAGE -- The area of the smallest horizontally or vertically oriented rectangle which could enclose all the display area of the sign, together with

any backing different in color or material from the finish material of the building face, without deduction for open space or other irregularities. Structural members not bearing advertising matter shall not be included unless internally or decoratively lighted. Only one side of flat, back-to-back signs need be included in calculating sign area.

SIGN, CANOPY -- A roof-like covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way and carried by a frame supported upon the ground or sidewalk.

SIGN FACING OR FACE -- The surface of a sign, board, background area and structural trim upon, against or through which a message is displayed or illustrated on the sign.

SIGN, FREESTANDING -- A sign not a part or attached to any building but generally located elsewhere on a lot.

SIGN, GROUND -- A freestanding sign located on or close to the ground, the top of which shall not be higher than four feet above the ground.

SIGN, PERMANENT -- Any sign as defined above, intended to be erected and maintained for more than 90 days.

SIGN, PORTABLE -- A freestanding sign not permanently affixed, anchored or secured to the ground or a structure on the lot it occupies, including trailered signs but excluding signs affixed to or painted on a vehicle.

SIGN, PRIMARY WALL -- A sign on the building face fronting on a street or parking lot frontage.

SIGN, PROJECTING -- Any sign which is attached to a building or other structure and any part of which projects more than 18 inches from the wall surface of that portion of the building or structure in front of which the sign is positioned.

SIGN, ROOF -- Any sign erected, constructed and maintained upon or over the roof of any building.

SIGN, SECONDARY WALL -- A sign located on any building face fronting on a street or parking lot frontage other than that of the primary wall sign. The cumulative area of all secondary wall signs shall not exceed 50% of the maximum possible area of the primary wall sign.

SIGN, STANDING OR POLE -- A freestanding sign not exceeding 15 feet in height with eight feet of clearance under the sign and erected upon supporting devices or stands.

SIGN, TEMPORARY -- Any sign, including its supporting structure, intended to be maintained for a continuous period not to exceed 90 days.

SIGN, WALL -- A sign not exceeding four feet in height securely affixed to a wall projecting not more than 12 inches from and parallel to the face of such wall, not projecting beyond the building face fronting on a street or parking lot nor above the highest line of the building to which it is attached. A wall sign shall be no higher than the lowest of the following: 25 feet above-grade; the bottom of the sills of the first level of windows above the first story; or the cornice line of the building at the building line. If attached to a parapet, a sign shall not exceed the height of the parapet.

SIGN, WINDOW -- Signs painted or posted on an interior translucent surface, including windows and doors, such coverage not to exceed 25% of the area visible from the exterior of the building.

SPECIAL PERMIT -- A use of a structure or lot or any action upon a premises which may be permitted under this chapter only upon application to and the approval of the BA or WPB in accordance with Article VII hereof.

STORY -- The portion of a building which is between one floor level and the next higher floor level or the roof. If a mezzanine floor area exceeds 1/3 of the area of the floor immediately below, it shall be deemed to be a story. A basement shall be deemed to be a story when its ceiling is four feet six inches or more above the finish grade. A cellar shall not be deemed to be a story. An attic shall not be deemed to be a story if unfinished and not used for human occupancy.

STORY, HALF -- A story which is under a gable, hipped or gambrel roof, where less than 1/2 the floor area has a clear height of seven feet or more.

STREET -- A public or private way which is accepted or devoted to public use by legal mapping or by other lawful procedure. It shall be synonymous with the words "road," "avenue," "highway" and "parkway" and other similar designations.

STRUCTURE -- A combination of materials for permanent or temporary occupancy or use, such as a building, bridge, trestle, tower, framework, retaining wall, tank, tunnel, tent, stadium, reviewing stand, platform, swimming pool, shelters, piers, wharves, bin, fence, sign, satellite microwave dish or the like.

THREE-FAMILY DWELLING -- A house containing three dwelling units.

TOWNHOUSE -- See "attached dwelling."

TRAILER -- Any vehicle which is immediately portable and is arranged, intended, designed or used for sleeping, eating or business or is a place in which persons may congregate, including a mobile home, house trailer or camper. A trailer, whether immediately portable or no longer immediately portable by virtue of having its wheels removed or skirts attached, shall not be considered a building for the purposes of this chapter.

TWO-FAMILY DWELLING -- A house on a single lot containing two dwelling units. This definition includes duplex houses.

USE -- The purpose for which a structure or lot is arranged, designed or intended to be used, occupied or maintained.

USE, ACCESSORY -- A use incidental and subordinate to the principal use of a structure or lot or a use, not the principal use, which is located on the same lot as the principal structure. (See § 145-20.)

USE, NONCONFORMING -- A use lawfully existing at the time of adoption of this chapter or any subsequent amendment thereto which does not conform to one or more provisions of this chapter. (See Article VIII.)

USE, PRINCIPAL -- The main or primary purpose for which a structure or lot is designed, arranged or intended or for which it may be used, occupied or maintained under this chapter.

USE, SUBSTANTIALLY DIFFERENT -- A use which by reason of its normal operation would cause readily observable difference in patronage, service, appearance, noise, employment or similar characteristics from the use to which it is being compared.

VARIANCE -- A departure from the terms of this chapter authorized by the BA under the terms of § 145-72 hereof.

WPB -- Winthrop Planning Board.

YARD -- An open space unobstructed from the ground up, on the same lot with a principal building, extending along a lot line or front lot line and inward to the principal building. The size of a required yard shall be measured as the shortest distance between the outer face of the building foundation wall and a lot line or front lot line. Structures which are below finished lot grade, including shelters for nuclear fallout, shall not be deemed to occupy required yards.

YARD, FRONT -- A yard extending for the full width of the lot between the front line of the nearest building wall and the front lot line.

YARD, REAR -- A yard unoccupied, except by an accessory structure or accessory use as herein permitted, extending for the full width of the lot between the rear line of the building wall and the rear lot line.

YARD, SIDE -- A yard unoccupied, except by an accessory structure or use as herein permitted, between a building and a side lot line extending from the front yard to the rear yard. In the case of a lot having no street frontage or a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE III, Establishment of Districts

## ARTICLE III, Establishment of Districts

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE III, Establishment of Districts / § 145-6. Designation of districts.

### § 145-6. Designation of districts.

The Town of Winthrop is hereby divided into zoning districts designated as follows:

A. Residential A (RA).

B. Residential B (RB).

C. Residential C (RC).

D. Center Business (CB).

E. Business A (BA).

F. Light Manufacturing (LM).

G. Conservation District (C).

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE III, Establishment of Districts / § 145-7. Zoning Map.

### § 145-7. Zoning Map.

A. The above zoning districts are shown on the Zoning Map, dated November 7, 1983, as amended to date and filed with the Town Clerk. Said Zoning Map, as amended to date, is hereby declared to be a part of this chapter.[EN(1)]

B. Every parcel of land shown on the Zoning Map not otherwise shown as zoned is hereby zoned as a Residential A District; and all unzoned land within the Town of Winthrop, if any,

is hereby zoned as a Residential A District.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE III, Establishment of Districts / § 145-8. Boundaries of districts.

### § 145-8. Boundaries of districts.

A. Guidelines for determining the boundaries between districts shall be, unless otherwise indicated, the center line of a street, alley or railroad; a line parallel to a street, alley, railroad or other feature, at a distance designated on the Zoning Map; a metes and bounds description; or a property line shown on the Winthrop tax assessment maps.

B. In the case of a disputed boundary, the decision shall be made by the Building Inspector using the above guidelines, subject to the appeal procedures provided by law.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE III, Establishment of Districts / § 145-9. Lots in two districts.

### § 145-9. Lots in two districts.

Where a district boundary line divides an existing lot, and the major portion of said lot is in the less restrictive district, the regulations for the less restrictive portion of such lot may extend as well to such portion of said lot as is not more than 20 feet within the more restrictive district, provided that the lot has frontage on a street in the less restrictive district.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations

# ARTICLE IV, Use Regulations

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-10. Purpose and intent.

**§ 145-10. Purpose and intent.**

It is the purpose and intent of this article to list those uses which are specifically allowed or specifically prohibited in the various zoning districts listed in Article III of this chapter. Any use not listed herein is prohibited.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-11. Application.

**§ 145-11. Application.**

Except as herein provided, the provisions of this chapter shall apply to the erection, construction, reconstruction, alteration or use of buildings, structures or use of land. Except as herein provided, any existing nonconforming use, structure or lot shall not become further nonconforming.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-12. Existing buildings and land.

**§ 145-12. Existing buildings and land.**

This chapter shall not apply to existing buildings or structures nor to the existing use of any building, structure or land to the extent to which it is legally used at the time of adoption of this chapter, but it shall apply to any change of use thereof and to any alteration of a building or structure when the same would amount to reconstruction, extension or structural change and to any alteration of a building or structure to provide for its use for a purpose or in a manner substantially different from the use to which it was put before alteration or for its use for the same purpose to a substantially greater extent. (See Article VIII, Nonconforming Uses.)

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-13. Mixed use development.

**§ 145-13. Mixed use development.**

A. Mixed use development is permitted in districts specified in § 145-21, Table of Use Regulations , subject to approval of a special permit (with environmental design review) by

the Planning Board. "Mixed use development" is defined as combining residential use and nonresidential use on a single lot or in a single building. Combinations of permitted uses within a single building are permitted, provided that all applicable health and safety regulations and all requirements of this chapter are followed. Prior to issuing a special permit for mixed use development, the Planning Board shall make a specific finding that any and all uses proposed in a mixed use development are compatible with one another.

B. Any ground floor uses in an existing building in a mixed use development shall be nonresidential rather than residential use. An existing structure may be used for mixed use development only if residential uses are located in existing space above the ground floor level. No new space specifically for residential use shall be added to an existing structure, although the upper floors of an existing structure may be converted to residential use. [Amended 5-23-2002 ATM by Art. 22]

C. Mixed use development shall conform to the permitted uses and dimensional regulations in the district where permitted. Multidwelling and dwelling unit density shall not exceed one dwelling unit per 2,000 square feet of upland lot area in a mixed use development. Off-street parking shall conform to the requirements of § 145-30, Table of Required Off-Street Parking. [Amended 5-23-2002 ATM by Art. 22]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-14. Applicability of use regulations.

### § 145-14. Applicability of use regulations.

Except as provided in this chapter, no building, structure or land shall be used except for the purpose permitted in the district, by right or by special permit, as described in this chapter.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-15. Uses subject to other regulations.

### § 145-15. Uses subject to other regulations.

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this chapter.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 /

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-16. Trailers and/or mobile homes. [Amended 5-22-1997 ATM by Art. 24]

### § 145-16. Trailers and/or mobile homes. [Amended 5-22-1997 ATM by Art. 24]

No person, except as hereinafter provided, shall occupy or use or permit to be used or occupied for dwelling, habitation, business, trade, profession, storage or similar purposes any trailer, trailer coach, mobile home, vehicle or portable building. In cases of emergency, hardship, accident, fire or similar unforeseen or special circumstances, occupancy of a trailer, trailer coach, mobile home or portable building for temporary dwelling purposes may be authorized by written permit of the Building Inspector with the written approval of the Board of Selectmen. Such permit shall expire six months from the date of issue except that an extension for a period not to exceed 90 days may be authorized, in writing, by the Building Inspector with the written approval of the Board of Selectmen. Such permit shall be subject to such conditions and restrictions as may be imposed by the Board of Selectmen consistent with the purposes of this chapter. This section shall not apply to trailers, similar vehicles and portable buildings actually in use and accessory to construction and building projects and located on the site of such construction or building project during the construction period. [Note: This section shall not be deemed to prohibit or limit the right of "an owner and occupier of a residence which has been destroyed by fire or other natural holocaust from placing a mobile home on the site of such residence and residing in such home for a period not to exceed 12 months while the residence is being rebuilt," pursuant to MGL c. 40A, § 3 (fifth paragraph).]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-17. Customary home occupations.

### § 145-17. Customary home occupations.

For the use of a dwelling in a Residential A District for a home occupation (see definitions), the following conditions shall apply:

A. The use shall be carried on strictly within the principal building.

B. No nonresident of the dwelling shall be employed therein, except one subordinate employee.

C. Not more than 25% of the existing gross floor area of the dwelling unit so used, not to exceed 600 square feet, shall be devoted to such use. In connection with such use, there shall be kept no stock-in-trade, commodities or products which occupy space beyond these limits.

D. There shall be no display of goods or wares visible from the street.

E. All advertising devices visible from off the lot are specifically prohibited.

F. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to the exterior appearance, emission of odor, gas, smoke, dust, noise, electrical disturbance or in any other way. In a structure containing more than one dwelling unit, the use shall in no way become objectionable or detrimental to any residential use within the structure.

G. Any such building shall include no feature of design not customary in buildings for residential use.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-18. Parking in residence districts.

### § 145-18. Parking in residence districts.

A. Parking of unregistered vehicles in residence districts. The ungaraged parking of an unregistered car, truck or trailer is not permitted in any residential district.

B. Parking of other vehicles in residence districts.

(1) Garage or driveway space may be provided for not more than three noncommercial vehicles per dwelling unit, including a single truck or commercial vehicle not exceeding three-quarter-ton capacity. Garage or driveway space for more than one commercial vehicle or truck not exceeding three-quarter-ton capacity may be provided with a special permit from the Board of Appeals; however, if such a special permit is granted, the second vehicle must be garaged.

(2) The parking of a commercial vehicle in a residential district is subject to the following additional regulations:

(a) The vehicle shall not exceed three-quarter-ton capacity (manufacturer's rating).

(b) The vehicle shall be permitted only if used as a means of transportation to and from the resident's place of business.

(c) It shall not be loaded with inflammable, noxious, dangerous or unsightly materials.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 /

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-19. Uses permitted in a conservation district.

### § 145-19. Uses permitted in a conservation district.

A. Uses. The following uses are permitted in a conservation district:

(1) Conservation of water, plants and wildlife.

(2) Outdoor recreation, including play areas, nature study, boating and fishing, where otherwise legally permitted but excluding buildings and structures (and pavement).

(3) Noncommercial signs, wildlife management areas, foot, bicycle and/or horse paths and bridges, provided that such uses do not affect the natural flow pattern of any watercourse.

B. Uses by special permit. The following uses are permitted in a conservation district only upon special permit issued by the Planning Board in accordance with Article VII:

(1) Boathouses, golf clubs, skating, picnic, shelters and other structures for recreational use by nonprofit organizations, including but not limited to public agencies.

(2) Installation of utility lines necessary to serve areas inside and outside the district where other access is not feasible.

C. Special permit criteria in Conservation District. Prior to issuing a special permit for uses requiring a special permit in the Conservation District, the Planning Board shall consider the following:

(1) Proof of suitability. The applicant shall furnish proof to the Planning Board that the land in question is not subject to high water or erosion, nor unsuitable because of drainage conditions for the intended use.

(2) Reports by other boards. The Conservation Commission, Board of Selectmen and Board of Health shall review the proof of suitability furnished by the applicant and report thereon to the Planning Board within 30 days of receipt of said proof.

(3) Limitation of proposed use. The Planning Board shall find that the proposed use, including the development thereof, will not interfere with the purpose for which the Conservation Commission has been established and will not be detrimental to the public health, safety or welfare, and shall set such limits to the special permit as will safeguard said purposes.

(4) The provisions of Article VII, Special Permits, § 145-37, Environmental design review

by Winthrop Planning Board.

D. Prohibited uses. The following uses are prohibited in a conservation district:

(1) The storage or disposal of any soil, loam, peat, sand, gravel, rock or other material substance, refuse, trash, rubbish, debris or dredged spoil.

(2) Drainage, excavation or dredging or removal or relocation of loam, peat, sand, gravel, oil or other mineral substance except as accessory to work permitted as a right or by special permit.

(3) Any building or structure (private or public) except as permitted above.

(4) Permanent storage of materials or equipment.

(5) The storage or disposal of materials used for snow and ice control, including sand, salt and other de-icing chemicals.

(6) The storage or disposal of hazardous wastes, as defined by the Hazardous Waste Regulations promulgated by the Hazardous Waste Board, the Water Resources Commission and the Division of Water Pollution Control under the provisions of MGL c. 21, §§ 27 (8), 52, 57 and 58.[EN(2)]

E. Purpose. The Conservation District is intended for the following purposes:

(1) The preservation and maintenance of salt water marshes, to protect the tidal flow of the marsh that is an integral element in the balance of nature within the Boston Harbor area.

