

**SECTION V**  
**Use Regulations**

- 5-1 Except as provided by law or in this By-Law, in each district no building, structure, or land shall be used or occupied except for the purposes permitted as set forth in the accompany Table of Use Regulations, Section 5-4.
- 5-2 A use listed in Section 5-4 is permitted as of right in any district under which it is denoted by the letter "P" subject to such requirements as may be specified elsewhere in this By-Law. If designated in the Table by the letters "SP" the use may be permitted as an exception only if the Board of Appeals so determines and grants a special permit therefor as provided in Section XII subject to such restrictions as set forth elsewhere in this By-Law and such further restrictions as said Board of Appeals may establish. The letter "N" shall designate that the use is not permitted except by a variance from the Board of Appeals.

**5-3 DISTRICTS:**

**Full Name**

1. Single Residence A-1 Districts
2. Single Residence A-2 Districts
3. General Residence Districts
4. Highway Business Districts
5. General Business Districts
6. Limited Industrial Districts
7. Industrial Districts
8. Flood Plain & Watershed Protection Districts

**Short Name**

- A-1  
A-2  
GR  
HB  
GB  
LI  
I  
FP

- P = Permitted  
SP = Special Permit  
N = Not Permitted

5-4 TABLE OF USE REGULATIONS: (A-1) Single Residence; (A-2) Single Residence; (GR) General Residence; (HB) Highway Business; (GB) General Business; (LI) Limited Industrial; (I) Industrial; (FP) Flood Plain and Watershed Protection.

WHITMAN ZONING DISTRICTS  
A-1 A-2 GR HB GB LI I FP

PRINCIPAL USES

A. Residential Uses

1) Detached dwelling on a separate lot occupied by not more than one family-----	P	P	P	N	N	N	N	SP
2) Antique shop in a dwelling or building accessory thereto, provided that there is no exterior display and the residential character of the premises is preserved-----	SP	SP	SP	P	P	P	N	SP
3) Boarding and lodging houses, and tourist homes -----	N	N	SP	SP	N	N	N	SP
4) Planned Cluster Development -----	N	N	N	N	N	N	N	N
5) Motels-----	N	N	N	SP	N	N	N	SP
6) The renting of rooms or the furnishing of board in the dwelling to not more than five (5) persons not members of the family residing on the premises-----	P	P	P	N	N	N	N	SP
7) Conversion of an existing dwelling to accommodate not more than two families, provided that the exterior design of structure is not changed from the character of a single-family unit and further provided that each dwelling unit resulting from such conversion shall comply with Section VI 6-4 and have a lot size of a minimum of 18,000 square feet before conversion-----	SP	SP	SP	SP	SP	SP	N	SP
8) Detached dwelling on a separate lot occupied by not more than two families and having a lot size with a minimum of 22,500 square feet -----	SP	SP	N	N	N	N	N	SP
9) Trailer or Mobile Homes-----	N	N	N	N	N	N	N	N
10) Trailer Park or Mobile Home Park-----	N	N	N	N	N	N	N	N
11) Campgrounds -----	N	N	N	N	N	N	N	N
12) Multi-family apartment dwellings on a single lot of not less than eighty-seven thousand (87,000) square feet, and subject to the conditions set forth in Section VII 7-3-----	N	N	SP	SP	N	N	N	SP

B.) Institutional, Recreational, and Educational Uses

1) Place of Worship, Parish Houses, Religious Schools -----	P	P	P	P	P	P	P	SP
2) Religious, sectarian and non-sectarian denominational, or private school not conducted as a private business for gain ----	P	P	P	P	P	P	P	SP
3) Extension of an existing cemetery -----	SP	SP	SP	N	N	N	N	SP
4) Recreation facility owned or operated by an agency of Town or other government-----	SP	SP	SP	SP	SP	SP	SP	SP
5) Public Utilities -----	SP	SP	SP	SP	SP	SP	SP	SP
6) Private nonprofit libraries or museums -----	SP	SP	SP	SP	SP	SP	SP	SP
7) Private community center building, settlement house, community residences or other similar facility-----	SP	SP	SP	SP	SP	SP	SP	SP
8) Hospital, infirmary, nursing home, convalescent home or other medical institutions -----	SP	SP	SP	SP	SP	N	N	SP
9) Day nursery, nursery, school, kindergarten or other agency giving day care to children -----	SP	SP	SP	N	N	N	N	SP
10) Trade, professional or other school conducted as a private business for gain -----	N	N	N	P	P	SP	N	SP

WHITMAN ZONING DISTRICTS

A-1 A-2 GR HB GB LI I FP

PRINCIPAL USES

11) Private clubs, lodge, or other non-profit social, cultural, civic or recreational use (but not including any use the chief activity of which is one customarily conducted as a business) -----	SP	SP	SP	P	P	SP	N	SP
12) Country Club, golf, swimming, outdoor tennis, or other commercial recreational facility-----	SP	SP	SP	P	N	SP	N	SP
13) Entertainment and recreation facilities operated as a business for gain, including but not limited to bowling alley, theatre, sport arena, skating rink, or tennis courts provided such use is housed indoors in sound-insulated structure protecting neighborhood from inappropriate noise in any season -----	N	N	N	P	P	SP	N	SP
14) All Town and Municipal uses-----	SP	SP	SP	SP	SP	SP	SP	SP

