

1 **BB Zoning District Amendments**
2 **BB District Map change**
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5 **SEC. 19-1-3. DEFINITIONS**
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7 **Earthwork:** One or more commercial operations involved in preparing or moving earth for use
8 in construction, including foundations, buildings, roads, utilities and landscaping. (Effective
9 February 12, 2005)
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11 **Earthwork Contractor:** A business that primarily and regularly conducts Earthwork and
12 performs one or more of the following activities in the course of and related to conducting its
13 Earthwork:
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- 15 1. Processing, storing and stock piling minerals, wood, compost and other similar
16 materials for resale (processing may include screening, crushing, chipping,
17 recycling or blending multiple products);
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- 19 2. Storing prefabricated materials associated with construction;
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- 21 3. Parking, maintaining and fueling construction vehicles and equipment (fuel
22 storage shall be for the exclusive use of the business and not for resale);
23
- 24 4. Loading, unloading and transporting product used in conducting Earthwork;
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- 26 5. Transporting and storing snow; and
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- 28 6. Administrative activities. (Effective February 12, 2005)
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30 **Earthwork Contractor's Yard:** The portion of a lot used by an Earthwork Contractor for
31 conducting its business activities outside or within structures erected in accordance with Town
32 Ordinances. An Earthwork Contractor shall be deemed to use any portion of a lot upon which the
33 Earthwork Contractor conducts any of the activities enumerated in items number 1 through 6 of
34 the above definition of Earthwork Contractor, other than transporting materials across designated
35 driveways. (Effective February 12, 2005)
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37 **Landscape Contractor:** A business that primarily and regularly conducts off-site yard
38 maintenance and performs one or more of the following activities in the course of and related to
39 conducting landscaping:
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- 41 1. Yard maintenance activities such as mowing, trimming, removal, planting,
42 fertilizing, application of pesticides and other treatments for plants, trees and
43 grass; installation and maintenance of hardscape; and incidental maintenance of
44 outdoor areas;
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- 1 2. Storing and stock piling minerals, wood, compost, plantings, fertilizers, pesticides
2 and similar materials limited to use in yard maintenance and snow removal and
3 not for resale.
- 4
- 5 3. Parking and maintaining landscaping contractor vehicles, equipment and
6 owner/employee vehicles. No landscape contractor vehicle shall exceed a GVWR
7 (gross vehicle weight rating) of 16,000 lbs. Deliveries to the Landscape
8 Contractor's yard by vehicles that exceed a single axle and/or more than 26,000
9 lbs GVWR shall be limited to one (1) per week.
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- 11 4. Snow removal services, excluding on-site storage of snow transported from off-
12 site;
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- 14 5. Welding to maintain landscape contractor equipment;
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- 16 6. Administrative activities.
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18 **Landscape Contractor's Yard:** The portion of a lot used by a Landscape Contractor for
19 conducting its business activities outside or within structures erected in accordance with Town
20 Ordinances. The area used for outside storage shall be contiguous and limited to no more than
21 fifty percent (50%) of the total lot area. All landscape contractor vehicles, equipment, and storing
22 and stockpiling of materials shall be located within the outside storage area and shall be screened
23 with a six (6) foot high solid wood fence or a landscaped buffer or a combination of both. No
24 portion of the outside storage area shall be included in the front yard. A Landscape Contractor
25 shall be deemed to use any portion of a lot upon which the Landscape Contractor conducts any
26 of the activities enumerated in items number 1 through 6 of the above definition of Landscape
27 Contractor.