(2) The protection of the Town against the costs which may be incurred when unsuitable development occurs in swamps, marshes, along watercourses, in areas of high impact due to overcrowding of land and undue concentration of population or on slopes subject to erosion.

(3) To preserve and increase the amenities of the Town and foster enjoyment of its remaining natural resources as recreational values.

(4) To conserve natural conditions, wildlife and open space for the education, recreation and general welfare of the public.

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-20. Accessory uses.**

**§ 145-20. Accessory uses.**

A. Residential A District. Accessory uses shall include the following:

(1) Home occupation, as defined in Article II, Terminology. (See also § 145-17.)

(2) Private swimming pool, provided that it conforms to Article XI of this chapter.

(3) Temporary yard, lawn or garage sales with a permit from the Board of Selectmen (not more than two days per year).

(4) Garage for parking noncommercial vehicles.

(5) Storage shed or barn not exceeding 1,200 square feet in area or 16 feet in height.

(6) Piers and wharfs. [Added 4-27-1995 ATM by Art. 15]

B. Multifamily residential districts. In multifamily developments, the following accessory uses may be included if reserved for the occupants' use: administrative offices, recreation rooms, common laundry room, swimming pool, piers, wharfs and other recreational facilities. [Amended 4-27-1995 ATM by Art. 15]

C. Business and manufacturing districts. Accessory uses shall include the following: [Amended 4-27-1995 ATM by Art. 15]

(1) Accessory business production. Light manufacturing or preparation of products customarily sold on the premises by the producer to consumer is permitted in the Business District if limited to not more than 25% of the total gross floor area of the establishment and not engaging more than five employees at one time.

(2) Accessory drive-up service. A drive-up or drive-in window for a bank, laundry drop, restaurant or other business establishment shall require a special permit from the Board of Appeals to ensure that moving or waiting cars create no hazard or obstruction on a street or parking lot used by the general public. Drive-up service shall not constitute a nuisance of any type and shall not operate after 11:00 p.m.

(3) Accessory outdoor storage and display. Outdoor storage and display accessory to a business or manufacturing use next to a residential district shall not be permitted within 15 feet of the district boundary.

(4) Accessory parking and loading. Parking and loading accessory to a business or manufacturing use is permitted in business and manufacturing districts, subject to the requirements of Article VI, Off-Street Parking and Loading.

(5) Accessory manufacturing retail. The finished products of an industrial establishment may be sold in the enclosed premises at retail, provided that:

(a) The floor area devoted to such retail does not exceed 10% of the total gross floor area.

(b) Accessory retail parking, signs and illumination are regulated as for a business district.

(c) The retail portion of the establishment is closed to the public during periods of change of shift.

(6) Accessory employee service. Provision may be made on the premises of an industrial or office establishment or within an industrial park for the primary use of persons employed or having business there to serve food, sell small convenience articles, to provide areas for recreation and meeting and for the provision of a day nursery, kindergarten or day-care center.

(7) Piers and wharfs.

(8) Antennas and satellite dish antennas. Antennas and satellite dish antennas are permitted in Business A and Light Manufacturing Districts only, provided that they do not exceed a height of 65 feet from the ground. Ground-mounted antennas must comply with the yard regulations of the applicable zoning district and the coverage requirements, where applicable. Roof-mounted antennas shall be screened by recessing the antenna back from the roof line, or by constructing a screen of similarly textured roofing or exterior wall material. Ground-mounted antennas shall be screened at their base up to a height of eight feet by fencing or plant materials. In areas accessible to the public, security fencing shall also be provided.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IV, Use Regulations / § 145-21. Table of Use Regulations. [Amended 4-23-1990 ATM by Art. 21; 5-4-1992 ATM by Art. 31; 5-22-1997 ATM by Art. 24; 5-23-2002 ATM by Art. 22; 6-3-2004 ATM by Art. 27]

### § 145-21. Table of Use Regulations. [Amended 4-23-1990 ATM by Art. 21; 5-4-1992 ATM by Art. 31; 5-22-1997 ATM by Art. 24; 5-23-2002 ATM by Art. 22; 6-3-2004 ATM by Art. 27]

A. See the Table of Use Regulations on the accompanying pages, which is declared to be part of

this chapter.

B. In the following Table of Use Regulations the uses permitted by right in the district are designated by the letter "Y." Those uses that are permitted by special permit in the district are designated by the letters "SP." Those uses that are not permitted in the district are designated by the letter "N."

**Legend for Table of Use Regulations:**

| | | |
|---|---|---|
| SP1 | = | Special permit by BA |
| SP2 | = | Special permit by BA with environmental design review |
| SP3 | = | Special permit by WPB with environmental design review |
| SP4 | = | Special permit by BA (See § 145-45, Preexisting multiunit dwellings.) |
| Y | = | Permitted use |
| $Y_1$ | = | Any use employing more than 30 people per lot now requires SP3 permit |
| N | = | Not a permitted use |

**Districts:**

| | |
|---|---|
| RA | Residential A |
| RB | Residential B |
| RC | Residential C |
| BA | Business A |
| CB | Center Business |
| LM | Light Manufacturing |

**Districts:**

C Conservation

WF Waterfront

**Table of Use Regulations**

| | Zoning Districts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Principal Permitted Uses** | **RA** | **RB** | **RC** | **BA** | **CB** | **LM** | **C** | **WF** |
| **Residential and Institutional Uses** | | | | | | | | |
| Single-family detached dwelling | Y | Y | Y | Y | N | SP3 | N | Y |
| 2-family detached dwelling | Y | Y | Y | Y | N | SP3 | N | Y |
| Semidetached dwelling (2-family) | Y | Y | Y | Y | N | SP3 | N | Y |
| Preexisting multiunit dwellings | SP4 | SP4 | SP4 | SP4 | SP4 | SP4 | N | SP4 |
| Religious purpose | Y | Y | Y | Y | Y | Y | Y | Y |
| Nonprofit educational use | Y | Y | Y | Y | Y | Y | Y | Y |
| Day-care center | N | N | N | SP2 | SP2 | SP3 | N | SP2 |
| Charitable or philanthropic use | SP1 | N | N | SP1 | SP1 | SP3 | N | SP1 |
| Club (noncommercial) | SP1 | N | N | SP1 | SP1 | SP3 | N | SP1 |
| Agricultural use on site of 5 acres or greater | Y | Y | Y | Y | Y | Y | Y | Y |
| Nurseries or greenhouses | N | N | N | SP1 | SP1 | SP3 | N | SP1 |
| Public buildings | SP1 | N | N | Y | Y | SP3 | Y | Y |

## Table of Use Regulations

| | Zoning Districts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Principal Permitted Uses** | **RA** | **RB** | **RC** | **BA** | **CB** | **LM** | **C** | **WF** |
| Customary home occupation | Y | N | N | Y | Y | SP3 | N | Y |
| Real estate or insurance office | N | N | N | Y | Y | SP3 | N | Y |
| Professional offices, including but not limited to doctors and dentists | N | N | N | Y | Y | $Y_1$ | N | Y |
| Telephone exchange | SP1 | N | N | SP1 | SP1 | SP3 | N | SP1 |
| Hospitals | SP2 | N | N | SP2 | SP2 | SP3 | N | SP2 |
| Nursing homes, rest homes, convalescent homes and sanitariums | N | N | N | SP2 | SP2 | SP3 | N | SP2 |
| Cemetery | SP2 | N | N | SP2 | N | SP3 | N | SP2 |
| Funeral home | N | N | N | SP2 | SP2 | SP3 | N | SP2 |
| Garden apartments | N | SP3 | SP3 | N | N | N | N | N |
| Attached dwellings | N | SP3 | SP3 | N | N | N | N | N |
| Apartment houses (mid-rise) | N | N | SP3 | N | N | N | N | N |
| Accessory use to permitted residential use | Y | Y | Y | Y | Y | Y | Y | Y |
| **Business Uses** | | | | | | | | |
| Physicians', dentists' and professional offices not incidental to residence | N | N | N | Y | Y | $Y_1$ | N | Y |
| Professional and business offices and financial institutions | N | N | N | Y | Y | $Y_1$ | N | Y |

## Table of Use Regulations

| | Zoning Districts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Principal Permitted Uses** | **RA** | **RB** | **RC** | **BA** | **CB** | **LM** | **C** | **WF** |
| Place of amusement or assembly | N | N | N | SP2 | SP2 | N | N | SP2 |
| Hotels and motels of 20 or more rooms | N | N | N | SP2 | SP2 | SP3 | N | SP2 |
| Restaurant | N | N | N | SP1 | SP1 | SP1 | N | SP1 |
| Fast-order food establishment | N | N | N | N | N | N | N | N |
| Retail stores and services | N | N | N | Y | Y | N | N | Y |
| Gasoline station, full service (See § 145-40) | N | N | N | SP2 | N | N | N | N |
| Self-service gasoline station as an accessory use to a gasoline station | N | N | N | SP2 | N | N | N | N |
| Auto repair and auto body repair | N | N | N | SP2 | N | N | N | N |
| Drive-in retail or service establishment | N | N | N | SP1 | N | N | N | N |
| Ambulance service | N | N | N | Y | N | Y | N | N |
| Auto rental or sales (§ 145-41) | N | N | N | SP1 | N | SP1 | N | N |
| Mixed-use development (§ 145-13) | N | N | N | SP3 | SP3 | N | N | SP3 |
| **Industrial Uses** | | | | | | | | |
| Light manufacturing (see definition) | N | N | N | N | N | $Y_1$ | N | N |

## Table of Use Regulations

| | Zoning Districts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Principal Permitted Uses** | **RA** | **RB** | **RC** | **BA** | **CB** | **LM** | **C** | **WF** |
| Retail trades and shops for custom work or light manufacturing when a major portion of products is sold on the premises | N | N | N | Y | Y | SP3 | N | Y |
| Research or testing laboratory (see definition) | N | N | N | SP3 | SP3 | $Y_1$ | N | SP3 |
| Auto graveyard or junkyard | N | N | N | N | N | N | N | N |
| Any nonresidential use in excess of 5,000 square feet of floor space | N | N | N | SP3 | SP3 | SP3 | N | SP3 |
| **Conservation Uses** | | | | | | | | |
| Conservation of water, plants and wildlife | Y | Y | Y | Y | Y | Y | Y | Y |
| Outdoor recreation | Y | Y | Y | Y | Y | Y | Y | Y |
| Noncommercial signs, wildlife management areas, paths and bridges | Y | Y | Y | Y | Y | Y | Y | Y |
| Boathouse, golf club, skating, picnic and other recreational structures | SP1 | N | N | Y | Y | Y | SP3 | Y |
| Installation of utility lines | Y | Y | Y | Y | Y | Y | SP3 | Y |
| Outdoor uses and recreation uses which occupy over 6,000 square feet | SP3 | SP3 | SP3 | SP3 | SP3 | SP3 | SP3 | SP3 |

**Table of Use Regulations**

| | Zoning Districts | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| **Principal Permitted Uses** | **RA** | **RB** | **RC** | **BA** | **CB** | **LM** | **C** | **WF** |
| Marina | N | N | N | N | N | N | N | Y |

**NOTES:**
See § 145-38 for required review of specific properties in the business districts by the Town Design Review Board.

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE V, Dimensional Regulations**

## ARTICLE V, Dimensional Regulations

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE V, Dimensional Regulations / § 145-22. Purpose and intent.**

### § 145-22. Purpose and intent.

The purpose and intent of this article is to provide adequate lot size, frontage, privacy, daylight, sunlight and air in the Town; to secure safety; to prevent overcrowding of land; to provide at least a minimum of useful outdoor space; and to establish a minimum and a maximum relationship between lot and structure for the purpose of retaining and preserving the amenities of the various areas of the Town of Winthrop.

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE V, Dimensional Regulations / § 145-23. General regulations.**

**§ 145-23. General regulations.**

A. Number of one- or two-family residential buildings on a lot. Any one lot in a Residential A District shall not contain more than one single-family or two-family dwelling.

B. Area and frontage requirements for all districts.

(1) Upon approval of the Planning Board, the required frontage for lots on curved streets where the radius of the arc at its degree of greatest curve is less than 100 feet and lots on turning circles may be reduced by not more than 50%, provided that the required lot width is attained at the required minimum front setback line.

(2) In determining the area and frontage of a lot there shall not be included any land within the limits of a street upon which such lot abuts, even if the title to such street is in the owner of the lot, except that if a corner lot has its corner bounded by a curved line connecting other bounding lines which, if extended, would intersect, the area and frontage shall be computed as if such bounding lines were so extended.

(3) A lot upon which is located a building or for which a building permit has been issued and is then outstanding shall not be subdivided or reduced in area in any manner unless there is retained for such lot sufficient area and frontage to meet the requirements of this chapter and unless such lot has retained (and any building thereon) meets all the other requirements of this chapter. If land is subdivided, conveyed, devised or otherwise transferred in violation hereof, no building permit shall be issued with reference to such transferred land until the lot retained meets the requirements of this chapter. Any land taken by eminent domain or conveyed for a public purpose for which the land could have been taken by eminent domain shall not be deemed to be transferred in violation of the provisions hereof.

(4) No lot on which is located any building used for residence purposes in any district shall be reduced or changed in area of shape so that the building or lot fails to comply with the provision of this chapter. This subsection, however, shall not apply in the case of a lot a portion of which is taken for a public purpose.

C. Yard requirements for all districts. Where a side or rear yard is adjacent to a street, the side or rear yard requirement shall be the same as the distance specified for front yard setback (unless specifically excepted herein).

(1) No front yard shall be used for the open storage of boats, vehicles, travel trailers or any other equipment. In one- and two-family districts, parking of motor vehicles is prohibited in the front yard, except in the driveway. In business and industrial districts, parking is permitted in the front yard area, provided that a fifteen-foot landscaped strip is

provided adjacent to the street right-of-way line.

(2) No part of a required yard may be occupied by any building or structure except a building of accessory use, provided that windowsills, belt courses and other ornamental features may project not more than three inches and cornices may project not more than 15 inches into any required yard; and a roofed or unroofed but otherwise unenclosed first story porch with a floor area not exceeding 20 square feet and steps may project into the required front or rear yard.

(3) No building need provide a front yard in excess of the average of the building setbacks on either side (assuming a vacant lot to meet the district requirement). Where one- and two-family residential buildings on lots totaling 3/4 of the frontage of one side of a street between two intersecting streets have been set back more than 15 feet, the front yard shall have a minimum setback equal to the setback observed by all the buildings on such 3/4 of the frontage.

(4) Business structures or uses shall not display goods for sale purposes or display coin-operated vending machines of any type in any location which would infringe upon the required yard areas specified in this chapter.

(5) An accessory building attached to a principal building shall comply in all respects with the yard requirements of this chapter for the principal building. An unattached accessory building not greater than 16 feet in height serving a dwelling in a Residential A District may be located in a side or rear yard within five feet of a side or rear lot line and not closer than 10 feet from the principal building. [Amended 4-29-1993 ATM by Art. 19]

(6) See § 145-65 for yard requirements for swimming pools.

(7) No yard, court or other open space required for a building by this chapter shall during the life of such building be occupied by or counted as open space for another building.

D. Exemptions to maximum height regulations. The height limitations as set forth in the Table of Dimensional Regulations shall not apply to those accessory structural features described in the definition of building height in Article II, Terminology. In the Light Manufacturing District, any such accessory structural features shall not exceed a height of 65 feet from the ground.

E. Traffic visibility at driveways and corners.

(1) Traffic visibility at driveways. A fence, hedge, wall, sign or other structure or vegetation may be maintained on any lot provided 21/2 feet in height above the adjacent ground within five feet of the front lot line unless it can be shown that such vegetation or structure will not restrict visibility in such a way as to hinder the safe entry of a vehicle

from any driveway to the street.