C. *Agricultural Uses*

1) Farming-Agricultural, orchard, horticultural or silvicultural--	P	P	P	P	P	P	P	P
2) Farms, including livestock (excluding the raising or keeping of one or more swine) poultry and dairy farm, market gardens, and the sale of produce raised on the premises-----	P	P	SP	SP	SP	P	N	SP
3) One roadside stand per farm for sale of agricultural products grown or produced on the premises-----	P	P	P	P	P	P	N	P

D. *Office and Laboratory*

1) Professional business or financial office or studio situated in a dwelling used as a private residence by the professional, business or financial person, provided that not more than twenty-five (25) percent of the floor area or four hundred (400) square feet whichever is less of the residence shall be used for the professional, financial or business purpose, and limited to not more than one non-resident employee allowed.	P	P	P	P	P	P	N	SP
2) Business or professional offices or banks -----	N	N	N	P	P	P	P	SP
3) Offices and clinics for medical, psychiatric, or other health services for examination or treatment of persons as outpatients, including only laboratories that are part of such office or clinic-----	N	N	N	P	P	P	N	SP
4) Research laboratories with incidental assembly or experimental and testing laboratories-----	N	N	N	P	N	P	P	SP
5) Commercial or Educational Radio Television studio -----	N	N	N	P	P	P	N	SP
6) Commercial or Educational Radio or television transmission tower facility but not studio -----	N	N	N	N	N	SP	SP	SP

E. *Retail Business and Consumer Service Establishments*

1) Store for retail sale of merchandise provided that all display, storage and sale of materials are conducted within a building (except for nursery and agricultural supplies), and provided there be no manufacturing or assembly on the premises -----	N	N	N	P	P	P	N	SP
2) Eating places serving food and/or beverages to be consumed within the building-----	N	N	N	P	P	P	N	SP
3) Drive-in or open-air restaurant or other establishment providing food and beverage with no live or mechanical entertainment -----	N	N	N	P	SP	SP	N	SP
4) Space for mfg., assembly or packaging of consumer goods provided that at least 50% of such merchandise is sold at retail on premises and that all display, sales and storage is conducted within building; and further provided that no more than 25% of floor area is devoted to manufacturing, assembly, or packaging of consumer goods -----	N	N	N	SP	SP	P	P	SP

PRINCIPAL USES

5) Service business serving local needs, such as barber shops, beauty shops, shoe repair, self-service laundry, or dry cleaning establishments .....	N	N	N	P	SP	SP	N	SP
6) Mortuary, undertaking of funeral establishment .....	N	N	N	SP	SP	N	N	SP
7) Veterinary establishment or kennel used for boarding purposes, provided that animals are kept indoors, and provided that such uses are located on the same premises as a dwelling and is conducted by the resident thereof .....	SP	SP	SP	SP	SP	SP	N	SP
8) Store for retail sale of merchandise such as but not limited to lumber yards and building supply yards wherein merchandise is stored in the open .....	N	N	N	SP	N	P	P	SP
F. <i>Automotive Service and Open Air Drive-In Retail Service</i>								
1) Gasoline service stations, repair garages and body shops provided that: .....	N	N	N	P	SP	SP	N	SP
a) Repairs done outside be limited to minor repairs and adjustments with all major work done within enclosed, sound-insulated structures sufficient to protect the neighborhood from inappropriate noise and other disturbing effects such as but not limited to flashing, fumes, gases, smoke, and vapors. Any lighting for outdoor display shall be directed at the display area only, and shall be shielded at the source of illumination from abutting streets and properties.								
b) There shall be no storage of motor vehicles, rubbish, appliances, and equipment on the premises other than those in process of repair or awaiting delivery or in an enclosed structure or required in the operation of the service station, garage or repair shop.								
c) No gasoline pumps shall be located nearer than thirty (30) feet from any property or street line.								
d) The use occupies a lot of not less than twenty-five thousand (25,000) square feet.								
e) The lot has a frontage of not less than one hundred and sixty (160) feet.								
f) There shall be an area at least fifteen (15) feet deep between the street line and the paved area of such service station, garage or repair shop which shall be seeded and/or landscaped except at entrances and exits.								
g) There shall be only one (1) entrance and one (1) exit each at least twenty (20) feet wide for every one hundred and sixty (160) feet of street frontage or major fraction thereof, and they shall be at least eight (80) feet apart.								
h) The paved area of such service station, garage or repair shop shall be screened from all abutting properties by a buffer at least fifteen (15) feet wide, of densely planted evergreen trees or shrubs which are at least three (3) feet high at the time of planting, and of a type which may be expected to form a year-round dense screen at least five (5) feet high within three (3) years, or by a solid closed fence or wall five (5) feet in height and a three (3) foot wide landscaped buffer or above dimension.								
2) Sales, service and rental of new automobiles, trucks, boats and other motor vehicles conducted wholly or partly within an enclosed structure; accessory sales of used automobiles, trucks, and other motor vehicles conducted wholly or partly within an enclosed structure; and accessory storage, provided that service activities and facilities conform to the requirements of Subsection 1)a) above.	N	N	N	P	SP	SP	N	SP

WHITMAN ZONING DISTRICTS

	A-1	A-2	GR	HB	GB	LI	I	FP
3) Sales of used motor vehicles in conjunction with a gasoline service station, repair garage or body shop.	N	N	N	SP	SP	SP	N	SP
4) Sales of used motor vehicles from within an enclosed structure or on an outdoor lot and as a distinct business unrelated to and separate from any gasoline service station, repair garage or body shop, with lighting and other display features meeting the standards of Subsection 1)a) above.	N	N	N	SP	N	N	N	SP
5) Car and truck washing establishments.	N	N	N	SP	N	SP	N	SP
6) Truck and heavy equipment repair shops provided all work is carried out within the building.	N	N	N	SP	N	P	P	SP
7) Sales places for flowers, garden supplies, agricultural produce partly or wholly outdoors, including commercial greenhouses.	N	N	N	P	N	P	N	SP
8) Place for exhibition, lettering, or sale of gravestones.	N	N	N	P	N	P	N	SP