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29 **SEC. 19-6-6. BUSINESS DISTRICT B (BB)**

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31 **A. Purpose**

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33 The purpose of the Business District B is to recognize locations where moderate intensity, non-
34 retail commercial uses have developed in close proximity to residential areas. (Effective February 12,
35 2005)

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37 **B. Permitted Uses**

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39 The following uses are permitted in the Business District B:

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41 **1. *The following resource-related uses:***

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- 43 a. Any use permitted in Resource Protection 1-Critical Wetlands District, or in Resource
44 Protection 2-Wetland Protection District, or in Resource Protection 3-Floodplain
45 District, as shown on Table 19-6-9
- 46 b. Agriculture

- c. Keeping of livestock, such as a horse, cow, pig, goat, sheep, or similar animal, provided that such activity occurs only on a lot containing at least one hundred thousand (100,000) square feet
- d. Removal of topsoil, subject to the provisions of Sec. 19-8-5, Earth Materials Removal Standards
- e. Timber harvesting
- f. Horticulture, including nurseries, greenhouses, and commercial sale of items produced in nurseries and greenhouses; accessory retail sales shall be permitted

2. ***The following residential uses:***

- a. Single family detached dwelling existing as of December 8, 1993
- b. Eldercare facility, subject to the provisions of Sec. 19-7-6, Eldercare Facility Standards

3. ***The following nonresidential uses:***

- a. Fish and farm market (Effective June 10, 2010)
- b. Athletic or recreational facility, riding stable, or corral
- c. Earthwork Contractor's Yard (Effective February 12, 2005)
- d. Wind energy system (Effective October 8, 2008)
- e. Day Camp (Effective July 10, 2013)
- ~~e.f.~~ Landscape Contractor's Yard

4. ***The following accessory uses:***

- a. Home occupation
- b. Home business
- c. The renting of not more than two (2) rooms within a single-family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.
- d. Amateur or governmental wireless telecommunication facility antenna (Effective April 15, 2000)
- e. Amateur or governmental wireless telecommunication facility tower (Effective April 15, 2000)
- f. Commercial wireless telecommunication service antenna which is attached to an alternative tower structure in a manner which conceals the presence of an antenna. (Effective April 15, 2000)
- g. Agriculture related use (Effective June 10, 2010)

C. Conditional Uses

The following uses may be permitted only upon approval by the Zoning Board as a conditional use, in accordance with Sec. 19-5-5, Applicability:

1. ***The following nonresidential uses:***

- a. Hotel or motel
- b. Restaurant

D. Prohibited Uses

All uses not specifically allowed as permitted uses or conditional uses are prohibited within this district.

E. Standards

1. Performance Standards

- a. The standards of performance of Articles VII and VIII shall be observed.
- b. Standards relating to permitted and conditional uses in the Business B District include:
 - Sec. 19-7-6 Eldercare Facility Standards

2. The following Space and Bulk Standards shall apply:

MINIMUM LOT AREA	
<i>(1) Nonresidential uses, containing no dwelling unit other than an accessory residence for a caretaker or attendant</i>	None, provided that if the lot is not sewered and requires the installation of sanitary plumbing, it shall conform to the regulations of the State Subsurface Wastewater Disposal Rules concerning waste disposal
<i>(2) Eldercare facilities</i>	5 acres
<i>(3) Single family dwelling unit</i>	80,000 sq. ft.
<i>(4) Earthwork Contractor</i>	20 acres (Effective February 12, 2005)
<i><u>(5) Landscape Contractor</u></i>	<u>40,000 sq. ft.</u>
<i>(65) Wind energy systems</i>	20,000 sq. ft. (Effective October 8, 2008)
MAXIMUM NO. OF DWELLING UNITS PER AREA	
<i>(1) In eldercare facilities</i>	1 unit per 3,500 sq. ft. or 1 bed per 2,500 sq. ft. of net residential area, whichever is less