(2) Traffic visibility at corners. Between the property lines of intersecting streets and a line joining points on such lines 25 feet distant from their point of intersection or, in the case of a rounded corner, the point of intersection of their tangents, no building or structure or obstruction in any district may be erected and no vegetation other than shade trees may be maintained between a height of three feet and seven feet above the plane through their curb grades. [Amended 4-22-1996 ATM by Art. 14]

F. Screening and buffer strips in manufacturing, business and multiple residence districts.

(1) Screening and buffer strips containing no buildings, parking areas or accessory uses shall be required in any industrial, business or multiple residence district which abuts a residential district. The minimum width of this strip shall be 15 feet, of which 10 feet shall not be paved.

(2) The strip shall contain a screen of plantings of vertical habit not less than three feet in width and four feet in height at the time of occupancy of such lot and shall grow to a minimum of four feet in width and five feet in height at maturity. Individual shrubs or trees shall be planted not more than 10 feet on center and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. At least 50% of the plantings shall consist of evergreens. A solid wall or fence, five feet in height, complemented by suitable plantings, may be substituted for such landscaped screen planting. No screen shall be closer than five feet to a public or private street right-of-way line.

G. Setback from open stream. In no case shall any building or structure be permitted within 50 feet of the embankment of any open stream, as defined by the Conservation Commission, using the applicable Massachusetts DBQE standards.

H. Multifamily dwellings. (See Article II for the definition of "multifamily dwellings" and "attached dwellings.")

(1) Garden apartments or attached dwellings may be allowed by special permit by the Planning Board in the Residential B District or in Residential C District. Mid-rise apartments or a combination of mid-rise and garden apartments and attached dwellings may be allowed by special permit by the Planning Board in the Residential C District. High-rise apartments constructed prior to January 1, 1988, are allowed in the Residential C District. Additional high-rise apartments are prohibited. It is the intent of this subsection to encourage the development (in appropriate locations) of attractive, functional low-density multifamily and attached dwellings which respond to the social and economic characteristics and needs of the present and future Winthrop population.

(2) In order to grant a special permit for a multifamily or attached dwelling development in districts where permitted, the Planning Board must find that the developer has met all of the general requirements for a special permit set forth in Article VII and has conformed to the environmental design review requirements of § 145-37. In addition, the following specific requirements shall also be met:

(a) The minimum lot size for multifamily dwellings, where permitted, shall be 20,000 square feet.

(b) The maximum overall density for garden apartments and attached dwellings in the Residential B District shall be one unit per 2,500 square feet of lot area. The maximum overall density for mid-rise apartments or a combination of mid-rise and garden apartments or attached dwellings in the Residential C District shall be one unit per 2,000 square feet of lot area.

(c) Where a development containing multifamily or attached dwellings is adjacent to a single-family district or preexisting commercial or industrial development, a buffer strip as described in Subsection F above shall be required.

(d) Any proposed multifamily or attached dwelling development shall be served by public water and sewerage systems.

(3) Parking areas and open space for multifamily dwellings.

(a) No open parking or driveway shall be closer than 12 feet to a wall containing windows to habitable rooms of a dwelling unit which are on the ground floor or basement floor.

(b) At least 30% of the total area of the multifamily dwelling complex shall be maintained as open yard areas. (See Article II for the definition of "open yard area.")

(4) Summary of dimensional regulations for multifamily dwellings. The minimum dimensional controls for multifamily dwellings shall be as follows (minimum requirements in feet unless otherwise indicated):

| | **Mid-Rise Apartment Complex** | **Garden Apartment or Attached Dwelling Complex** | **Individual Attached Dwelling (for each unit)** |
|---|---|---|---|

| | **Mid-Rise Apartment Complex** | **Garden Apartment or Attached Dwelling Complex** | **Individual Attached Dwelling (for each unit)** |
|---|---|---|---|
| Dwelling unit density (maximum) | 1 unit per 2,000 square feet | 1 unit per 2,500 square feet | -- |
| Lot coverage (maximum) | 20% | 30% | 40%[1] |
| Open area | 30% | 30% | 20%[1] |
| Lot frontage | 100 | 100 | 18 |
| Lot width | 100 | 100 | 18 |
| Height | | | |
| Feet | 65 | 35 | 35 |
| Stories | 6 | 3 | 2.5 |
| Yard | | | |
| Front | 50[2] | 25[2] | 20 |
| Side | 50[2] | 25[2] | None[4] |
| Rear | 50[2] | 40[2] | 20 |
| Minimum number of attached units in a row | -- | -- | 3 |
| Distance between unattached buildings | 50[3] | 25[3] | -- |
| Maximum number of attached units in a row | -- | -- | 10 |

**NOTES:**
[1]Percent of exclusive use zone. [See Subsection H(6).]
[2]Or 2/3 height of the building, whichever is greater.
[3]Or 2/3 height of the taller building, whichever is greater.
[4]Except that at the end of a row of attached dwellings, a twenty-five-foot setback shall be required.

(5) Parking and loading. The minimum parking and loading requirements shall be as specified in Article VI of this chapter.

(6) Additional requirements.

(a) There shall be a paved driveway or paved walk adequate to accommodate emergency vehicles within 50 feet of the outside entrance of each dwelling structure.

(b) Any road or driveway providing principal access to a multifamily or attached dwelling shall conform to appropriate provisions of the subdivision control regulations as if it were a minor residential street. If deemed necessary by the Planning Board, such road or street shall be dedicated as a public way. No more than two driveways used as a means of access to garages or parking areas shall be provided for each 200 lineal feet of existing lot frontage or lot frontage or dedicated public ways.

(c) Individual attached dwellings may be sold as condominium units only and may not be sold as row houses with their own individual lots. Nothing in this subsection is meant to restrict the allocation of outdoor space adjacent to dwelling units for the exclusive use of the occupants of specific dwelling units, as discussed below.

(d) In attached dwelling developments, exclusive use zones for the exclusive use of occupants of individual dwelling units shall be shown on the site plan. The ground floor area of the dwelling unit plus the outdoor space allocated for the exclusive use of the dwelling unit shall make up the exclusive use zone. The ground floor of the building shall not occupy more than 40% of the exclusive use zone, and 20% of the exclusive use zone shall be outdoor open space not devoted to driveways or parking areas.

(e) See § 145-29 for parking requirements for multifamily or attached dwellings.

I. Conversion of dwellings. No existing single-family dwelling may be converted to a

two-family dwelling unless all area, dimensional and parking requirements for a two-family dwelling are met and all stairways leading to the second or any higher floor are enclosed so as to be within and in conformity with the construction and materials of the exterior walls of the building, and so as to comply with all front, rear and side yard requirements.

J. Preexisting lots. One-family and two-family dwellings on lots subdivided prior to July 1, 1982, shall be regulated as follows: Any alterations to existing structures on lots subdivided before July 1, 1982, come under Subsection J(2). No existing building may be altered to exceed 21/2 stories, not to exceed 35 feet. [Amended 4-23-1990 ATM by Art. 21; 5-4-1992 ATM by Art. 31; 4-29-1993 ATM by Art. 19]

(1) Lots subdivided prior to November 3, 1955.

| **Minimum** | **One- or Two-Family Dwelling** |
|---|---|
| Lot area | 5,000 square feet |
| Street frontage | 50 feet |
| Front yard | 15 feet |
| Side yard | 10 feet |
| Rear yard | 1/5 lot depth or 24 feet (whichever is less) |

(2) Lots subdivided between November 3, 1955, and July 1, 1982.

| **Minimum** | **One-Family Dwelling** | **Two-Family Dwelling** |
|---|---|---|
| Lot area | 5,000 square feet | 6,000 square feet |
| Street frontage | 50 feet | 50 feet |
| Lot width | 50 feet | 50 feet |
| Front yard | 15 feet | 15 feet |

| Minimum | One-Family Dwelling | Two-Family Dwelling |
|---|---|---|
| Side yard | 10 feet | 10 feet |
| Rear yard | 1/4 lot depth or 20 feet (whichever is less) | 1/5 lot depth or 25 feet (whichever is less) |

(3) Lots subdivided after July 1, 1982: (See Table of Dimensional Regulations, § 145-24.)

(4) Lot size exception for dwellings. A single-family dwelling only may be built on a lot having less than the required area and frontage as established by this section, provided that all front, side and rear yard requirements under this section are met; and provided further that prior to the effective date of this section, such lot was lawfully laid out in a plan or deed duly recorded or by a plan endorsed with the words "approval under the subdivision control law not required"; and such lot was held in separate ownership from that of adjoining land and located in the same residential district; and provided further that at the time of building, such lot has an area of not less than 3,500 square feet of land.

(5) Lot size exception in business and light manufacturing districts. In particular instances, the BA may permit a principal building to be erected on a lot containing an area or frontage, or both, of less than the minimum area or frontage requirements specified in the Table of Dimensional Regulations, if at the time of the adoption of such minimum requirements such lot was lawfully laid out and recorded by plan or deed and did not adjoin other land of the same owner available for use in connection with such lot, provided that the Board determines that such permission can be granted without substantial derogation from the intent and purpose of this section. A lot resulting from a taking by eminent domain after the adoption of said minimum requirements shall be deemed for the purpose of this subsection to have been lawfully laid out and recorded by plan or deed at the time of such adoption if the larger lot of which it was a part before such taking was so laid out and recorded. In granting such permission, the Board may permit front, side or rear yards of less than the minimum yard requirements specified herein.

K. Structures damaged by fire or other natural causes. Any structure damaged by fire or other natural causes shall be repaired or removed within one year of the cause of damage. [Added 4-22-1991 ATM by Art. 29]

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE V, Dimensional Regulations / § 145-24. Table of Dimensional Regulations.

### § 145-24. Table of Dimensional Regulations.

All buildings and uses hereinafter erected shall conform to the requirements of the accompanying table, entitled the "Table of Dimensional Regulations," which hereby is declared to be a part of this chapter.[EN(3)]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading

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## ARTICLE VI, Off-Street Parking and Loading

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## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-25. Intent of requirements.

### § 145-25. Intent of requirements.

A. It is the intent of this article that any use of land involving the arrival, departure, storage or entry upon the land of motor vehicles be so designed and operated as to reduce hazard to pedestrians upon the public sidewalks; to protect the use of adjoining property from nuisance caused by noise, fumes and glare of headlights which may result from the operation of cars parking off the street; and at the same time to reduce congestion in the streets and contribute to traffic safety by assuring adequate places for the standing and storing off the street of motor vehicles associated with any use of land.

B. In order that all structures and land uses eventually be provided with sufficient off-street parking space to meet the needs of persons employed at or making use of such structures or land uses, no application for a permit for the erection of a new structure or substantial alteration of an existing structure to the extent specified in § 145-26 or for the development of a land use shall be approved unless the plan for off-street automobile parking facilities is in accordance with the provisions of §§ 145-29 and 145-30.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 /

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-26. Off-street parking required facilities.

### § 145-26. Off-street parking required facilities.

A. Structures and land uses in existence or for which building permits have been issued at the date of adoption of this article shall not be subject to the requirements of this section so long as the use is not substantially different, provided that any parking facilities now serving such structure or uses shall not in the future be reduced below the current parking requirements.

B. Whenever there is an alteration of a structure or a change or extension of a use which increases the parking requirements by 34% or more according to the standards of § 145-30, Table of Required Off-Street Parking, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of § 145-30, Table of Required Off-Street Parking. Notwithstanding the standards of § 145-25, the alteration or change or extension of a use of a nonresidential structure of less than 3000 square feet gross floor area will not require an increase in the provision of off-street parking. [Amended 5-25-2000 ATM by Art. 26]

C. Where a parking facility is the main use of any lot, no building permit shall be issued unless the plan of the lot is in accordance with § 145-29.

D. In order that all structures and uses requiring the large-volume delivery of goods by truck as part of their functions eventually be provided with necessary space for off-street loading as required in § 145-32, no application for a permit for the erection of a new structure or substantial alteration of an existing structure to the extent specified in § 145-32 or for the development of a land use shall be approved unless the plan of off-street loading facilities is in accordance with the provisions of § 145-32.

E. In residence districts, when a structure is converted for one or more additional dwelling units, parking requirements for the entire structure shall be provided in accordance with the requirements of § 145-27. However, the BA by special permit may waive not more than 1/2 the number of parking spaces required under § 145-27.

F. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.

G. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this section. Reasonable precautions shall be taken by the owner or sponsor of a particular use to assure the availability of required facilities to the employees or other

persons which the facilities are designed to serve. Such facilities shall be designated and used in such a manner so as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

H. In residential districts, no boat over 26 feet in length shall be parked or stored within 10 feet of any structure or within four feet of any property line, and no boat shall be parked or stored so as to occupy any part of an area required for off-street parking.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-27. Off-street parking space regulations.

### § 145-27. Off-street parking space regulations.

A. General regulations. Off-street parking facilities shall be provided for each type of land use, in accordance with the Table of Required Off-Street Parking, which is part of this chapter, except as otherwise permitted in this section and subject to the further provisions of this section.

(1) Where the computation of required parking space results in a fraction number, only the fraction of 1/2 or more shall be counted as one.

(2) Two or more uses may provide for required parking in a common parking lot if the total space provided is not less than the sum of the spaces required for each use individually.

(3) The number of spaces required in a common parking facility may be reduced below this total by special permit if it can be demonstrated to the permit granting authority that the hours or days of peak parking needed for the uses are so different that a lower total will provide adequately for all uses served by the facility.

B. Resident uses. Where residences are not divided into dwelling units, each two sleeping rooms for single or for double occupancy shall equal one dwelling unit. Where sleeping rooms contain beds for more than two persons, each four beds shall equal one dwelling unit.

C. Places of public assembly.

(1) Where places of public assembly are provided with benches rather than fixed individual seats, each two lineal feet of bench shall equal one seat.

(2) Where no fixed seats are used, each 20 square feet of public floor area shall equal one seat.

(3) Places of worship need not provide more than 1/2 of the requirement specified and may

exclude classroom seats in calculation requirements.

(4) Bowling alleys shall provide two parking spaces for each alley.

D. Institutions.

(1) Institutional uses intended primarily for children under 16 need not provide more than 1/2 the requirement specified.

(2) Hospitals shall provide one parking space for each four patient beds. Hospitals, sanitariums or convalescent homes primarily providing long-term custodial care for patients need not provide more than one parking space for each eight patient beds. (See also § 145-30, Table of Required Off-Street Parking.)

E. Retail and office uses of land or structures:

(1) When a principal use on a lot is an open-air use not enclosed in a structure, the area of the lot devoted to each such use shall be considered to be floor space for the purposes of calculating parking requirements. Where the area devoted to such use is not clearly determinable, the Building Inspector shall determine the area to be considered equivalent to floor space.

(2) An office or clinic for a medical or dental practice shall provide parking in accordance with the Table of Required Off-Street Parking. Where an existing residential structure is converted to an office or clinic for a medical or dental practice, the BA may, by special permit, waive not more than 1/2 the number of parking spaces required by the Table of Required Off-Street Parking.

F. Industrial uses of land or structures. When a principal use on a lot is an open-air use not enclosed in a structure, the area of the lot devoted to such use shall be considered to be floor space for purposes of calculating parking requirements. Where the area devoted to such use is not clearly determinable, the Building Inspector shall determine the area to be considered equivalent to floor space.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-28. Location of required off-street parking facilities.

### § 145-28. Location of required off-street parking facilities.

A. Required off-street parking facilities shall be provided on the same lot or premises with the principal use served.

B. Where the requirements in Subsection A cannot be met, the BA by special permit may authorize the required parking on any lot in the same district within 400 feet of the principal use served, subject to such bond or other assurance of permanence as it may deem adequate.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-29. Design of off-street parking facilities.

### § 145-29. Design of off-street parking facilities.

A. Parking facilities shall be occupied only by passenger cars and commercial vehicles not exceeding 7.5 feet in width and 18 feet in length, unless the special standards provided in Subsection H of this section are met.

B. The minimum dimensions of stalls and aisles shall be as follows:

(1) Stall width shall be at least nine feet.

(2) Stall depth shall be at least 19 feet for all angle parking and 22 feet for parallel parking. Such dimensions may include no more than two feet of any landscaped setback area adjacent to the front or rear of a stall and used for bumper overhang.

(3) Minimum width of aisles providing access to stalls for one-way traffic only, varying with the angle of parking shall be:

| Angle of Parking | Minimum Aisle Width (feet) |
|---|---|
| Parallel | 12 |
| 30° | 12 |
| 45° | 15 |
| 60° | 20 |
| 90° | 24 |

(4) Minimum width of aisles providing access to stalls for two-way traffic shall be 24 feet,

except that aisles providing access primarily for overnight parking may be a minimum of 20 feet.