Adopted April 29, 1987    Approved by Attorney General August 10, 1987    Posted August 18, 1987    EFFECTIVE April 29, 1987

PRINCIPAL USES

G.) *Industrial, Wholesale and Transportation Uses*

1) Laundries and dry cleaning plant-----	N	N	N	SP	P	SP	P	SP
2) Printing, binding, publishing and related arts and trades ----	N	N	N	SP	P	SP	P	SP
3) Bottling of beverages-----	N	N	N	SP	N	SP	P	SP
4) Plumbing, electrical, or carpentry shop or other similar service or repair establishment other than those in Section 5.4 1.6---	N	N	N	P	SP	P	P	SP
5) Place for manufacturing, assembling, or packaging of goods provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor be effectively confined to the premises or be disposed of in a manner that does not create a nuisance or hazard to safety or health-----	N	N	N	N	N	SP	P	SP
6) Wholesale business and storage in a roofed structure-----	N	N	N	P	SP	P	P	SP
7) Trucking and freight terminals -----	N	N	N	SP	N	SP	SP	SP
8) Light non-nuisance manufacturing including fabricating of small parts and manufacturing which is incidental to research and experimental laboratories or which is in an Industrial Park. Cafeterias for employees and other normal accessory uses when contained in the same structure as the permitted use. -----	N	N	N	SP	SP	P	P	SP
9) Industrial parks-----	N	N	N	N	N	SP	P	SP
10) Office Parks-----	N	N	N	SP	N	SP	SP	SP
11) Research Parks-----	N	N	N	SP	N	SP	SP	SP

H.) *Other Principal Uses*

1) Extractive industries, manufacture, distribution or sale of explosives-----	N	N	N	N	N	N	N	N
2) Open-lot storage of transport vehicles and trailers-----	N	N	N	SP	N	SP	P	SP
3) Truck and trailer bodies stored or used for storage -----	N	N	N	SP	N	SP	P	SP
4) Open-lot storage or sale of junk or salvaged materials-----	N	N	N	N	N	N	N	N
5) Open-lot storage of goods and materials used in connection with a commercial or industrial use-----	N	N	N	SP	N	SP	SP	SP
6) Removal of sod, loam, sand, gravel or other earth products in connection with the construction of a building for which a permit has been issued, provided that the amount of such material removal does not exceed the amount contained before construction, in the particular space to be occupied by the foundation of said building -----	P	P	P	P	P	P	P	SP
7) The removal of sand, loam, sod or gravel for commercial purposes. Nothing herein contained, however, shall prohibit the removal of the same in connection with the construction of a building for which a permit has been duly issued or for the landscaping of a lot from which said sand, loam, sod or gravel is removed. The same may be used commercially when taken from a proposed street after approval of the definitive plan of the street by the Planning Board-----	N	N	N	N	N	N	SP	N

PRINCIPAL USES

- |  |   |   |    |    |    |    |    |    |
|--|---|---|----|----|----|----|----|----|
| 8) Airport for the service of small private craft including the incidental sale, storage and repair of such craft, but only to the extent specifically authorized by the Board of Appeals-----   | N | N | N  | N  | N  | SP | N  | SP |
| 1.) <i>Accessory Uses</i>  |   |   |    |    |    |    |    |    |
| 1) Tool shed, playhouse, tennis court, boathouse, or other building or structure for domestic use; private garage for motor vehicles but not including more than one commercial vehicle, other than farm vehicles, or more than one vehicle owned by a non-resident of the premises-----   | P | P | P  | P  | P  | P  | N  | SP |
| 2) Private horse stable provided that said structure be not less than seventy-five (75) feet from any property line and provided that fencing adequate to prevent passage of animals onto abutting property be established -----   | P | P | SP | SP | SP | SP | N  | SP |
| 3) Accessory uses which are necessary in connection with scientific research -----   | N | N | N  | SP | SP | SP | SP | SP |
| 4) A private swimming pool provided that it meets the following requirements -----   | P | P | P  | P  | P  | P  | N  | SP |
| a) All pools, 24 inches of water and over, must first have a permit issued by the Building Inspector. Applications for same may be obtained from the Building Inspector or at the Town Clerk's Office, Town Hall, Whitman.   |   |   |    |    |    |    |    |    |
| b) Applications for a Wiring Permit must be obtained from the Wire Inspector. Permit must first be obtained from the Wire Inspector before any wiring is performed.  |   |   |    |    |    |    |    |    |
| c) Pools must be at least 10 feet from the rear and side property lines, at least 35 feet from the front property lines and at least 10 feet from the house (this means the part of the pool that contains the water), and 10 feet from the sewerage system.   |   |   |    |    |    |    |    |    |
| d) All inground pools must be enclosed with a six foot (6') fence.   |   |   |    |    |    |    |    |    |
| e) Above ground pools (that have a platform or deck with a ladder that folds up, and which have a 3 foot fence atop same) do not have to meet the 6' fence regulation as the distance from the ground to the top of the rail, should be at least 6' high or more.  |   |   |    |    |    |    |    |    |
| f) Those people owning swimming pools not in compliance with this By-Law shall take out Building and Wiring permits and have it inspected.   |   |   |    |    |    |    |    |    |
| 5) The raising or keeping of livestock or poultry (except the raising or keeping of one or more swine) provided that no building for livestock may be less than fifty (50) feet from any lot line and no building for poultry may be less than 20 feet from any lot line and not larger than ten (10) percent of the floor space-----  |   |   |    |    |    |    |    |    |
| 6) Any customary home occupation as described in Section 11----  |   |   |    |    |    |    |    |    |
| 7) The use of a portion of a dwelling or accessory building thereto by a resident skilled tradesman, draftsman, or artisan, for incidental work with an off-premises occupation provided there is no external change which alters the residential appearance of the building, and provided that all storage is kept indoors, and provided that no more than twenty-five (25) percent of the floor area or four hundred (400) square feet whichever is less of the residence shall be used for the occupation. <sup>2</sup> |   |   |    |    |    |    |    |    |