MINIMUM STREET FRONTAGE	
(1) Earthwork Contractor	100' (Effective February 12, 2005)
(2) All other uses	None (Effective August 11, 1999)
MINIMUM SETBACKS	
(1) All uses unless otherwise specified	
(a) Side yard setback	25 ft.; 50 ft. if the lot abuts a Residence District
(b) Rear yard setback	25 ft.; 50 ft. if the lot abuts a Residence District
(c) Front yard setback	The front yard setbacks set forth below may be reduced, only on roads which are not classified arterial, to the average setback of the two principal structures fronting on the same road in closest proximity to the site of the proposed structure, but any structure must be at least 20 feet from the right-of-way.
<ul style="list-style-type: none"> - Buildings with footprints of up to 2,000 sq. ft. - Buildings with footprints of more than 2,000 sq. ft. - Parking spaces and parking aisles 	50 ft. 50 ft. (Effective January 13, 2005) 35 ft.
(2) Nonresidential use abutting a Residence District	A buffer shall be established in accordance with the provisions of Sec. 19-8-1.A, Buffering of Nonresidential Uses.
(3) Eldercare facilities	50 ft. from property line
(4) Accessory structures with floor area not greater than 100 square feet and a height not greater than 8-1/2 feet from average grade	
(a) Side yard setback	10 ft.
(b) Rear yard setback	5 ft.

<i>(5) Antennas extending from 15' to 25' measured from the highest point of the alternative tower structure</i>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna (Effective April 15, 2000)
<i>(6) Towers which are freestanding, and towers which are attached or braced against a structure and exceed 15' in height measured from the highest point of the roof of the structure</i>	
(a) Property line setback	125% of the distance from the ground to the top of the antenna (Effective April 15, 2000)
(b) Front yard setback	125% of the distance from the ground to the top of the antenna or the distance from the street right of way to the front of the existing structure plus 5', whichever is more (Effective April 15, 2000)
<i>(7) Deck with a height of less than ten (10) feet above average grade</i>	
(a) Side yard setback	12.5 ft.
(b) Rear yard setback	12.5 ft.
<i>(8) Accessory building having less than one hundred fifty (150) square feet of floor area</i>	
(a) Side yard setback	12.5 ft.
(b) Rear yard setback	12.5 ft.
<i>(9) Outdoor recreational facilities such as swimming pools, tennis courts, and basketball courts that are accessory to a single family residential use</i>	
(a) Side yard setback	12.5 ft.

(b) Rear yard setback	12.5 ft. (Effective December 10, 2003)
<i>(10) Earthwork Contractor's Yard</i>	
(a) Road setback	40'
(b) Setback from all other property lines	70' (Effective February 12, 2005)
<i><u>(11) Landscape Contractor's Yard</u></i>	
<u>(a) Road setback</u>	<u>40'</u> <u>No outside storage shall be allowed in the front yard.</u>
<u>(b) Setback from all other property lines</u>	<u>25'</u>
<i>(12) Wind energy system</i>	110% of the distance from the ground to the center of the turbine (Effective October 8, 2008)
MAXIMUM TELECOMMUNICATION HEIGHT	
<i>(1) Antenna attached to a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
<i>(2) Amateur or governmental tower attached or braced against a structure</i>	25' measured from the highest point of the roof of the structure (Effective April 15, 2000)
<i>(3) Freestanding amateur or governmental wireless telecommunication tower</i>	50' measured from average original grade (Effective April 15, 2000)
MAXIMUM WIND ENERGY SYSTEM HEIGHT (Effective October 8, 2008)	
<i>(1) All uses to center of turbine</i>	100'
MAXIMUM BUILDING FOOTPRINT	
<i>(1) All uses</i>	None (Effective August 11, 1999)
MAXIMUM BUILDING HEIGHT	

<i>(1) All uses</i>	35 ft.
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F. Site Plan Review

The following uses and activities shall be subject to site plan review by the Planning Board, according to the terms of Article IX, Site Plan Review, prior to issuance of any building permit, plumbing permit, or other permit:

- 1. Nonresidential uses listed in Sec. 19-6-6.C.1
- 2. Eldercare facilities
- 3. Earthwork Contractor's Yard
- 4. Landscape Contractor's Yard
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Any other use or activity listed in Sec. 19-9-2, Applicability, as requiring site plan review