C. Parking facilities shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The BA, however, may by special permit modify this requirement and the dimensional requirements of Subsection B of this section where a parking facility is under full-time attendant supervision.

D. The width of entrance and exit drives, except as permitted in Subsection J, shall be:

(1) A minimum of 12 feet for one-way use only.

(2) A minimum of 20 feet for two-way use, except that driveways providing access primarily for overnight parking, with incidental daytime use, may be a minimum 12 feet wide.

(3) A maximum of 20 feet at the street lot line in residence districts and 30 feet in business and industrial districts.

E. Setbacks for parking areas shall be provided as follows:

(1) In all districts, except as permitted in Subsection J of this section, parking stalls in parking lots shall be set back from the street lot line to whatever extent may be necessary in the specific situation, as determined by the Building Inspector, to avoid the probability of cars backing or otherwise maneuvering on the sidewalk upon entering or leaving the stalls. In no case shall parking lots be designed to require or encourage cars to back into a public or private way in order to leave the lot.

(2) In multifamily residential use districts, the surfaced area of a parking lot and all entrance and exit drives shall be set back a minimum of three feet from all lot lines, except where an access driveway crosses the street lot line. Such setback shall be five feet where two feet of setback area is included in minimum stall depth as provided in Subsection B(2) of this section.

(3) In single- and two-family residential use districts, the surfaced area of a parking lot and all entrance and exit drives shall be set back as follows:

(a) From the front line, except where an access driveway crosses the street lot line, either the distance specified for building setback or the average of the setbacks of the buildings on the adjacent lots on either side, whichever is less. Such setback area shall be landscaped and maintained.

(b) From the side lot line in the side yard, a distance of two feet.

(c) From the side and rear lot lines in the rear yard, a minimum of three feet. Such setback shall be five feet where two feet of setback area is included in the minimum stall depth as provided in Subsection B(2) of this section.

(4) In all districts, barricades shall be provided to prevent motor vehicles from being parked within required setback areas or beyond the boundaries of the lot where no setback is required.

F. Abutting properties in residential districts shall be protected from adverse impacts of nonresidential or multifamily development as follows:

(1) All illumination on parking lots must be shielded so as not to shine upon abutting properties in residential districts.

(2) Properties in residential districts (other than the use served by the parking lot) which abut the parking lot shall be protected from visual or noise pollution or headlight glare by either:

(a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are on a type that may be expected to form a year-round dense screen at least six feet high within three years.

(b) A wall, barrier or fence of uniform appearance at least five feet high, but not more than seven feet above finished grade, or above the roof level, if on a roof. Such wall, barrier or fence may be opaque or perforated, provided that not more than 50% of the face is open.

(3) Such screening shall be maintained in good condition at all times and shall not be permitted to exceed seven feet in height within required side yards. Such screening or barrier may be interrupted by normal entrances or exits and shall have no signs hung or attached thereto other than those permitted in the district.

G. No stall shall be located within 10 feet of that part of a building having windows of habitable rooms at the basement or first story level, except as permitted in Subsection J of this section.

H. The regulations for the parking of trucks, buses or other commercial vehicles exceeding 71/2 feet by 18 feet in size shall be as follows:

(1) Stalls to provide parking for commercial vehicles exceeding 71/2 feet by 18 feet in size shall be located at least 100 feet from the nearest dwelling unit in a residence district.

(2) Stalls for such vehicles shall be specifically identified upon the site plan and shall be of

such dimensions as to accommodate the specified type of vehicles. Such vehicle shall be permitted to park only in the stall so identified and approved.

(3) Whenever such lot is adjacent to a residential district, it shall be screened from abutting property as provided in Subsection F above.

(4) Drainage, surfacing and maintenance of parking lots shall be as follows:

(a) The parking lot shall be marked so as to indicate clearly the space to be occupied by each motor vehicle, in accordance with the dimensions specified in Subsection B of this section. Such markings shall be maintained so as to be plainly visible.

(b) The area of the lot not landscaped and so maintained, including driveways, shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Building Inspector, to the extent necessary to prevent nuisance of dust, erosion or excessive water flow across public ways.

(c) Lots shall be kept clean and free from rubbish and debris.

I. The preceding regulations shall not apply to parking lots built and in use before the effective date of this article, except as follows:

(1) Where parking lots are increased in capacity after the effective date of this article, the expanded portion thereof shall be designated in accordance with regulations of this section.

J. Parking lots for four vehicles or fewer shall conform to the regulations of this section, with the exception of Subsections D(1) and (2), E(1) and G. [Amended 4-23-1990 ATM by Art. 21]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-30. Table of Required Off-Street Parking. [Amended 5-25-2000 ATM by Art. 26]

### § 145-30. Table of Required Off-Street Parking. [Amended 5-25-2000 ATM by Art. 26]

Off-street parking shall be provided in accordance with the following Table of Required Off-Street Parking. In determining the number of parking spaces required, calculate the number of parking spaces required for each use on the site and add them together. Any fractional spaces shall be rounded up to the next whole number. Notwithstanding the standards in § 145-25, in cases where differing uses will use parking spaces at differing times, the Building Inspector shall

determine the maximum number of spaces required to meet peak demand.

**Table of Required Off-Street Parking**

| **Principal Use** | **Number of Parking Spaces** |
|---|---|
| 1- and 2-family houses | 2 per dwelling unit |
| Housing for the elderly (publicly assisted) | 1 per dwelling unit |
| Multifamily dwellings or attached dwellings | |
| (1 bedroom or less) | 2 per dwelling unit |
| (2 bedrooms or more) | 2 per dwelling unit |
| Hotels | 1 per 2 employees in the maximum working shift, plus 1 per guest room, plus 1 per 4 seats in a restaurant, plus 1 per 200 square feet of space in function rooms not designed for eating |
| Accessory lodgings or lodging houses | 1 per room offered for rent |
| Places of public assembly, such as churches, theaters, assembly halls, stadiums, clubhouses and function halls[1] | 1 per 5 seats, plus 1 per 2 employees in the maximum working shift |
| Eating and drinking places serving food or beverages | 1 per 3 employees in the maximum working shift, plus 1 per 4 seats, plus 1 per 100 square feet of space in function rooms not designed for eating |
| Fast-order food establishment or drive-in restaurant | Same as above eating places, except that 1 space is required per each 2.5 seats |
| Funeral home undertaker | 1 per 4 seats or 1 per 50 square feet in parlors, whichever is greater |
| Bowling alleys | 2 per bowling alley |

**Table of Required Off-Street Parking**

| Principal Use | Number of Parking Spaces |
|---|---|
| Hospitals, chronic or convalescent sanitariums and nursing or convalescent homes[2] | 1 per 2 employees in the maximum working shift, plus 1 per attending doctor, plus 1 per 4 patient beds |
| Schools or museums[2] | 2 per 3 staff members, plus 1 per 3 students of driving age (unless car usage is prohibited) or 1 per 6 seats in the largest place of assembly (whichever is greater) |
| Retail and service establishments | 1 per 250 square feet of gross floor area (GFA)[3] |
| Supermarket | 1 per 125 square feet of GFA |
| Business offices (including financial institutions) | 1 per 350 square feet of GFA |
| Medical and dental offices[2] | 1 per 250 square feet of GFA or 2 per doctor (whichever is greater) |
| Research and development | 1 per 600 square feet of GFA or 1 per 2 employees in the maximum working shift (whichever is greater) |
| Industrial, including printing and publishing | 1 per 600 square feet of GFA or 1 per 2 employees in the maximum working shift (whichever is greater) |
| Gasoline station or repair garage [Amended 5-22-1997 ATM by Art. 24] | 2 per 200 square feet of GFA |
| Warehouse, wholesale establishment or public utility stations | 1 per 1,000 square feet of GFA |
| Auto sale and display (new and used) | 1 per each 7 autos licensed for sale (for employee and customer parking) |

**Table of Required Off-Street Parking**

| Principal Use | Number of Parking Spaces |
|---|---|
| Marina | 1 per boat slip, plus any additional spaces required to serve ancillary uses (per above) |

NOTES:
[1]See further requirements in § 145-27C.
[2]See further requirements in § 145-27D and E(2).
[3]Gross floor area (GFA) is defined in Article II, Terminology.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-31. Center Business District.

### § 145-31. Center Business District.

Off-street parking requirements in the Center Business District shall be in accordance with the above requirements, except as noted below:

A. Eating and drinking places serving food or beverages: one space per four employees in the maximum working shift plus one space per five seats plus one space per 150 square feet of function rooms not designed for eating.

B. Retail and service establishments: one space per 350 square feet of gross floor area (GFA).

C. Supermarket: one space per 250 square feet of GFA.

D. Business offices (including financial institutions): one space per 500 square feet of GFA.

E. Medical and dental offices: one space per 400 square feet of GFA.

F. Research and development: one space per three employees in the maximum working shift.

G. Commercial establishments of less than 3000 square feet gross floor area may count municipal on- and off-street parking spaces within 1000 feet of such establishment to meet

this requirement. Commercial establishments of 3,000 square feet gross floor area or greater may use municipal off-street parking spaces within 1,000 feet of such establishment to account for 1/3 of this requirement. [Added 5-25-2000 ATM by Art. 26]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-32. Off-street loading regulations.

### § 145-32. Off-street loading regulations.

A. Structures and land uses in existence or for which building permits have been issued at the date of adoption of this article shall not be subject to the requirements stated below so long as the kind or extent of use is not changed, provided that any loading facilities now serving such structures or uses shall not in the future be reduced below such requirements.

B. Where a structure existing on the effective date of this article is altered or extended in such a way as to increase the gross floor area by 5,000 square feet or more, only the additional gross floor area shall be counted in computation of the off-street loading requirements. Alterations or extensions aggregating less than 5,000 square feet subsequent to the effective date of this article do not require such provision of loading space.

C. Where retail or other stores are designed or constructed as a group or as a unified building, the aggregate of individual stores shall be treated as one building for the purpose of calculating off-street loading facilities.

D. Where mixed uses occur, off-street loading facilities shall be the sum of the requirements for the several individual uses computed separately, except that such facilities may be less than such sum by special permit from the BA when it can be demonstrated that such individual uses are not in operation at the same time.

E. Off-street loading facilities shall be provided in accordance with the following table, which sets forth requirements for each type of land use except for residential:

**Number of Loading Bays Required for**
**New Structures by Gross Floor Area of Structures**

**Gross Floor Area (in thousands of square feet)**

sets forth requirements for each type of land use except for residential:

**Number of Loading Bays Required for**
**New Structures by Gross Floor Area of Structures**

| | Gross Floor Area (in thousands of square feet) | | | | | |
|---|---|---|---|---|---|---|
| **Uses** | **2 to 15** | **15 to 50** | **50 to 100** | **100 to 150** | **150 to 300** | **Over 300*** |
| Retail trade | 1 | 2 | 3 | 4 | 5 | 1 |
| Wholesale and industry storage | | | | | | |
| Communications and utilities | | | | | | |
| Consumer service | | | | | | |
| Office building | | | | | | |
| Hotel or dormitory | 1 | 1 | 2 | 3 | 4 | 1 |
| Institution | | | | | | |
| Recreation | | | | | | |
| Education | | | | | | |

NOTES:
*Per 150,000 square feet.

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE VI, Off-Street Parking and Loading / § 145-33. Design and layout of off-street loading facilities.

### § 145-33. Design and layout of off-street loading facilities.

A. Off-street loading facilities shall be designed to conform to the following specifications:

(1) Each required space shall be no less than 12 feet in width, 30 feet in length and 14 feet in height, exclusive of drives and maneuvering space, and located entirely on the lot being served.

(2) There shall be appropriate means of access to a street or alley as well as adequate maneuvering space.

(3) The maximum width of driveways and sidewalk openings measured at the street lot line shall be 30 feet; the minimum width shall be 20 feet.

(4) Loading spaces may be enclosed in a structure and must be so enclosed if located within 50 feet of a residence district where the use involves regular night operation.

(5) All accessory driveways and entranceways shall be graded, surfaced and drained to the satisfaction of the Building Inspector, to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public ways.

(6) Such facilities shall be designed and used in such manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

B. All required loading facilities shall be provided and maintained in accordance with the following requirements:

(1) They shall be provided and maintained so long as the use exists which the facilities were designed to serve.

(2) They shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this section.

(3) Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the delivery and pickup of vehicles that they are designed to serve.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits

## ARTICLE VII, Special Permits

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-34. Conditions for granting permit; site plan.

### § 145-34. Conditions for granting permit; site plan.

Certain uses, structures or conditions are designated as special permit uses in this chapter. Upon written application duly made, the Board of Appeals (BA) may in appropriate cases, subject to the applicable conditions set forth in this section and elsewhere and subject to other appropriate conditions and safeguards, grant a special permit for such exceptions and no others.

A. Before granting an application for a special permit, the BA, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

   (1) The use requested is listed as a special permit use in the district for which application is made or is so designated elsewhere in this chapter.

   (2) The requested use is essential or desirable to the public convenience or welfare.

   (3) The requested use will not create undue traffic congestion or unduly impair pedestrian safety.

   (4) The requested use will not overload any public water, drainage or sewer system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the Town will be unduly subjected to hazards affecting health, safety or the general welfare.

   (5) Any special regulations for the use, as set forth in this article, are fulfilled.

   (6) The requested use will not impair the integrity or character of the district or adjoining districts nor be detrimental to the health, safety, convenience or welfare.

   (7) The requested use will not, by its addition to a neighborhood, cause an excess of that particular use that could be detrimental to the character of said neighborhood.

B. Additional conditions.

   (1) The BA shall also impose, in addition to any applicable conditions specified in this

chapter, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purpose of this chapter, including but not limited to the following:

(a) Front, side or rear yards greater than the minimum required by this chapter.

(b) Screening buffers or planting strips, fences or walls, as specified by the Board.

(c) Limitation upon the size, number of occupants, method and time of operation, time duration of permit or extent of facilities.

(d) Regulation of number and location of driveways or other traffic features; and off-street parking or loading or other special features beyond the minimum required by this chapter.

(2) Such conditions shall be imposed in writing, and the applicant may be required to post bond or other security for compliance with said conditions in an amount satisfactory to the BA.

C. Submission of site plan.

(1) In order that the BA may determine that the above-mentioned restrictions are to be met, a site plan shall be submitted, in duplicate, to the BA by the applicant. Said site plan shall show, among other things, all existing and proposed buildings, structures, parking spaces, driveway openings, driveways, service areas and other open uses, all facilities for sewage, refuse and other waste disposal and for surface water drainage and all landscape features, such as fences, walls, planting areas and walks. The plans shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect as to the location of the building, setbacks and all other required dimensions, elevations and measurements; and, further, the plan(s) shall be signed under the penalties of perjury.

(2) The BA shall within 10 days after receipt thereof transmit one copy of such plan to the Winthrop Planning Board (WPB). The WPB may, in its discretion, investigate the case and report, in writing, its recommendations to the BA. The BA shall not take final action on such plan until it has received a report thereon from the WPB or until said WPB has allowed 30 days to elapse after receipt of such plan without submission of a report thereon. The BA may also seek input from other Town boards and agencies and shall not take final action on such plan until such reviewing agency has transmitted a report thereon or 30 days have elapsed without receipt of a report.

D. In addition to the general conditions set forth above for all special permits, the following special conditions shall apply to all uses allowed by special permit in various districts.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-35. Environmental performance.

### § 145-35. Environmental performance.

No new building or part thereof shall be constructed or used and no premises shall be used and no building or part thereof shall be altered, enlarged, reconstructed or used as follows:

A. For any purpose which by emission or discharge of fumes, vapor, gas, dust, offensive odors, chemicals, poisonous fluids or substances, refuse, organic matter or excrement, the causing of noise or vibrations or by unduly increasing the risk from fire or explosion or otherwise would be dangerous or injurious to the public health or safety.

B. For any purpose which would be for any reason injurious to the health, safety, convenience or welfare of the community or harmful to property therein.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-36. Environmental design review by Board of Appeals.