(as amended 4/10/78)

<sup>2</sup>Voted 5/11/88 Approved by Attorney General 7/28/88 Posted and effective 5/11/88

**SECTION VI**  
**Dimensional and Density Regulations**

6-1 No principal building or structure shall be built nor shall any existing building or structure be enlarged except in conformance with the regulations of the Town of Whitman Protective Zoning By-Law, in the districts as set forth below except as may otherwise be provided elsewhere in the Town of Whitman Protective Zoning By-Law.

**6-2 ACCESSORY USES AND ACCESSORY BUILDINGS**

- A) A detached accessory building may be erected in the side or rear yard area no closer than ten (10) feet from any side or rear lot line, no closer than ten (10) feet from the principal building, and in conformance with the front yard requirement of the district in which it is located. An accessory building attached to its principal building shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
- B) A detached accessory building shall cover no more than twenty-five (25) percent of the rear yard area required for the principal building.
- C) A garage or storage space for private motor vehicles, attached or detached, shall be considered as an accessory building and may provide space for as many as two (2) cars for their principal uses in Residence Districts and for dwellings in Business and Industrial Districts subject to the provisions of paragraphs A and B (above) in this section. All other storage space uses for vehicular equipment may have additional spaces to store necessary equipment.

6-3 On a corner lot, to provide unobstructed visibility at intersections, no sign, fence, wall, tree, hedge or other vegetation, and no building or other structure between three (3) feet and eight (8) feet above the established street grades shall be erected, placed, or maintained within the area formed by the intersecting street lines and a straight line joining said street lines at points which are twenty (20) feet from the point of intersection of ways or tangents of curves of rounded curbs, measured along said street lines.

6-4 The primary apartment unit within a two family dwelling or a multi-family dwelling shall have a minimum interior floor area of 600 square feet; each additional apartment unit shall have a minimum interior floor area of 400 square feet; said area to be measured to the exterior walls of structures.

**6-5 Dimensional and Density Regulations Table (1):**

Zoning District	Min. Lot Size in Sq. Ft.	Continuous Min.			Rear	Max. Bldg. Hgt. in Ft. (2)	Max. % of Lot Coverage by Structure (3)
		Lot Frontage in Lin. Ft.	Front	Min. Yard Depth In Ft. (1) Side			
Singles Residence, A-1	22,500	150	35	20	50	35	25
Singles Residence, A-2	18,000	120	30	15	40	35	25
General Residence, GR	10,000	90	30	12	30	45	25
Highway Business, HB	10,000	90	100	12(6)	50	45	(5)
General Business, GB	10,000	90	0	0	20	45	(5)
Limited Industrial, LI	15,000	100	50	25(6)	20(6)	45	(5)
Industrial, I	15,000	100	50	25(6)	20(6)	45	(5)
Flood Plain & Water- shed Protection, FP	(4)	(4)	(4)	(4)	(4)	(4)	(4)

- (1) On lots abutting streets on more than one side, the front yard requirements shall apply to each of the abutting streets.
- (2) These height restrictions shall not apply to chimneys, water towers, skylights and other necessary features appurtenant to buildings which are usually carried above roofs and are not used for human occupancy nor to wireless or broadcasting towers and other like unenclosed structures.
- (3) This restriction does not apply to swimming pools.
- (4) Overlay districts (See Section VII, 7-4).
- (5) No specific restriction — determine on the basis for requirements of parking, drainage, and sewerage.
- (6) Where residential area abuts, minimum shall be 50 ft.

*Note:* In the event of a variance for residential purposes in a non-residential zone, the A-1 lot area requirements shall apply. Minimum lot area and width requirements shall not apply to lots which prior to the adoption of this by-law were shown as separate parcels on subdivision plans approved by the Planning Board, or to lots which are held and were held in separate ownership from that of all contiguous surrounding lots when the town by-law on Development of Land and Construction of Streets, and Subdivision Control became effective in the Town of Whitman. Such lots may be used for any permitted use in the district in which the lot is located, and for each two (2) feet that such lot is less than ninety (90) feet wide, one (1) foot may be deducted from the sum of the width of the required two (2) side yards, provided that no side yard shall be less than ten (10) feet.



**SECTION VII**  
**Special Provisions**

7-1 The uses outlined in this Section may be permitted as designated in Section V, 5-4, Table of Use Regulations provided they meet the following requirements detailed in this Section in addition to any other applicable requirements of the By-Law.

**7-2 Site Plan Requirements:**

- A) No building or structure, except one or two family dwellings and their accessory buildings, shall hereafter be erected, externally enlarged or changed in use except in conformity with a site plan bearing an endorsement of approval by the Board of Appeals. Applicants seeking site plan approval shall be required to submit a site plan. The original and eight (8) copies of the site plan shall be submitted to the Town Clerk who shall in turn give the applicant a dated receipt. Within four (4) days of receipt the Town Clerk shall transmit one (1) copy each to the Board of Appeals, Board of Health, the Building Inspector, the Planning Board, the Superintendent of the Department of Public Works, and the Conservation Commission. Within thirty (30) days of filing said application, the Review Boards shall evaluate the application and site plan with regard to the conditions and standards set forth in the By-Law and shall submit an advisory report to the Board of Appeals. The Board of Appeals shall not render a decision without considering the report of the Review Boards unless thirty (30) days from the date of filing has expired without receipt of such report.  
Voted 5/23/79; Approved by Attorney General 7/25/79; Effective 7/30/79
- B) Where a proposed development will also fall under subdivision control, the applicants shall submit information required for a Definitive Plan according to the latest Rules and Regulations Governing the Subdivision of Land and the procedures of the Whitman Planning Board, Whitman, Massachusetts in lieu of the Site Plan required in this Section. Planning Board endorsement of the information submitted under this By-Law, however, shall not constitute approval under the subdivision control law. The Site Plan shall bear the stamp of a registered land surveyor or a civil engineer in the Commonwealth of Massachusetts.
- C) When a site plan application and a variance or special permit is required in connection with the same proposed activity both hearings shall be held as one hearing.
- D) Site plan requirements are set forth as follows:
  - 1) The plan submitted shall be drawn to a scale of at least 1" = 20', or in large plots 1" = 40'.
  - 2) There shall be submitted at the same scale as the site plan a professionally surveyed plan of existing site features including the size of the property; the existing and proposed topography at two (2) foot contour intervals; general soil types as indicated on soil maps available from the U.S. Soil Conservation Service; vegetation cover including accurate locations of wooded areas and major trees, as well as roads, structures, or other significant features.
  - 3) A locus map shall be included to indicate the location of the property within the Town. This map shall include the zoning district(s) for the area.
  - 4) In order to allow adequate consideration of the surroundings, a plan of adjacent properties shall be presented at a scale of not less than 1" = 100' or at the same scale as the site plan if practical. This plan will show the general characteristics of all lands within 300' of the proposed site, including structures, parking areas, driveways, pedestrian ways, and significant natural features.
  - 5) A site plan and any other drawings necessary shall precisely indicate the following:
    - a) Area of the site.
    - b) Proposed uses of the land and structures.
    - c) Vehicular circulation system, including pavement widths, and rights of way if any.
    - d) Pedestrian circulation system if any.
    - e) Layout of parking areas.
    - f) Buffers and all landscaping.
    - g) All proposed structures, including their exact location, relation to topography, height and bulk.
    - h) Number and type of dwelling units if any.
    - i) Service access and facilities for all structures, or uses including garbage and trash disposal facilities.
    - j) Location of utility infrastructures for water supply and sewerage.
    - k) All site drainage including natural courses and storm drains including drainage calculations.
    - l) The location of all open space including its intended use, natural trees and foliage to be maintained, specific new planting by size and location, and the organization or owner intended to own and maintain same.
    - m) Finish contours of the topography, measures and structures to minimize soil erosion during construction.
    - n) Significant site appurtenances such as walls, light poles, and recreation areas.
    - o) Name of owner of record.
    - p) Locus and north point.
    - q) Names and stamps of the registered professional land surveyor or civil engineer.

**SECTION VII**  
**Special Provisions**

- r) Location and design of refuse storage area.
- s) Location and type of fencing, screening, landscaping, signs (if required).
- t) All access roads, rights-of-way, driveways, easements, etc., both existing and proposed.
- u) Names of all abutters of record.
- v) Location of zoning district lines.

E) *Site Plan Review*: In considering a site plan, the Board of Appeals shall assure reasonable use of the site using the following criteria:

- 1) Protection of adjoining premises against seriously detrimental uses on the site during and after construction.
- 2) Convenience and safety of vehicular and pedestrian movement within the site, and also in relation to adjacent streets, property or improvements during and after construction.
- 3) Adequacy of the methods of drainage for surface water during and after construction.
- 4) Provisions for the off-street loading operation of vehicles incidental to the normal operation of the establishment.

**7-3 Multi-Family Dwellings/Apartments — Requirements:**

- A) *Minimum Lot Size*: The lot shall have not less than eighty-seven thousand (87,000) square feet of land area.
- B) *Density*: For each dwelling unit constructed, there shall be a minimum equivalent of six thousand (6,000) square feet of lot area.
- C) *Dimensional Requirements*: Buildings shall be at least 1) fifty (50) feet from any lot line that abuts the proposed development; 2) fifty (50) feet from any street line; 3) fifteen (15) feet from any parking area; 4) at least forty-five (45) feet apart; and 5) not more than thirty-five (35) feet in height.
- D) *Building Design/Placement*: Buildings shall insure maximum compatibility with surrounding land uses and structures. Where the site adjoins single-family residential areas, the Board of Appeals may adjust building heights and side yard requirements in certain portions of the development. There shall not be more than eight (8) units per building.
- E) *Usable Common Open Space*: There shall be a minimum area of usable common open space on the same lot as the principal buildings of at least twice the total floor area of the buildings devoted to residential use.
  - 1) Usable common open space shall be defined as land left substantially in a natural state or developed for the recreational use for the residents of the dwellings and it shall not include street rights-of-way, open parking lots, service or loading areas, driveways, easements for above ground utilities, required front yards within thirty (30) feet of the right-of-way of a public street or way, landscaped areas, ground area covered by any structure other than those structures directly related to the open space or recreational use, or any other land deemed unsuitable by the Board of Appeals, including, but not limited to swamps, marshes or wetlands, lands exceeding a slope of thirty-three (33) percent, rock out-croppings, or muck or borrow, shown on maps, Sheet Nos. 14 and 15 of the Plymouth County Soil Survey issued in July 1969 by the United States Department of Agriculture, Soil Conservation Service.
  - 2) There shall be a satisfactory design and location of collection points for the disposal of garbage and trash, adequately screened for reasons of health and safety, as determined by the Board of Appeals.
  - 3) All existing and proposed utilities shall be installed underground at the time of construction.
- F) *Screening Buffers*: See Section 10-6.
- G) *Parking*: See Section VIII.
- H) *Drainage*: See Section 10-3.