### § 145-36. Environmental design review by Board of Appeals.

A. Purpose. The purpose of this section is to provide individual detailed review of certain uses or structures which have a substantial impact upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The environmental design review process is intended to promote the specific purposes listed in § 145-3 of this chapter.

B. Application. Any use specified in § 145-21, Table of Use Regulations, as requiring a special permit shall obtain a special permit for all new structures, new outdoor uses, exterior additions and changes in use, subject to the environmental design review procedures and standards herein specified.

C. Permit and procedure. Uses subject to the provisions of this section may be allowed by special permit. Any person desiring such a permit shall submit an application to the BA in accordance with the application procedure for special permits, except for uses contained in § 145-37 below, which shall be submitted directly to the WPB. A copy of the application, with accompanying plans, photographs and sign permit application, shall be submitted at the

same time to the WPB and the Board of Selectmen.

D. Required submittals. In addition to the site plan required for special permits in § 145-34C, the application shall be accompanied by the following:

(1) Model. An inexpensive study model or final presentation model at a minimum scale of one inch equals 20 feet unless another scale is found suitable by the special permit granting authority, showing the tract, abutting streets, proposed contours, proposed buildings and the massing of abutting buildings (not required for additions, alterations or changes in use which increased gross floor area by less than 50%).

(2) Drawing of existing conditions. A drawing (at a minimum scale of one inch equals 20 feet) (unless another scale is found suitable by the special permit granting authority) showing the location, type, size and dimensions of existing trees; rock masses; existing topography at two-foot contour intervals; and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a special permit, all existing trees, rock masses and other natural features shall be retained until a special permit is approved.

(3) Drawing of proposal.

(a) Structure. A drawing, including color and type of surface materials, showing front and rear elevations and side elevations where there are no adjoining buildings and floor plans.

(b) Landscape. A drawing showing the location, dimensions and arrangements of all open spaces and yards, including type and size of planting materials, color and type of surface materials, methods to be employed for screening and proposed topography at two-foot contour intervals.

(4) Photographs. Photographs showing the proposed building site and surrounding properties and of the model (if required). Applications for alterations and additions shall include photographs showing existing structures or signs to be altered and their relationship to adjacent properties.

(5) Impact statement. Statement by applicant with explanation of how each of the environmental design review standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or federal regulations may be accepted as a substitute in lieu of this statement.

(6) Signs. Application for permit and accompanying plans as specified under § 145-52 for each sign that is to be erected on the property.

E. Board of Appeals procedure.

(1) The BA shall, within 10 days, refer the proposal and model thereof to the WPB, which for the purposes of this section shall serve in an advisory capacity to the BA. The WPB shall evaluate the proposed use on the basis of the standards set forth in Subsection F of this section and in § 145-34, using outside consulting services when appropriate, and shall submit its findings and recommendations in a design review report to the BA, specifically addressing each standard individually.

(2) The BA shall not take final action on an application for a special permit under this section until it has received the design review report or until 30 days have elapsed after submittal of said proposal to the WPB without receipt of a design review report. The BA shall not deny a special permit required by this section unless it finds that the proposed use does not comply with the standards listed in Subsection F to such a degree that such use would result in a substantial adverse impact upon the character of the neighborhood in which the use is proposed or of the Town and upon traffic, utilities and public or private investments therein, thereby conflicting with the purposes of this chapter.

F. Environmental design review standards. The following standards shall be utilized by the BA, the WPB and the Board of Selectmen in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in Subsection F(1) through (10) below shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to the major buildings or structures.

(1) Preservation of landscape. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of the neighboring developed areas.

(2) Relation of buildings to environment. Proposed development shall be related harmoniously to the terrain and to the use, scale and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The BA may require a modification in massing so as to reduce the effect of shadows on abutting property in a Residential A District or on public open space.

(3) Circulation. With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to the location and number of access points to the public streets (especially in relation to existing traffic

controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities and arrangement of parking areas that are safe and convenient and (insofar as practicable) do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

(4) Surface water drainage. Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

(5) Utility service. Electric, telephone, cable television and other such lines and equipment shall be underground where applicable. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.

(6) Advertising features. The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.

(7) Special features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

(8) Safety. With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semipublic spaces shall be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.

(9) Heritage. With respect to Winthrop's heritage, removal or disruption of historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

(10) Microclimate. With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage or the installation of machinery which emits heat, vapor or fumes shall endeavor to minimize, insofar as practicable, any adverse impacts on light, air and water resources or on noise and temperature levels of the immediate environment.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-37. Environmental design review by Winthrop Planning Board.

### § 145-37. Environmental design review by Winthrop Planning Board.

A. Any use specified in § 145-21, Table of Use Regulations, as requiring a special permit and environmental design review by the Winthrop Planning Board (WPB) shall obtain such special permit in accordance with the procedures and standards hereinafter specified.

B. Every applicant under Subsection A shall file with the WPB an application for an environmental design review. The application shall include the material listed in § 145-36D above and any material required by the rules of the WPB.

C. The plans shall be certified by the land surveyor doing the boundary survey and the professional engineer or architect as to the location of the building, setbacks and all other required dimensions, elevations and measurements; and, further, the plan(s) shall be signed under the penalties of perjury.

D. The WPB shall review the plans and model and may grant a special permit subject to the conditions and safeguards listed in Article VII hereof. The WPB, for stated reasons, may deny approval of a special permit or may approve a special permit without a finding of hardship. The site plan shall be subject to the standards listed in § 145-34C, and the WPB shall make a determination that the project meets said standards.

E. Before granting a special permit, the WPB shall hold a public hearing, notice of which shall be given in a local newspaper once in each of two successive weeks, with the first publication to be not less than 14 days before the date of the hearing, and to owners of all property abutting the proposed development or land in the same ownership or contiguous ownership and to all property owners deemed by the WPB to be affected thereby. The WPB shall make its finding within 90 days following the public hearing. If the WPB fails to issue its findings within 90 days, the special permit shall be deemed approved and a special permit granted.

F. The WPB shall make copies of the site plan, the model, the application and any other supporting material immediately available to the Board of Selectmen, the Board of Health and the Building Inspector, and they shall have an opportunity to prepare written reports with recommendations to be submitted to the WPB before the public hearing. The failure of the Board of Selectmen or the Board of Health or the Building Inspector to submit written reports or to give an oral report at the public hearing shall not invalidate action by the WPB. A favorable decision by the WPB shall require the votes of at least four members of said WPB.

G. The WPB, by virtue of its designation as a special permit granting authority, shall follow all procedures and exercise all the rights of the BA in granting special permits, or take any action relating thereto.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-38. Town Business Design Review Board. [Amended 4-23-1990 ATM by Art. 21; 4-22-1996 ATM by Art. 15]

### § 145-38. Town Business Design Review Board. [Amended 4-23-1990 ATM by Art. 21; 4-22-1996 ATM by Art. 15]

A. Establishment of a Town Business Design Review Board. A Town Business Design Review Board (Design Review Board) is hereby established for the purpose of reviewing and making recommendations upon all proposed construction projects which contemplate or propose construction or modification to the exterior of any property in the Business A and Center Business Districts, including but not limited to all new construction or other building activities, renovations, rehabilitation and mixed use proposals.

B. Said Design Review Board shall consist of five members who shall be appointed by the Board of Selectmen in the manner prescribed herein. The members of the Design Review Board shall include, where possible and practical in order of preference, an architect, a landscape architect, a resident from within a business area and a business person doing business in the Town of Winthrop. All of the above, except the business person, shall be residents of the Town of Winthrop. When selecting members, preference shall be given to members of the physical and environmental design professions. Members shall serve for three years or until their successors are appointed, except that of the five members first appointed, one shall serve for three years, two shall serve for two years and two shall serve for one year.

C. Organization and proceedings.

(1) The Design Review Board shall elect from among its members a Chairman and Vice Chairman, and shall arrange for the services of a Secretary and such other officers and employees as it deems necessary. Each officer shall serve for a term of one year. The Design Review Board shall adopt such rules, procedures and guidelines as are considered necessary to the conduct of its responsibilities, which shall be a matter of public record. The meetings shall be held at the call of the Chairman and at such other times as the Board may determine.

(2) The Board shall keep records of its proceedings, showing the vote of each member on

every question, or the fact of their absence or failure to vote, and the final decision of the Board. Records shall also be kept of all plans, photographs or any other documents pertaining to each case, as well as all examinations, findings, determinations, recommendations and any other official actions, including all reasons for all decisions and conditions prescribed; and all such items shall be a matter of public record. Decisions of the Design Review Board shall be made by a simple majority, and no final action shall be taken without the concurrence of at least three members.

D. Duties and procedures of Design Review Board.

(1) The Design Review Board shall review all permit applications relating to the exterior of property in either the Business A or Center Business Districts, including but not limited to applications for special permits or variances, all applications for mixed use development (see § 145-13) and residential and nonresidential uses involving new construction or rehabilitation. The Building Inspector, upon the receipt of a permit application, shall direct the applicant to request a public meeting with the Design Review Board to review the proposed project, and an extra copy of all usual submittals required for such proposals shall be provided by the applicant to the Design Review Board.

(2) The Building Department shall not issue any such permits until the Design Review Board has reported its findings, in writing, to the Building Department, the Planning Board and/or the Board of Appeals, whichever may be appropriate, as follows:

(a) Recommendations regarding any changes to which the applicant has voluntarily agreed;

(b) Recommendations regarding the potential effect of the proposal on any business district, including the Town Center District and the surrounding neighborhoods;

(c) Recommendations regarding the design aspects of the proposal; and

(d) Any other recommendations deemed important by, and within the purview of, the Design Board.

E. Reports and recommendations.

(1) The Design Review Board shall meet with any such applicant within seven business days of being contacted by the applicant and shall render its report or recommendations, in writing, within 14 days of meeting with the applicant.

(2) All such recommendations or reports shall be of an advisory nature only, and the Design Review Board may waive the requirements of this section in any instance.

(3) Lack of a timely report from the Design Review Board shall not be sufficient reason to delay action on a proposal which otherwise could be acted upon by the Planning Board, the Board of Appeals or the Inspector of Buildings.

F. The Town Center Design Review Board is hereby abolished, and all records of the same shall be immediately transferred to the Town Business Design Review Board upon the effective date of this chapter.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-39. Removal of earth materials; penalty.

### § 145-39. Removal of earth materials; penalty.

A. The removal of sand, loam, sod, gravel or other earth materials for commercial purposes is expressly prohibited unless a permit therefor is granted by the BA after due notice and a public hearing.

B. However, nothing herein contained shall prohibit the removal of the same in connection with the ordinary construction of a building for which a permit has been duly issued. Violation of this section shall subject the violator to a penalty of $50 for the first offense and $100 for a second or subsequent offense.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-40. Gasoline service stations; automobile/truck body repair businesses; automobile towing businesses. [Amended 5-22-1997 ATM by Art. 24]

### § 145-40. Gasoline service stations; automobile/truck body repair businesses; automobile towing businesses. [Amended 5-22-1997 ATM by Art. 24]

All of the above shall be designed to conform to the following requirements:

A. No driveway shall be permitted to any street that carries traffic at such speed or in such quantity that the Building Inspector deems that access to or egress from a gasoline station at such a location will create a hazardous condition.

B. The minimum lot area shall be 10,000 square feet.

C. The minimum frontage on a street shall be 100 feet.

D. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 30 feet; the minimum width shall be 20 feet.

E. The minimum distance of driveways, measured at the lot lines, shall be as follows:

(1) From corner lot line: 20 feet.

(2) From interior side lot line: 10 feet.

(3) From other driveway on same lot: 20 feet.

F. The minimum setback of any building from all street lot lines shall be 40 feet.

G. The minimum setback of gasoline pumps from all street lot lines shall be 12 feet.

H. A raised curb at least seven inches in height shall be constructed along all lot lines except at driveway openings.

I. Protection from headlight glare.

(1) Properties in residential districts which abut a gasoline service station shall be protected from headlight glare by either:

(a) A strip at least four feet wide, densely planted with shrubs or trees which are at least four feet high at the time of planting and which are of a type that may be expected to form a year-round dense screen at least six feet high within three years; or

(b) A wall, barrier or fence of uniform appearance at least five feet high, but not more than seven feet above finish grade. Such wall, barrier or fence must be opaque.

(2) Such screening shall be maintained in good condition at all times and shall not be permitted to exceed seven feet in height within the required side yards. Such screening or barrier may be interrupted by normal entrances or exits and shall have no signs hung or attached thereto other than those permitted in the district.

J. All illumination on outdoor areas shall be shielded so as not to shine upon any property in a residence district.

K. Major repair work and lubrication shall be performed inside the building only.

L. No outside automobile or truck washing shall be done in such a manner as to cause water to flow across the sidewalk or into a public or private way.

M. The areas of the lot not landscaped and so maintained shall be graded, surfaced with asphalt or other suitable material and drained to the satisfaction of the Building Inspector to the extent necessary to prevent nuisances of dust, erosion or excessive water flow across public

ways.

N. All businesses engaged in automobile body repair, automobile towing and gasoline service stations which provide automobile body repairs and/or automobile towing shall provide a fully enclosed area for the storage of automobiles and other motor vehicles. Such enclosures shall be constructed of wood, including stockade-type fence or chain link fence of lattice composition. No temporary or permanent storage of motor vehicles shall be allowed in any other area of said business property. Such enclosures as herein above described shall be of uniform appearance at least five feet high but not more than seven feet above finish grade.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VII, Special Permits / § 145-41. Outdoor automobile rental or sales; storage.

### § 145-41. Outdoor automobile rental or sales; storage.

A lot to be used for outdoor automobile rental or sales or storage for rental or sales shall conform to the following requirements:

A. No driveway shall be permitted to any street that carries traffic at such speed or in such quantity that the Building Inspector deems that access to or egress from such location will create hazardous conditions.

B. The minimum lot area shall be 10,000 square feet.

C. The minimum frontage on one street shall be 100 feet.

D. The maximum width of driveways and sidewalk openings measured at the street lot line shall be 30 feet; the minimum width shall be 20 feet.

E. The minimum distance of driveways, measured at the lot lines, shall be as follows:

(1) From corner lot line: 20 feet.

(2) From interior side lot line: 10 feet.

(3) From other driveway on same lot: 20 feet.

F. Properties in residential districts which abut outdoor automobile sales lots shall be protected from headlight glare by alternative forms of screening described in § 145-40 hereof.

G. All illumination on outdoor automobile sales lots shall be shielded so as not to shine upon any property in a residential district.

H. Major repair work and lubrication shall be performed inside the building only. [Amended 4-23-1990 ATM by Art. 21]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VIII, Nonconforming Uses

## ARTICLE VIII, Nonconforming Uses

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VIII, Nonconforming Uses / § 145-42. Applicability of use regulations.

### § 145-42. Applicability of use regulations.

Except as provided in this chapter, no building, structure or land shall be used except for the purpose permitted in the district as described in this chapter. Any use not listed shall be construed to be prohibited.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VIII, Nonconforming Uses / § 145-43. Uses subject to other regulations.

### § 145-43. Uses subject to other regulations.

Uses permitted by right or by special permit shall be subject, in addition to use regulations, to all other provisions of this chapter.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VIII, Nonconforming Uses / § 145-44. Nonconforming uses, structures and lots.

### § 145-44. Nonconforming uses, structures and lots.

A. Nonconformity by initial enactment or amendment. The provisions of this section apply to actions in connection with nonconforming uses, structures and lots as created by the initial enactment of this chapter or by any subsequent amendment. It is the purpose of this chapter to discourage the perpetuity of nonconforming uses whenever possible. The lawful use of any

building or land existing at the time of the enactment of this chapter may be continued except as otherwise provided.

B. Extension and alteration.

(1) Any nonconforming use, except for agriculture, horticulture or floriculture, of any open space on a lot outside a structure or of a lot not occupied by a structure shall not be extended.

(2) Any nonconforming principal use of a structure shall not be extended.

(3) Any nonconforming accessory use of a portion of a structure or any conforming accessory use of a portion of a nonconforming structure may be extended up to a maximum of 25% of the floor area of the existing structure.

(4) Any nonconforming structure may be altered and the use extended throughout the altered portion, provided that any resultant alteration shall not cause the structure to violate the dimensional and density regulations of the district in which it is located.

(5) Any nonconforming structure or portion thereof which has come into conformity shall not again become nonconforming.