**7-4 Flood Plain and Watershed Protection Districts:**

- A) *Purposes*: The purposes of the Flood Plain Watershed Protection Districts are:
  - 1) To provide that lands in the Town of Whitman subject to seasonal or periodic flooding as described hereinafter shall not be used for residence or other purposes in such a manner as to endanger the health or safety of the occupants thereof, or of the public generally, or as to burden the public with costs resulting from unwise individual choices of land use.
  - 2) To protect, preserve and maintain the water table and water recharge areas within the Town so as to preserve present and potential water supplies for the public health and safety.
  - 3) To assure the continuation of the natural flow pattern of the water courses within the Town in order to provide adequate and safe floodwater storage capacity to protect persons and property against the hazards of flood inundation.

B) *District Boundaries:* The Flood Plain and Watershed Protection District is defined as:

- 1) All areas designated as Qs and/or Q1 on the Proposed Flood Plain and Watershed Protection District Map dated May 1, 1973, and,
- 2) One hundred (100) feet horizontally landward from any bank of the Schumatuscacant River and the Meadow Brook and all their respective tributaries.
- 3) One hundred (100) feet horizontally landward from the 100-year storm water elevation of the Schumatuscacant River and the Meadow Brook and all their respective tributaries, or whatever is the greater distance of (2) or (3).

C) *Use Regulations:*

- 1) The Flood Plain and Watershed Protection District shall be considered as superimposed on existing zoning By-Law Districts.
- 2) In the Flood Plain and Watershed Protection District the applicable use and other provisions of the zoning By-Law shall continue in force, subject to all the provisions of this Section.
- 3) In the Flood Plain and Watershed Protection District no new building shall be erected or constructed, and no existing structure shall be altered, enlarged or moved; no dumping, filling or transfer of trash, garbage, junk, used or waste materials or scrap shall be permitted; no dumping, filling or transfer of gravel, sand loam, earth or other material shall be permitted; nor shall any land, building or structure be used for any purposes except:
  - a) Outdoor recreation, including play areas, nature study, boating, fishing and hunting where otherwise legally permitted;
  - b) Wildlife management areas, foot, bicycle, and/or horse paths and bridges, provided such uses do not affect the natural flow pattern on any water course;
  - c) Conservation of water, plants and wildlife;
  - d) Grazing and farming, including truck gardening and harvesting of crops;
  - e) Forestry and nurseries;
  - f) Public or private golf course;
  - g) Buildings lawfully existing prior to the adoption of these provisions subject to the provisions of Section IV of this By-Law.

unless a special permit has been issued by the Board of Appeals created under Section XII of the Protective Zoning By-Law, and after a hearing with due notice given as provided by Section 4 of Chapter 40A, G.L.

The Board shall issue a permit stating the conditions under which said building may be erected or placed in the Flood Plain and Watershed Protection District as provided below.

D) *Permit Procedure:*

- 1) Any person desiring to undertake an action described in Subsection C3 above within the Flood Plain and Watershed Protection District, shall submit six (6) copies of an application for a permit to the Town Clerk, who shall transmit five (5) copies of it within forty-eight (48) hours to the Board of Appeals, who in turn shall transmit one (1) copy to each of the following within forty-eight (48) hours: Board of Health, Department of Public Works, Conservation Commission and the Planning Board. The application shall be accompanied by plans of the building or structure and of the premises on which it is or to be situated. Such plans shall conform to the requirements of the Rules and Regulations Regulating Sub-division of Land for the Town of Whitman, as most recently amended.
- 2) No permit shall be issued by the Board of Appeals until a report or reports with recommendations by the Planning Board and the Conservation Commission have been received, or until forty-five (45) days have elapsed from the date of submission in the absence of such report or reports. The failure of the Board of Appeals to act within seventy-five (75) days from the date of submission shall constitute approval thereof, or such further time as may be agreed upon at the written request of the applicant.
- 3) The Board of Appeals shall issue a permit under this Section if it finds that the use of the premises will not endanger the health, safety and general welfare of the occupants thereof, the public generally or of other land or buildings. In deciding applications for a permit under this Section, the Board shall be satisfied:
  - a) that the basement floor level shall be above the elevation of the nearest Flood Plain and Watershed Protection District Boundary (Amended 6/9/81 and Effective 6/9/81; Approved by Attorney General 9/10/81).
  - b) that other land shall be protected against detrimental or offensive uses of the premises, and that no sewerage effluent shall be disposed into the Flood Plain Watershed Protection District.
  - c) that safe vehicular and pedestrian movement to, over and from the premises shall be provided over ways having an elevation above the nearest Flood Plain and Watershed Protection District Boundary.
  - d) that the methods of drainage of the area covered by the permit are adequate under normal and flood conditions to maintain the flow below the nearest Flood Plain and Watershed Protection District Boundary.

the premises are free from danger to the health or safety of the occupants thereof, the public generally or of other land or buildings, and shall not adversely affect the natural function of the District as a flood plain and water retention area.