C. Reduction or increase.

(1) Any nonconforming lot or nonconforming open space on a lot, including yards and setbacks, if already smaller than that required, shall not be further reduced so as to be in greater nonconformity.

(2) No building area or floor area, where already nonconforming, shall be increased so as to be in greater nonconformity.

(3) Any off-street parking or loading spaces, if already equal to or less than the number required to serve their intended use, shall not be further reduced in number.

D. Changes.

(1) Any nonconforming use of a structure may be changed to another nonconforming use by special permit, provided that the changed use is not a substantially different use as determined by the BA.

(2) Any nonconforming use which has once been changed to a permitted use or to another nonconforming use which is not a substantially different use shall not again be changed to another nonconforming use.

(3) Any nonconforming lot which has come into conformity shall not again be changed to a

nonconforming lot.

E. Restoration. [Amended 5-4-1992 ATM by Art. 31]

(1) Any nonconforming structure or any structure occupied by a nonconforming use which is damaged by fire or other natural cause may be repaired or rebuilt to the dimensions and floor area limitations of the structure and its legal conforming or legal nonconforming use at the time the structure was damaged.

(2) If restoration under Subsection E(1) above is not started within one year of the cause of the damage, the repaired structure shall not be used except for a conforming use unless the delay is caused by matters over which the owner has no control. For further information on rebuilding, see § 145-23K

F. Abandonment.

(1) Any nonconforming use of a structure and/or lot which has been abandoned for a continuous period of two years or more shall not be used again except for a conforming use. For agriculture, horticulture or floriculture, the abandonment period shall also be two years. [Amended 5-4-1992 ATM by Art. 31]

(2) A nonconforming use shall be considered abandoned when the premises has been devoted to another use or when the characteristic equipment and the furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within one year unless other facts show intention to resume the nonconforming use.

G. Moving. Any nonconforming structure shall not be removed to any other location on the lot or any other lot unless every portion of such new structure, the use thereof and the lot shall be conforming.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE VIII, Nonconforming Uses / § 145-45. Preexisting multiunit dwellings. [Added 5-4-1992 ATM by Art. 31]

### § 145-45. Preexisting multiunit dwellings. [Added 5-4-1992 ATM by Art. 31]

A. Registration. The owner of any property located in the RA, RB, RC, BA or CB Districts containing more dwelling units than currently permitted by right in the zoning district where the property lies may apply to validate the use in the following manner:

(1) The owner of the property shall apply to the Town of Winthrop Building Inspector for a

certificate of occupancy for each dwelling unit in that property.

(2) The Building Inspector shall, upon receipt of the application, make a full examination of the files and records of the Town of Winthrop and make a determination as to whether the property was created in compliance with this chapter and Building Department regulations.

(a) If the Building Inspector determines that the dwelling units are in compliance, he shall issue a certificate of occupancy in accordance with § 145-76.

(b) Should the Building Inspector deny the issuance of a certificate of occupancy for any of the existing units based on his determination the unit or units were created in violation of this chapter or if there is no clear evidence that the unit or units were created in compliance with this chapter, he shall notify the applicant of his decision, in writing, within 45 days of receipt of the application for the certificate of occupancy.

B. Special permit. The owner, upon receipt of the rejection from the Building Inspector, may then file a written application with the office of the Town Clerk for a special permit from the special permit granting authority (SPGA) to validate the existing use of the unit or units that were rejected. The application must be filed in accordance with the following terms and conditions:

(1) Any petitions for special permits filed under this section shall follow the procedures set forth in MGL c. 40A, § 9 (as amended to date) and the general requirements for special permits set forth in § 145-34 of this chapter.

(2) The application for a special permit must be received by the Town Clerk on or before September 1, 1994. No applications will be accepted after that date. [Amended 4-25-1994 ATM by Art. 15]

(3) The applications for a special permit shall be made upon a form approved by the SPGA and shall be accompanied with the following:

(a) A certified plot plan showing the location of all structures on the lot and the position of all areas designated for parking.

(b) The appropriate fee for the required special permit. The Town of Winthrop may assess a reasonable fee for each special permit application filed in order to defray the cost of administration, legal advertising, compilation of abutter list, certified mailings and the like.

C. Special permit granting authority (SPGA).

(1) The Board of Appeals (BA) shall serve as the SPGA under this section. All special permits by the Board of Appeals must be voted on in accordance with the Massachusetts General Laws. Decision shall be by unanimous vote.

(2) If the number of petitions under this section creates an excessive work load for the Board of Appeals, in its opinion, it shall so inform the Town Clerk, and any additional petitions under this section shall be acted upon by the Winthrop Planning Board (WPB) acting as the SPGA. At such time as the BA determines that it is appropriate, it shall inform the Town Clerk that it is again able to accept applications under this section, and all subsequent applications under this section shall be acted upon by the BA.

(3) All special permits by the WPB must be voted on in accordance with MGL c. 40A, § 9, five out of five members present and voting. Decision shall be by a four-fifths vote.

(4) In order to obtain the approval of a special permit under this chapter, the use being requested must comply with the following regulations:

(a) The use requested must be the same use or one of lesser intensity than the use which has been in existence as of May 1, 1982. [Amended 4-25-1994 ATM by Art. 15]

(b) The petitioner must establish the existence of the use conclusively to the SPGA, the burden of proof being upon the petitioner.

(c) The SPGA may consider such evidence as submitted by the petitioner which tends to establish the existence and the duration of the use. Such evidence may consist, in all or in part, of the following:

[1] Town of Winthrop Water Department records and bills.

[2] Town of Winthrop Board of Assessors records and tax bills.

[3] Various building permits and Building Department records.

[4] Purchase and sale agreements.

[5] Notarized letters from previous owners, present and previous tenants and present and previous abutters who have knowledge of the use that existed 10 or more years prior to the deadline for acceptance of applications.

[6] Utility bills and records.

[7] Any and all other relevant and material evidence or records.

(5) The SPGA shall make the determination as to the accuracy, relevance, materiality and applicability of the evidence and may also consider the physical characteristics of the

property when making its decision.

(6) The SPGA may require that adequate parking be made available as a condition of the issuance of a special permit, and it may impose such reasonable conditions and safeguards as it deems appropriate.

(7) The SPGA shall hold a public hearing within 65 days of the filing of an application and shall make written findings on all petitions in support of its decision to grant or deny the special permit in accordance with the MGL c. 40A, § 9.

(8) The SPGA may issue a special permit to the petitioner upon finding that the use:

(a) Has been in existence for 10 or more years.

(b) Is in harmony with the general purpose and intent of this chapter.

(c) Does not derogate from the integrity or character of the neighborhood or surrounding uses.

(d) Does not create undue traffic congestion or impair pedestrian safety.

(e) Does not pose a hazard to public health and safety.

D. Certificate of occupancy (CO).

(1) Upon approval of a special permit by the SPGA, the petitioner must then reapply, upon receipt of approval, for a CO for each dwelling unit that was approved, from the Winthrop Building Department. The certificate(s) shall be issued, provided that the premises comply with the State Building Code, applicable local bylaws and all applicable fire, health and safety codes.

(2) The petitioner will have two years to comply with the above and to obtain the appropriate certificate(s) of occupancy; otherwise, the special permit shall be deemed as lapsed. Evidence of such issuance shall be submitted to the SPGA.

(3) In any case where a special permit is denied, the Building Inspector, pursuant to his/her statutory authority, shall so notify the petitioner that he/she is in violation of this chapter and shall enforce the applicable sections of this chapter with regard to removal or discontinuation of use of the violation.

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs**

## ARTICLE IX, Signs

### CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-46. Intent and purpose.

**§ 145-46. Intent and purpose.**

It is recognized that signs perform important functions in the community which are essential for the public safety and general welfare, such as communicating messages, providing information about goods and services available and providing orientation. It is further recognized that because of their potential detrimental impact on the visual and perceptual environment, signs must be regulated in order to:

A. Prevent hazards to vehicular and pedestrian traffic.

B. Prevent conditions which have a blighting influence and contribute to declining property values.

C. Provide for easy recognition and legibility of all permitted signs and other uses in the immediate vicinity.

D. Preserve the amenities and visual quality of the Town and curb the deterioration of the community environment. It is the intent of this section to protect property values, create a more attractive business climate, enhance and protect the physical appearance of the community, provide a more enjoyable and pleasing community and to encourage the most appropriate use of the land.

### CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-47. Compliance standards; nonconforming signs.

**§ 145-47. Compliance standards; nonconforming signs.**

A. General applicability. All signs shall comply with the regulations for the erection and construction of signs contained in this article, other applicable Town bylaws[EN(4)] and the Building Code of the Commonwealth of Massachusetts, unless exempted from Town bylaws by the Massachusetts General Laws, as amended. No signs shall be hereinafter constructed,

maintained or permitted except in accordance with the regulations contained herein.

B. Nonconforming signs.

(1) A nonconforming sign is any sign which does not conform to the regulations of this chapter.

(2) Accessory signs or other advertising devices legally erected before the adoption of this chapter may continue to be maintained; provided, however, that no such sign or other advertising device shall be permitted if it is, after the adoption of this chapter, enlarged, reworded (other than in the case of theater or cinema signs or signs with automatically changing messages), redesigned or altered in any way, including repainting in a different color, except to conform to the requirements of this chapter; and provided further that any such sign or other advertising device which has deteriorated to such an extent that the cost of restoration would exceed 50% of the replacement cost of the sign or other advertising device at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this chapter. Any exemption provided in this section shall terminate with respect to any sign or other advertising devise which:

(a) Shall have been abandoned (not used for six months or more);

(b) Advertises or calls attention to any products, businesses of activities which are no longer sold or carried on at the particular premises; or

(c) Shall not have been repaired or properly maintained within 30 days after notice to the effect has been given by the Inspector of Buildings.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-48. Special regulations.

### § 145-48. Special regulations.

The provisions of § 145-50 (Permitted signs) shall be the general controlling section for all signs. However, the following special regulations shall also apply:

A. At the boundary line of the Town and within a street right-of-way, a sign not exceeding five square feet in sign area indicating the meetings of any Winthrop civic organization may be erected only after the granting of a special permit.

B. Two signs identifying churches, synagogues and other similar religious uses are permitted, one of which may not exceed 20 square feet in area and one of which may not exceed 10

square feet in area. One sign may be freestanding and may be used for church notices and announcements or services and events at the church, synagogue or similar religious institution.

C. One sign not to exceed 15 square feet is allowed for each of the following: membership club, community facility, funeral establishment, public utilities, place of public assembly and extended care facilities.

D. One temporary sign per lot for a candidate for Town, county, state or national office is permitted. Such sign shall not exceed three square feet in area. Such sign shall be removed within 48 hours following the date of the election. All property owners who fail to remove such signs shall be subject to the penalties as provided in § 145-77. [Note: At Town Meeting 4-27-1989 a rising vote on intent was taken by the Moderator. Intent of the Town Meeting was declared to favor one political sign for each office per lot, as opposed to one political sign per lot.]

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-49. Prohibited signs and devices.

### § 145-49. Prohibited signs and devices.

The following signs and devices shall not be permitted, constructed, erected or maintained:

A. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature.

B. Wind signs, including banners, pennants, spinners, streamers and other wind-actuated components.

C. String lights used in connection with commercial premises with the exception of temporary lighting for holiday decorations.

D. Any sign which advertises a business or product previously sold or located on the premises but no longer sold or located on the premises.

E. Portable signs [exception, see § 145-50C(7)]. [Amended 5-22-2003 ATM, Art. 23]

F. Window signs which cover more than 25% of area of the window.

G. Signs for home occupations.

H. Signs painted or posted directly on the exterior surface of any wall, except for awning signs

as allowed in § 145-50C(3).

I. Signs erected so as to obstruct any door, window or fire escape on a building.

J. Signs constructed, erected or maintained upon the roof of any building.

K. Colored lights and illuminated signs employing colors in use in traffic signal lights are prohibited within view of any signalized intersection. A sign (including interior window displays or banners, either temporary or permanent) or its illuminator shall not by reason of its location, shape, size or color interfere with traffic or be confused with or obstruct the view or effectiveness of any official traffic sign, traffic signal or traffic marking.

L. Any imitation of official traffic signs or signals and the use of such words as "stop," "look," "danger," "go slow," "caution" or "warning" are prohibited.

M. Fluorescent colors in the yellow to red spectrum are prohibited.

N. Signs which advertise products or activities not conducted on the premises (nonaccessory signs) or signs that incorporate such advertising into their signs by including product trademarks or trade names in their accessory sign design.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-50. Permitted signs.

### § 145-50. Permitted signs.

A. Signs whose subject matter relates exclusively to the premises on which they are located or to products, accommodations or activities on those premises (accessory sign) shall be allowed as provided herein.

B. No person shall erect, display or maintain a billboard, sign or other advertising device (nonaccessory sign) within the Town of Winthrop, except those specifically exempt under the state law or as otherwise provided for hereinafter.

C. Number and types of business signs.

(1) Wall or ground signs.

(a) One wall sign or ground sign is permitted for each street or parking lot frontage of each establishment. These shall not exceed a total of two permanent signs for any one business or industrial establishment, excluding window signs, directional signs, directories and marquees. Each primary sign may not exceed 20 square feet in area,

and each secondary sign may not exceed 10 square feet in area.

(b) No sign shall be painted or posted directly on the exterior surface of any wall. All signs must be painted, posted or otherwise securely affixed to a substantial intermediary removable surface which shall be securely affixed to the wall of the building. The foregoing, however, shall not prevent the installation of a sign by individual letters or devices cut into or securely affixed to the exterior wall of a building. The material of the sign and intermediary surface and the manner in which they are affixed to their respective surfaces or walls shall be subject to the approval of the Building Inspector.

(2) One marquee sign is permitted for each public entrance to a theater, provided that the marquee shall not be more than four feet overall in height.

(3) One awning sign is permitted for each display window of a store.

(4) A shopping center or industrial or office park containing floor space of 5,000 square feet or more may have a freestanding sign not exceeding 20 square feet in area, identifying the premises, in addition to the above signs.

(5) A gasoline station may have a freestanding sign not exceeding 20 square feet in area in lieu of the primary wall or ground sign described in Subsection C(1) above.

(6) Permanent signs on the surface of or inside display windows shall cover no more than 10% of the display window area.

(7) One advertising sign, A-frame or freestanding, not larger than two feet zero inches by four feet, including frame, shall be placed within the control of the property of the business. The sign shall be on display only during the hours of operation of the facility; it shall not interfere with or cause distraction to pedestrian or vehicular traffic. A fee of $30 is to be paid by July 1 of each year. Failure to renew permit on time will result in double the fee. [Added 5-22-2003 ATM, Art. 23]

D. Signs in residential districts. In residential districts, the following signs are permitted:

(1) For each residential building housing not more than two families, there may be one sign for each residence. Such sign shall not exceed one square foot.

(2) For each residential building housing more than two families, or in the case of a group of such buildings forming a single housing establishment, for each such establishment, there may be one sign which will not exceed three square feet and one secondary sign for each separate building in a group of such buildings which shall not exceed one square foot.

E. Other signs (all districts). The following are allowed in addition to signs as limited above:

(1) Names of buildings, date of erection, monumental citations and commemorative tablets up to 10 square feet in area, when made a permanent and integral part of the building.

(2) One directory of the occupants or tenants of the building affixed at each entrance is permitted but shall not exceed an area determined on the basis of one square foot for each occupant or tenant.

(3) Traffic control and guidance signs, in conformance with public traffic control standards but located on private property and orientational signs up to one foot in area, displayed for purposes of direction or convenience, including signs identifying rest rooms, freight entrances and the like.

F. Location of signs.

(1) No sign shall extend more than three feet above the roof plate line of the wall to which it is attached nor above the third floor of a multistory building. No roof signs are allowed.

(2) For other than first floor occupants, wall signs, if any, shall be located between the second and third floors.

(3) No permanent sign shall be located in a residential district, except as provided above, unless serving a permitted nonconforming business use. Temporary signs shall be regulated by Subsection H.

(4) Projecting signs.

(a) No sign shall project over a public right-of-way by more than 18 inches or come within three feet of the curbline. A sign on a fabric awning may project over a sidewalk but may not come within three feet of the curbline.