- f) that the land is not subject to seasonal or periodic flooding.
- g) that the portion of any lot within a Flood Plain and Watershed Protection District used to meet the area and yard requirements for the underlying district in which the remainder of the lot is situated, does not exceed twenty-five percent (25%) of the required minimum lot area of the underlying District.
- h) **PROTECTIVE ZONING BY-LAW.** In the regulation Floodway, prohibit any development or encroachment (including fill), which would result in any increase in the Flood Level Base during flood discharge. Thereby eliminating the words: of more than one foot . . .

VOTED: JUNE 5, 1997

Approved by Attorney General August 5, 1997

Effective June 5, 1997

Posted August 12, 1997

- 4) Nothing contained in this Section shall limit the authority of the Board of Health with respect to premises in the Flood Plain and Watershed Protection District or affect the applicability of the State Building Code to any building in the Flood Plain and Watershed Protection District.
- 5) Nothing contained in this Section shall limit the applicability of Section 40 of Chapter 131 G.L. The Board of Appeals, where appropriate shall condition the issuance of a permit required under this Section upon an approval under Section 40 of Chapter 131.
- 6) The boundaries shown on map entitled FLOOD INSURANCE RATE MAP, FLOOD HAZARDOUS FLOOD-WAY MAP (dated July 2, 1981) TOWN OF WHITMAN, MASS. ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, shall be used in conjunction with the existing Flood Plain Maps in determining FLOOD PLAIN HAZARD, and determination be made by the more comprehensive map. (Voted 6/9/81; Approved Attorney General 9/10/81; Effective 6/9/81.)

## SECTION VIII

### Off-Street Parking and Loading Regulations

- 8-1 **OFF-STREET PARKING AND LOADING REQUIREMENTS:** In any district if any structure is constructed enlarged, or extended and any use of land established, or any existing use is changed, after the effective date of this By-Law, parking and loading spaces shall be provided in accordance with the Table of Off-Street Parking Regulations and the Table of Off-Street Loading Regulations. An existing structure which is enlarged or an existing use which is extended after the effective date of this By-Law shall be required to provide parking and loading spaces in accordance with the following tables for the entire structure or use, unless the increase in units or measurements amounts to less than 25 percent whether such increases occur at one time or in successive stages.
- 8-2 **EXISTING SPACES:** Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this By-Law shall not be decreased so long as said use remains, unless a number of parking or loading spaces is constructed elsewhere such that the total number of spaces conforms to the requirements of the tables of this Section provided: this regulation shall not require the maintenance of more parking or loading spaces than is required according to the tables.
- 8-3 **SPACE AREA REQUIREMENT:**
  - A) *Off-Street Parking:* All parking spaces shall be a minimum of 10'-0" x 20'-0", and all maneuvering and travel lanes shall be a minimum of 24'-0" in width.
  - B) *Loading Area:* Each space shall not be less than twelve (12) feet in width and not less than forty-five (45) feet in length. Height clearance shall not be less than fourteen (14) feet. In all cases, required loading space shall *not* encroach on customer parking, employee parking, maneuvering space.  
  
Loading spaces shall be designed to provide adequate off-street maneuvering areas so that it will not be necessary for vehicles to use a public right-of-way in maneuvering into a loading space and so that egress from such areas will not require backing into public streets.
- 8-4 **OFF-PREMISE OFF-STREET PARKING:** Required parking spaces shall be on the same lot as the principal use served, or if not reasonably possible, on other property within four hundred (400) feet of the principal use.  
Voted—5/11/88    Approved by Attorney General—7/28/88    Posted and effective—5/11/88

Such off-premises parking shall be in possession, by deed or lease, of the owner of the use served. Such required parking shall thereafter be associated with and maintained for the use established and shall not be reduced or encroached upon. The owner of any property to be used for any off-premises parking shall sign a recorded declaration of restrictions with the Town of Whitman binding the property to prescribed use as parking until such time as said restriction shall be released by an instrument of the owner and the Town of Whitman.

8-5 **JOINT USE OF REQUIRED PARKING:** Joint use may be made of required parking spaces by intermittent use establishments such as churches, assembly halls, or theatres whose peak parking demand is only at night or on Sundays and by other uses whose peak demand is only during the day. A formal agreement shall be made in writing by the owners of the uses involved concerning the number of spaces involved, substantiation of the fact that such joint use is not overlapping or in conflict, and the duration of the agreement. Required spaces shall be within 300 feet of churches and public assembly halls and 400 feet of other uses.

8-6 **COOPERATION ESTABLISHMENT AND OPERATION OF PARKING AREAS:** Required spaces for any number of uses may be provided in a combined lot or lots, provided that the number of spaces in the combined facility shall not be less than the sum of those required of the individual uses, with allowance made, upon formal designation, for night use or for separate and distinct working shifts, and provided also that such lot or lots shall be within 300 feet of the principal buildings served.

8-7 **ENTRANCE AND EXIT POINTS:** Suitable provision shall be made along all property lines and along the borders of parking areas to prevent entrance upon any public right-of-way except at approved points. No existing curb shall be cut, broken out, or removed except as authorized by the Building Inspector under the terms of this By-Law.