(b) The Board of Appeals may authorize a projecting sign not exceeding 15 square feet in area and signs on projecting marquees, canopies or rigid awnings by special permit, but only in cases where it is clear that such signs or structures will not block other signs or cause visual clutter or confusion. Such signs or structures shall not come within three feet of a curbline, and a minimum clearance of eight feet shall be maintained between the bottom of the sign and the sidewalk. Liability insurance in an amount specified by the Board of Selectmen shall be obtained before the erection of any projecting sign or a marquee, canopy or rigid awning which includes a sign.

G. Illumination.

(1) Signs shall be illuminated only by steady, stationary, shielded light sources directed

solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises.

(2) Illuminated signs, including neon signs, shall not produce more than one footcandle of illumination four feet from the sign.

(3) Signs shall not be illuminated between the hours of 12:00 p.m. and 6:00 a.m. unless related to an establishment operating between those hours.

(4) All permanent outdoor lights such as those used for area lighting or building floodlighting shall be steady, stationary, shielded sources directed so as to avoid causing glare for motorists, pedestrians or neighboring premises. The marginal increase in light, as measured at a property line other than a street line, shall not exceed one footcandle.

(5) Hospital signs, if illuminated, shall be illuminated by white or blue nonflashing lights only.

(6) Illuminated signs shall be constructed of noncombustible materials, except that facings, letters, figures, decorations and structural trim may be made of approved combustible plastics as defined in accordance with American Society for Testing Materials standard methods.

H. Temporary signs. The following temporary signs are allowed without a permit:

(1) Construction signs. One unlighted sign of up to 10 square feet identifying parties involved in construction on the premises where the sign is located. In addition, in business and multiple residence districts, one illuminated sign of up to 32 square feet identifying the owner's name and the activity for which the building is intended and describing the construction process, but not including the advertisement of any product. These signs must be removed within 14 days after the completion of construction.

(2) Real estate signs. One unlighted sign of up to six square feet pertaining to the sale, rental or lease of the premises on which the sign is displayed, to be removed within 14 days after sale, rental or lease. Such sign shall be set back at least 10 feet from the street lot line. No permit is required if the erecting agent has obtained a one-year permit for erecting such signs and has paid a filing fee of $100 per year.

(3) Display window signs. Signs on the surface of or inside display windows, lighted only by building illumination and covering no more than 25% of the display area (business districts only).

(4) Political signs. See § 145-48D.[EN(5)]

(5) Event signs. Temporary banners and posters covering social, holiday and religious

events (except posters intended for window display) shall be referred to the Building Inspector for approval and issuance of a permit if deemed necessary by said Inspector. Such temporary signs and banners must be firmly attached to a supporting device and present no undue hazard to the public. The time allowed this type of advertising shall not exceed 60 days.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-51. Hospital signs.

### § 145-51. Hospital signs.

A. One freestanding sign identifying the hospital, provided that such sign is not more than four feet by six feet or 24 square feet in area and the top of the sign is not over 12 feet above the ground. Such freestanding sign may be either a ground sign or a pole sign.

B. One wall or freestanding sign for identification of each building, provided that the surface area of such sign shall not be more than 10 square feet nor, if a standing sign, more than six feet above the ground.

C. Directional signs that point out parking lots and specific services, provided that they are not larger than one foot by three feet and provided that the top of the sign is not more than four feet above the ground.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-52. Permits and maintenance.

### § 145-52. Permits and maintenance.

A. Permits.

(1) All persons desiring to erect, install, place, construct, alter, move or maintain a sign shall apply to the Inspector of Buildings for a permit.

(2) Drawings.

(a) All applications for sign permits shall include a drawing to scale, indicating the following:

[1] The proposed sign.

[2] All existing signs maintained on the premises.

[3] The lot plan and building facade, indicating the location of the proposed sign, and a photograph of the existing building surface.

[4] Specifications for its construction, lighting and wiring.

(b) All drawings shall be of sufficient clarity to show the extent of the work.

(3) Such permit shall be issued only if the sign complies or will comply with all applicable provisions of this chapter.

(4) The Inspector of Buildings shall establish a schedule of fees for sign permits and shall collect such fees.

(5) Signs not requiring permits.

(a) The following shall not be considered signs within the context of this article and shall not require a permit:

[1] Flags and insignia of any government except when displayed in connection with commercial promotion.

[2] Legal notices, or informational devices erected or required by public agencies.

[3] Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or parts internally illuminated or decorated with gaseous tube or other lights.

[4] On awnings or similar devices, lettering not exceeding three inches in height or symbols not exceeding four square feet in area.

(b) The following additional signs shall not require permits:

[1] Interior signs. Except for window signs, signs wholly within a building shall not be governed by this chapter.

[2] Gasoline pumps. A standard type of gasoline pump, bearing thereon in usual size and form the name of the type of gasoline and the price thereof, shall not be deemed to be a sign. Temporary or movable signs of any type are prohibited, with the exception of signs designating State Motor Vehicle Inspection Stations.

[3] Residential signs as described in § 145-50D.

[4] Temporary signs as described in § 145-50H.

B. Repair and maintenance.

(1) All signs, including temporary signs, shall be securely erected or affixed and shall be kept safe, neat and clean and in good and safe repair and operating condition, to the reasonable satisfaction of the Building Inspector.

(2) The Inspector of Buildings is authorized to order the repair or removal of any sign and its supporting structure which in the judgment of the Inspector of Buildings is dangerous or is in disrepair or which is erected or maintained contrary to this chapter.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE IX, Signs / § 145-53. Special permits.

### § 145-53. Special permits.

In particular instances, the BA may permit more than the number of signs hereinabove permitted or signs of a greater size or in a location other than hereinabove specified if it is determined that the architecture of the building, the location of the building with reference to the street or the nature of the use being made of the structure is such that an additional sign or signs of a larger size should be permitted in the public interest. In granting such permission, the BA shall specify the size and location of the sign or signs and impose such other terms and restrictions as it may deem to be in the public interest. However, in no case shall any sign permitted exceed a maximum of four feet times the linear face of the building front. Any applicant under this provision shall provide information required in § 145-52 above, in addition to specific information in the form of perspectives, renderings, photographs, models or other representations sufficient to show the nature of the proposed sign and its effect on the immediate surroundings. Prior to the granting of a special permit under this provision, the BA shall receive comments on the sign from the WPB.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations

## ARTICLE X, Flood Hazard Control Regulations

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control

## Regulations / § 145-54. Purpose.

### § 145-54. Purpose.

The purpose and intent of this article is to make applicable and to enforce in the Town of Winthrop all provisions and requirements of the National Flood Insurance Program and in particular Part 60, Subpart A, Requirements for Flood Plain Management Regulations, Code of Federal Regulations, as amended, issued by the Federal Emergency Management Agency (FEMA), relative to flood hazard control, so as to protect the public health and safety, persons and property against the hazards of floodwaters.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-55. Flood hazard zones.

### § 145-55. Flood hazard zones.

The flood hazard zones in the Town of Winthrop are established as those shown on the Flood Insurance Rate Maps dated August 15, 1984, as amended, on file with this chapter in the office of the Town Clerk. These maps, and the accompanying floodplain management regulations, are incorporated herein by reference.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-56. Uses and building permits.

### § 145-56. Uses and building permits.

Notwithstanding the provisions of any other laws, ordinances or codes insofar as the same are applicable, no building permit for construction or substantial improvements of structures within Zone A, as shown on the Flood Insurance Rate Maps, shall be issued for:

A. Residential use. Unless provision is made for elevation of the lowest floor, including basement, to or above the one-hundred-year flood elevation; and in any AO Zone, the lowest floor (including basement) is elevated above the crown of the nearest street to or above the depth number shown on the Flood Insurance Rate Maps, and the utility and sanitary standards are floodproofed so as to conform with Federal Code, Section 60, Subpart A.

B. Nonresidential use. Unless provision is made to elevate the lowest floor, including basement, to or above the one-hundred-year flood elevation or provision is made for floodproofing so as

to make watertight the lowest floor, including basement, together with attendant utility and sanitary facilities, up to the level of the one-hundred-year flood elevation.

C. Where watertight floodproofing of a structure is permitted, a registered professional engineer or architect shall certify to the Building Inspector that the methods used are adequate to withstand the flood depths, pressures and velocities; impact and uplift forces; and other factors associated with a one-hundred-year flood.

D. To ensure proper administration of the Flood Hazard Zones established by this chapter, the Building Inspector shall:

(1) Review proposed developments to determine that all necessary permits have been or are in the process of being obtained from all federal and state agencies whose approval of such development is required by law; and

(2) Obtain and maintain records of the elevation to which any structure has been floodproofed, of the floodproofing certificates required by this chapter and whether or not the structure has a basement.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-57. Existing uses.

### § 145-57. Existing uses.

No use existing as of the date of adoption of these regulations on land below the elevation of the one-hundred-year flood elevation in the coastal high hazard areas shall be expanded or enlarged.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-58. Coastal hazard area.

### § 145-58. Coastal hazard area.

No land below the level of the one-hundred-year flood elevation in a coastal high hazard area shall be developed for any residential or nonresidential use, including new construction or substantial improvement, unless the same:

A. Is located landward of the reach of the mean high tide.

B. Is elevated on adequate anchored piles or columns to a level where the lowest structural

member of the lowest floor is at or above the one-hundred-year flood elevation.

C. Is securely anchored to such piles or columns and has been certified by a registered architect or professional engineer to be securely anchored to said piles or columns so as to withstand velocity waters and wave wash.

D. Has no basement, and the space below the lowest floor is free of obstructions so as to minimize the impact of abnormally high tides or wind-driven water.

E. Has not used fill for structural support.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-59. Utilities and sanitary systems.

### § 145-59. Utilities and sanitary systems.

No new or replacement water supply and/or sanitary sewage systems, including on-site waste disposal systems, shall be installed in areas of special flood hazard unless a registered sanitary engineer certifies that said system or systems are designed so as to minimize or eliminate infiltration of floodwater into the systems and discharge from sanitary systems into floodwater.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-60. New subdivisions and developments.

### § 145-60. New subdivisions and developments.

A. In addition to all other requirements provided by law, the State Building Code and these regulations relative to structures and uses in areas of special flood hazard, the Planning Board shall review all proposed subdivisions and all new construction within flood hazard areas, and no such subdivision or construction shall be approved unless the Planning Board shall determine that such subdivisions and/or construction shall be designed to provide for adequate drainage and for the location and construction of utilities in such manner as to minimize or eliminate damage to such utilities from floodwaters.

B. Base flood elevation data shall be provided for proposals greater than 50 lots or five acres, whichever is lesser, for that portion of the subdivision within the Flood Hazard Zone.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 /

## PART I BYLAWS / Chapter 145, ZONING / ARTICLE X, Flood Hazard Control Regulations / § 145-61. Wetlands protection.

### § 145-61. Wetlands protection.

In addition to the requirements set forth herein, all development subject to federal, state and local wetlands protection regulations shall obtain the necessary approvals of the Winthrop Conservation Commission, the Massachusetts Department of Environmental Quality Engineering, the United States Army Corps of Engineers or other applicable agencies.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools

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## ARTICLE XI, Swimming Pools

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## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-62. General construction requirements.

### § 145-62. General construction requirements.

A. Pools used for swimming or bathing shall be in conformity with the requirements of this section; provided, however, these regulations shall not be applicable to any such pool less than 24 inches deep or having a surface area of less than 250 square feet, except when such pools are permanently equipped with a water recirculating system or involve structure materials. For purposes of this chapter, pools are classified as private swimming pools or public and semipublic swimming pools, as defined in § 145-63.

B. Materials and constructions used in swimming pools shall comply with the applicable requirements of the Massachusetts State Building Code.

C. Pools used for swimming or bathing and their equipment or accessories which are constructed shall be installed and maintained in accordance with the building bylaws, provided that the requirements of this article are included in the installation.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-63. Classification of pools.

**§ 145-63. Classification of pools.**

A. Any constructed pool which is used or intended to be used as a swimming pool in connection with a single- or two-family residence and available only to the family of the household and its private guests shall be classified as a private swimming pool. No private swimming pool shall be structurally enclosed.

B. Any swimming pool other than a private swimming pool shall be classified as a public or semipublic swimming pool.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-64. Permits and plans.

**§ 145-64. Permits and plans.**

A. Permits. No swimming pool or appurtenances thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the Building Department. The approval of all Town authorities having jurisdiction over swimming pools shall be obtained before applying to the Building Inspector for a permit. Copies of these approvals shall be filed as part of the supporting data for the application for this permit.

B. Plans. Plans shall accurately show dimensions and construction of pool and appurtenances and properly established distances to lot lines of buildings, walks and fences; details of the water supply system, drainage and water disposal systems; and all appurtenances pertaining to the swimming pool. Detail plans of structures, vertical elevations and sections through the pool showing depth shall be included.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-65. Location.

**§ 145-65. Location.**

Private swimming pools shall be set back a minimum of 15 feet from a street property line, 10 feet from a side property line and 10 feet from a rear property line. No wall of a swimming pool to be constructed under this chapter shall be located less than 10 feet from any permanent structure. The BA may, by special permit, allow location of a pool within the above required yard setback area to within 1/2 the required distance if it finds that literal enforcement of the required

setback would involve practical difficulty or unnecessary hardship and the granting of relief would not result in a detriment to the public safety, health or welfare.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-66. Design and construction features.

**§ 145-66. Design and construction features.**

A. Structural design. The pool structure shall be engineered and designed to withstand the expected forces to which it will be subjected.

B. Wall slopes. To a depth up to five units from the top, the wall slope shall not be more than two units horizontal in five feet vertical.

C. Floor slopes. The slope of the floor on the shallow side of transition point shall not exceed one unit vertical to seven units horizontal. The transition point between shallow and deep water shall not be more than five units deep.

D. Surface cleaning. All swimming pools shall be provided with a recirculating skimming device or overflow gutters to remove scum and foreign matter from the surface of the water. Where skimmers are used there shall be at least one skimming device for each 1,000 square feet of surface area or fraction thereof. Where overflow gutters are used they shall not be less than three inches deep, pitched 1/4 inch per foot to drains, and constructed so they are safe, cleanable and so that matter entering the gutters will not be washed out by a sudden surge of entering water.

E. Walkways. All public or semipublic swimming pools shall have walkways not less than four feet in width extending entirely around the pool. Where curbs or sidewalks are used around any swimming pool they shall have a nonslip surface for a width of not less than one foot at the edge of the pool and shall be so arranged to prevent return of surface water to the pool.

F. Steps and ladders. One or more means of egress shall be provided from the pool. Treads of steps or ladders shall have nonslip surfaces and handrails on both sides, except that handrails may be omitted when there are not more than four steps or when they extend the full width of the side or end of the pool.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-67. Water supply, treatment and drainage systems.

**§ 145-67. Water supply, treatment and drainage systems.**

A. Water supply. All swimming pools shall be provided with a portable water supply, free of cross-connections with the pool or its equipment.

B. Water treatment.

(1) Public and semipublic swimming pools shall be designed and installed so that there is a pool water turnover at least once every eight hours. Filters shall not filter water at a rate in excess of three gallons per minute per square foot of surface area. The bacteriological quality of water from flow-through-type pools shall be considered satisfactory if the water contains an MPN (most probable number) of chloroform organism of not over 2,400 per 100 milliliters.

(2) Swimming pool water shall be treated with chlorine as a disinfectant in accordance with the following table:

| Type of Chlorination | pH (Hydrogen-Ion Concentration) | Residual Chlorine |
|---|---|---|
| Low free residual | 7.0 to 7.5 | 0.0 to 1.0 free |
| High free residual | 8.0 to 8.9 | 1.0 to 4.0 free |

(3) Other equally effective disinfectants may be used as a substitute for chlorine if they are approved by the local Board of Health.

(4) All recirculation systems shall be provided with an approved hair and lint strainer installed in the system ahead of the pump. Private swimming pools shall be designed and installed so that there is a pool water turnover at least once every 18 hours.

(5) Filters shall not filter water at a rate in excess of five gallons per minute per square foot of surface area.

C. Drainage systems. The swimming pool and equipment shall be equipped to be completely emptied of water, and discharged water shall be disposed of in an approved drain.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-68. Appurtenant structures and accessories.

### § 145-68. Appurtenant structures and accessories.

A. Appurtenant structures. All appurtenant structures, installations and equipment, such as showers, dressing rooms, equipment houses or other buildings and structures, including plumbing, heating and air conditioning, among others, appurtenant to a swimming pool shall comply with all applicable requirements of the Commonwealth of Massachusetts Building Code and/or this chapter.

B. Accessories. All swimming pool accessories shall be designed, constructed and installed so as not to be a safety hazard. Installations or structures for diving purposes shall be properly anchored to ensure stability and properly designed and located for maximum safety.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XI, Swimming Pools / § 145-69. Safety precautions.

### § 145-69. Safety precautions.

A. Overhead electrical conductors. No overhead electrical conductors shall be installed within 15 feet of any swimming pool. All metal fences, enclosures or railings near or adjacent to a swimming pool to which bathers have access, which may become electrically active as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

B. Equipment installations. Pumps, filters and other mechanical and electrical equipment for public and semipublic swimming pools shall be enclosed in such a manner as to be accessible only to authorized persons and not to bathers. Construction and drainage shall be such as to avoid the entrance and accumulation of water in the vicinity of electrical equipment.

C. Swimming pool safety devices. Every person owning land on which there is situated a swimming pool, fish pond or other body of water which constitutes an obvious hazard and contains 24 inches or more of water in depth at any point shall erect and maintain there an adequate enclosure either surrounding the property or pool area, sufficient to make such body of water inaccessible to small children. Such enclosure, including gates therein, must be not less than six feet above the underlying ground; all gates must be self-latching with latches placed not less then five feet above the underlying ground or otherwise made inaccessible

from the outside to small children.

D. Electrical and plumbing requirements must conform to the Massachusetts Electrical and Plumbing Codes.[EN(6)]

E. All pools shall be operated under the minimum standards for swimming pools of the State Sanitary Code, Article VI, General Laws of the Commonwealth of Massachusetts.[EN(7)]

F. No water shall be placed in a pool until the required fence or enclosure is installed.

G. A certificate of occupancy shall be obtained prior to use of a pool.

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement**

## ARTICLE XII, Administration and Enforcement

**CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-70. Board of Appeals.**

### § 145-70. Board of Appeals.

A. Establishment; composition; terms; qualifications; interest; powers.

(1) There shall be established a Board of Appeals, consisting of three members and three associate members, appointed by the Board of Selectmen. In the first instance, one member and one associate member shall be appointed for a term of one, two and three years, respectively, and annually thereafter one member and one associate member shall be appointed for the period of three years. All members shall hold the office from April 1 in the year of appointment and until their successors are appointed. Members of the Board of Appeals shall all be residents of the Town. At least one member or associate member shall be a lawyer, one a contracting builder and one an architect or structural or civil engineer. All of these shall have had at least 10 years' experience and a responsible position in his or her business or profession. The foregoing qualifications may be waived by the Board of Selectmen if, in its judgment, it becomes necessary.

(2) No member or associate of the Board of Appeals (BA) shall represent before such Board

any party in any matter pending before it.

(3) Powers.

(a) Under this chapter, the BA shall have the following powers:

[1] To hear and decide appeals.

[2] To hear and decide, except as otherwise provided in this chapter, applications for special permits.

[3] To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land or to an existing building thereon, a variance from the terms of this chapter.

(b) In exercising its powers under Subsection A(3)(a)[2] and [3] above, the BA may impose limitations both of time and use, and a continuation of the use permitted may be conditioned upon compliance with regulations to be made and amended from time to time thereafter.

(c) In exercising these powers, the BA may, in conformity with the provisions of this chapter and the Zoning Act, revise or affirm, in whole or in part, or may modify any order or decision and may make such order or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.

B. Adoption of rules. The BA shall adopt rules pursuant to the Zoning Act and not inconsistent with the provisions of the bylaws of the Town for conducting its business and otherwise carrying out the provisions of this chapter. A copy of such rules shall be filed in the office of the Town Clerk. Meetings of the BA shall be held at the call of the Chairman and also when called in such other manner as the BA shall determine in its rules.

C. Appeals.

(1) Any person aggrieved by reason of his inability to obtain a permit from the Inspector of Buildings under the provisions of this chapter by any officer, department or board in the Town or by any order or decision of the Inspector of Buildings or other Town official in violation of any provisions of this chapter may take an appeal to the BA.

(2) Any person desiring to obtain the permission of the BA for any purpose for which such permission is required under the provisions of this chapter shall make application, in writing, therefor within 30 days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the Town Clerk. The Town Clerk shall forthwith transmit copies thereof to such officers or board

whose order or decision is being appealed and to the members of the BA. Such officer or board shall forthwith transmit to the BA all documents and papers constituting the record of the case in which the appeal is taken.

(3) Hearings.

(a) The BA shall fix a reasonable time for the hearing of any appeal or other matter referred to it or any petition for a variance and shall cause the notice of the time and place of such hearing thereof and the subject matter, sufficient for identification, to be published in a newspaper of general circulation in the Town in each of two successive weeks, the first publication to be not less than 14 days before the day of hearing, and also before the day of the hearing shall send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the BA to be affected thereby, including the abutters and the owners of land next adjoining the land of the abutters, within a radius of 300 feet, notwithstanding that the abutting land or next adjoining land is located in another city or Town, as they appear on the most recent local tax list, and to the Winthrop Planning Board (WPB). The publication required by this section shall contain the following printed in boldface type:

[1] The name of the petitioner.

[2] The location of the area or premises which is the subject of the petition.

[3] The date and place of the public hearing.

(b) At the hearing, any party, whether entitled to notice thereof or not, may appear in person or by agent or by attorney.

(4) The Chairman of the BA, or in his absence the Acting Chairman, may administer oaths, summon witnesses and call for production of papers. All hearings shall be open to the public. The BA shall act within 65 days after the date of the filing of an appeal, application or permit under Articles IV, V, and VII and other applicable sections of this chapter within 90 days following a public hearing for which notice has been given by publication or posting as required in the applicable sections of this chapter. Failure of the BA or other special permit granting authority (SPGA) to act within the specified times shall be deemed to constitute the approval of the BA or SPGA of the appeal, application or petition. [Amended 5-22-2003 ATM, Art. 24]

(5) The BA shall cause to be made a detailed record of its proceedings, showing the vote, indicating such fact and setting forth clearly the reasons for its decisions, and of its other official actions, copies of all which shall be filed within 14 days in the office of the Town Clerk and the office of the WPB and shall be a public record, and notice of

decisions shall be mailed immediately to parties in interest as designated in Subsection C(3) above and to every person present at the hearing who requests that notice be sent to him and states the address to which such notice is to be sent. Upon the granting of a limited or conditional zoning variance or special permit, the BA shall issue to the landowner a notice, certified by the Chairman or Clerk, containing the name and address of the landowner, identifying the land affected and stating that a limited or conditional variance or special permit has been granted which is set forth in the decision of the BA on file in the office of the Town Clerk. No such variance or permit shall take effect until such notice is recorded in the Suffolk County Registry of Deeds. The fee for recording such notice shall be paid by the owner, and the notice shall be indexed in the grantor index under the name of the owner of record.

(6) The concurring vote of all members of the BA shall be necessary to reverse any order or decision of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variance in the application of this chapter.

(7) No appeal or petition for a variance from the terms of this chapter with respect to a particular parcel of land or the building thereon and no application for a special permit or exception to the terms of this chapter which has been unfavorably acted upon by the BA shall be considered on its merits by said BA within two years after the date of such unfavorable action except with the consent of all but one of the members of the WPB; provided, however, that an annulment of a favorable decision of said BA by the court shall not constitute unfavorable action within the meaning of this subsection.

D. Other requirements.

(1) The granting of an appeal by the BA shall not exempt the applicant from any provision of this chapter not specifically set forth as exception in this particular case from a provision of this chapter. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building or other structure or lot or change any required limitations or special conditions imposed by the BA in authorizing a special permit or variance without appealing to the BA as a new case over which the BA shall have complete administrative power to deny, approve or modify.

(2) Variance. If the rights authorized by a variance are not exercised within one year of the date of granting of such variance, it shall lapse, and may be reestablished only after notice and a new hearing pursuant to Subsection C above.

(3) Special permits. Special permits granted under Article VII and other applicable sections of this chapter shall lapse after two years of the date of the granting of the special permit

if a substantial use thereof has not commenced.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-71. Special permits.

### § 145-71. Special permits.

Certain uses, structures or conditions are designated as special permit uses in this chapter. Upon written application duly made, the BA may in appropriate cases, subject to the applicable conditions set forth in Article VII of this chapter and elsewhere and subject to other appropriate conditions and safeguards, grant a special permit for such exceptions and no other.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-72. Variances.

### § 145-72. Variances.

The BA may authorize a variance from the terms of this chapter for a particular use or parcel of land or for an existing building where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal enforcement of the provisions of this chapter would involve substantial hardship, financial or otherwise, to the appellant and where desirable relief may be granted without substantial detriment to the public good and without nullifying nor substantially derogating from the intent or purpose of this chapter. Before any variance is granted the BA must find all conditions to be present as specified in MGL c. 40A.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-73. Administrative official.

### § 145-73. Administrative official.

The Building Inspector shall be charged with the administration and enforcement of the provisions of this chapter. He shall withhold a permit for the construction, alteration or moving of any building or structure if the building or structure as constructed, altered or moved shall be in violation of the provisions of this chapter; and no permit shall be granted for a new use of a

building, structure or land which would be in violation of this chapter. If the Building Inspector is requested in writing to enforce this chapter or any provisions thereof against any party allegedly in violation of the same and the Building Inspector declines to act, he shall notify, in writing, the party requesting such enforcement of any action or refusal to act, and the reason therefore, within 14 days of receipt of such request.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-74. Permit required; application requirements.

### § 145-74. Permit required; application requirements.

A. It shall be unlawful for any owner or person to erect, construct, reconstruct or alter a structure or change the use or lot coverage, increase the intensity of use or extend or displace the use of any building, other structure or lot without applying for and receiving from the Inspector of Buildings the required building permit therefor. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the Building Code.

B. An application for a permit shall be accompanied by a plan, accurately drawn, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this chapter. A record of all applications, plans and permits shall be kept on file by the Inspector of Buildings. The Inspector of Buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within 30 days of receipt of the application. [Amended 5-22-2003 ATM, Art. 25]

C. No permit shall be issued under this section if the building, structure or lot as constructed, altered, relocated or used would be in violation of any provision of this chapter. Whenever such permit or license is refused because of some provision of this chapter, the reason shall be clearly stated, in writing.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-75. Previously approved permits.

**§ 145-75. Previously approved permits.**

The status of previously approved permits shall be determined by MGL c. 40A, § 6 as amended by Chapter 808 of the Acts of 1975.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-76. Certificate of occupancy required.

**§ 145-76. Certificate of occupancy required.**

A. No building hereafter erected, altered substantially in its use or extent or relocated shall be used or occupied, and no change shall be made in the use of any building or any parcel of land unless a certificate of occupancy signed by the Inspector of Buildings has been granted to the owner or occupant of such land or building. Such certificate shall not be granted unless the proposed use of the land and buildings and all accessory uses comply in all respects with this chapter, and no use shall be made of such land or building that is not authorized by such certificate of occupancy.

B. Applications for certificates of occupancy and compliance shall be filed coincident with the application for building permits and shall be issued or refused, in writing, for cause within five days after the Inspector of Buildings has been notified, in writing, that the erection or alteration of such building has been completed. Failure of the Inspector of Buildings to act within five days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy. A record of all certificates shall be kept on file in the office of the Inspector of Buildings. Buildings accessory to dwellings, when completed at the same time, shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six months, during the completion of alteration or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the Building Code and state laws or of this chapter to such a degree as to render it unsafe for the occupancy proposed.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-77. Violations and penalties.

### § 145-77. Violations and penalties.

Any person violating any of the provisions of this chapter shall be fined not more than $100 for each offense. Each day that such violation continues shall constitute a separate offense.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / ARTICLE XII, Administration and Enforcement / § 145-78. Severability.

### § 145-78. Severability.

The invalidity of any section, paragraph or provision of this chapter or of any district or part thereof as shown upon the Zoning Map or of any boundary line shown upon said Map shall not affect the validity of any other section, paragraph or provision of this chapter or of any other district or part thereof as shown upon the Zoning Map or of any other such boundary line.

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / Table of Dimensional Regulations

## Table of Dimensional Regulations

**Town of Winthrop**

**Table of Dimensional Regulations**

**(Minimum requirements in feet, unless otherwise indicated)**

**[Amended 4-23-1990 ATM by Art. 21; 4-22-1991 ATM by Art. 29; 5-4-1992 ATM by Art. 31;**

**5-25-2000 ATM by Art. 26; 6-3-2004 ATM by Art. 27]**

**Minimum Yard Setback**

| District | Minimum Lot Area (square feet) | Maximum Density | Minimum Frontage | Minimum Lot Width | Front | Side | Rear | Maximum Number of Stories | Ma H |
|---|---|---|---|---|---|---|---|---|---|
| Residential A[1] | | | | | | | | | |
| 1-family | 7,500 | - | 75 | 75 | 15 | 10 | 20[2] | 2.5 | |
| 2-family | 10,000 | - | 100 | 100 | 20 | 15 | 25[3] | 2.5 | |
| Residential B[4] | | | | | | | | | |
| Multifamily | 20,000 | 1 unit per 2,500 square feet | 100 | 100 | 25 | 25 | 40 | 3[5] | |
| Residential C[4] | | | | | | | | | |
| Mid-rise | 20,000 | 1 unit per 2,000 square feet | 100 | 100 | 50[6] | 50 | 50 | 6 | |
| Business A | 7,500 | - | 50 | 50 | 10[11] | 10 | 24[3] | 4 | |
| Center Business | 5,000[7] | - | 40 | 40 | -[11] | 10[10] | 24[12] | 2.5 | |
| Light Manufacturing | 43,560 | - | 100 | 100 | 50 | 40[9] | 50[9] | 4 | |
| Conservation | - | - | - | - | - | - | - | 2 | |
| Waterfront WF | 20,000 | 1 unit per 1,800 square feet | 100 | 100 | 5-foot average along frontage | 10 | As directed by MGL c. 91 | 5 | |

[1] For lots subdivided after July 1, 1982. For preexisting lots, see § 145-23J.

[2] Or 1/4 depth of lot, whichever is less.

[3] Or 1/5 depth of lot, whichever is less.

[4] See § 145-23H for detailed requirements for multifamily dwellings.

[5] Four stories without basement or cellar.

[6] All buildings that front on Pond Street shall be set back one foot for every one foot of building height, but not less than 50 feet.

[7] Six thousand five hundred square feet for a mixed-use development.

[8] Thirty feet for a dwelling.

[9] One hundred feet adjacent to a zoning district other than Light Manufacturing.

[10] No side yard requirement for a commercial structure, except for a commercial lot abutting a residential district.

[11] Fifteen feet for dwellings.

[12] May be reduced to 10 feet, subject to site plan review, unless abutting a residential district.

[13] Two and one-half stories or 35 feet, whichever is less

## CODE OF THE TOWN OF WINTHROP MASSACHUSETTS, v8 Updated 09-01-2006 / PART I BYLAWS / Chapter 145, ZONING / Zoning Map NOTE

## Zoning Map NOTE(8)

## Endnotes

**1 (Popup - Popup)**

Editor's Note: The Zoning Map is included at the end of this chapter.

**2 (Popup - Popup)**

Editor's Note: Sections 52, 57 and 58 of MGL c. 21 were repealed by Chapter 704 of the Acts of 1979. For provisions on hazardous waste management see MGL c. 21C.

**3 (Popup - Popup)**

Editor's Note: The Table of Dimensional Regulations is included at the end of this chapter.

**4 (Popup - Popup)**

Editor's Note: See Ch. 97, Signs.

**5 (Popup - Popup)**

Editor's Note: See also Ch. 97, Signs.

**6 (Popup - Popup)**

Editor's Note: For plumbing regulations, see MGL c. 142.

**7 (Popup - Popup)**

Editor's Note: See MGL c. 111, § 127A.

**8 (Popup - Popup)**

NOTE: The Zoning Map can be found in the Code book immediately following Ch. 145, Zoning.