No more than two driveways shall be allowed on any street frontage, unless such frontage exceeds 500 feet, in which case more driveways may be authorized by the Building Inspector or Board of Appeals. (A pair of one-way drives separated by a median may be considered one driveway). Driveways shall be no closer than fifty-five (55) feet to any intersection of street lines, and not less than fifty-five (55) feet apart, except in cases of narrow lots in which the Building Inspector may authorize a smaller separation, but no less than thirty (30) feet. No driveway shall be closer than fifty (50) feet to any driveway on any adjoining lot, variable by the Building Inspector to a minimum of thirty (30) feet under exceptional circumstances.

Driveway width shall fall within the following limits.

	Min.	Max.
1-5 family residential	10	20
Multi-family (above 5 dwelling units)	20	30
Commercial and Industrial		
One-way	12	20
Two-way	24	30

8-8 **SURFACING REQUIREMENTS:** Off-street parking areas shall be paved with mix asphalt or other approved hard surface, all weather surfacing material and provided with proper drainage. One and two family dwellings not part of a larger complex may waive surfacing requirements provided that areas shall be clearly defined.

8-9 **LIGHTING REQUIREMENTS:** All parking areas providing more than ten (10) spaces and providing access (eg. walkways) to and from the principle building shall be suitably illuminated as prescribed by the Building Inspector. Lighting shall be so placed or hooded as to prevent direct light from becoming a nuisance to surrounding property.

8-10 **VISUAL RELIEF FOR LOTS:** Parking lots that abut public ways shall be separated therefrom by at least a ten (10) foot strip of landscaping (which shall contain at least three (3) trees per two hundred (200) linear feet that are at least three (3) inches diameter breast height).

Parking lots in HB, GB, LI, or I Districts that abut residential districts shall also provide a minimum ten (10) foot landscaped buffer strip on the affected side yards. A wall or solid fence, at least six (6) feet in height, may replace the buffer strip.

Parking lots shall contain visual relief from vast expanses of unbroken blacktop and cars. In parking areas exceeding one-quarter (1/4) acre but less than one (1) acre in area, landscaping islands containing trees of greater than six (6) feet in height shall be provided at a rate of at least six (6) per eighty (80) parking spaces. At least half of these shall be of a species expected to mature to a height greater than thirty (30) feet. Landscaping in islands shall be protected from damage from parking cars and snow removal operations.

When the total amount of parking on a lot or building site exceeds 40,000 square feet, the parking shall be separated into smaller lots or segments of not more than 20,000 square feet each with dividers at least ten (10) feet wide and containing vegetation.

8-11 **PARKING AND STORAGE:** No large trucks, trailers, or other major transportation equipment shall be parked in any yard between the building line and a public street in any residential zone.

Parking lots in HB, GB, LI, and I Districts where large trucks, trailers, and other major transportation equipment is stored in a lot abutting a public way shall provide a solid fence six (6) feet in height to screen the lot from the street. Refer to Section VI, 6-3.

8-12 **TABLE OF OFF-STREET PARKING REGULATIONS:** When the computation of parking spaces results in the requirement of fractional space, any fraction over one-half shall require one space.

Uses	Number of Parking Spaces Per Unit
A) Gasoline Service Station and Repair Garage	Two (2) spaces for each lubrication pit, lift or bay and one (1) space for each employee.
B) Bank	One parking space for each 175 square feet of gross floor area on the lobby floor. Office area not on the lobby floor shall be treated in the same manner as business and professional offices. Refer to D below.
C) Bowling Alley	Three (3) spaces per alley plus one (1) space per employee.
D) Business, professional, and other offices	One space for each 300 square feet of gross floor area.
E) Church, or other place of worship, college, or other institutions of higher learning, business, trade, or other schools, libraries, housing for the elderly, accessory uses to such facilities, schools, stadiums, and places of public assembly, or theatre.	Refer to the State of Massachusetts Building Code.
F) Dwellings (one family detached)	Two (2) spaces per dwelling unit.
G) Dwellings (single family attached and multi-family)	Each one bedroom unit, 1.3 spaces, each two bedroom unit, 2.0 spaces, each three bedroom unit, 2.6 spaces, each four bedroom unit, 3.0 spaces.
H) Food and Beverage Establishment	One (1) space for each three (3) seats or one space for each 50 square feet of gross floor area whichever is greater.
I) General business, commercial or personal services, service establishment catering to the retail trade, including stores, department stores, or drugstores.	One (1) space for each 300 square feet of gross floor area.
J) Hospital	One (1) space for each bed.
K) Hotel/Motel	One space for each unit, plus additional spaces for any public eating or assembly spaces as required in H.
L) Manufacturing uses and processing plants excluding warehouse area	One parking space for each two (2) employees during the shift of maximum employment or one space for each 600 square feet of open or enclosed area devoted to the compounding, manufacturing, or processing of any goods or articles, whichever is less, plus one space for each vehicle used in conjunction with the business.
M) Medical and dental clinics and offices	One space for each 200 square feet of gross floor area.
N) Mortuary	One space for each three (3) seats within the chapel or one space for each 20 square feet of floor space not containing fixed seats within the chapel plus one parking space for each 400 square feet of gross floor area within the building outside the chapel.
O) Rooming houses, lodging houses, and clubs and fraternities having sleeping rooms	Two (2) spaces for each structure plus one space for each guest room or sleeping unit.
P) Sanitariums, rest homes, nursing homes	One space for each two (2) beds.
Q) Warehouse and storage building	One space for each 4,000 square feet of gross floor area, plus one space for each 400 square feet of office area.

8-13 **LOCATION OF LOADING SPACES:** The loading spaces required for the Table of Off-Street Loading Requirements shall in all cases be on the same lot as the use they are intended to serve. In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of this By-Law.