

TOWN OF HOPKINTON
ZONING BYLAW

ARTICLE I

General Provisions

[Amended 3-3-1969 ATM, Art. 38; 4-14-1975 ATM, Art 31;
4-13-1978 ATM, Art. 39; 4-15-1981 ATM, Art. 33;
10-10-1984 STM, Art. 20; 4-15-1988 ATM, Arts. 55, 78
and 80; 5-2-1994 ATM, Arts. 19 and 21; 5-1-1995 ATM,
Art. 34; 5-6-1996 ATM, Arts. 34 and 38; 5-5-1997 ATM,
Art. 26; 5-7-1998 ATM, Art. 41; 5-3-1999 ATM, Arts. 23
and 24; 5-2-2000 ATM, Arts. 25 and 35; 5-5-2003 ATM, Art. 25;
5-1-2006 ATM, Art. 34, 5-7-2007 ATM, Art. 30]

~ 210-1. Zoning districts. [Amended 3-3-1969 ATM, Art. 38; 4-13-1978, Art. 39]

A. The Town is hereby divided into the following zoning districts as shown on the Official Zoning Map:

RA	Residence A
RB	Residence B
RLF	Residence Lake Front
A	Agriculture
B	Business
BD	Downtown Business [Added 5-7-2007 ATM, Art, 25]
IA	Industrial A [Added 5-7-2007 ATM, Art, 26]
IB	Industrial B [Added 5-7-2007 ATM, Art, 26]
W	Wetland
FP	Floodplain
HD	Historic District
BR	Rural Business [Added 10-10-1984 STM, Art. 20]
P	Professional Office [Added 5-6-1996 ATM, Art. 34]

B. The Wetland and Floodplain District overlies all other districts (see Article X of this Chapter) and is shown on a map entitled "Town of Hopkinton Natural Resources Map" on file at the Town Clerk's office. All other zoning districts are shown on the Official Zoning Map.

~ 210-2. Zoning Map.

A. The Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Chapter.

B. The Official Zoning Map shall be located in the office of the Town Clerk, shall be identified by the signature and attestation of the Town Clerk, shall bear the Seal of the Town and shall contain the following legend: "This is to certify that this is the Official Zoning Map referred to in Article I of the Zoning Bylaw of the Town of Hopkinton, Massachusetts, duly adopted on (insert date of adoption)." [Amended 5-2-2000 ATM, Art. 35]

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- C. Changes in district boundaries or other matters portrayed on the Official Zoning Map shall be entered thereon within 10 days after the amendment affecting the change is voted, and a notation made as follows: "On (insert date), by official action of the Town, the following change(s) were made in the Official Zoning Map: (brief description of nature of changes)." Said notation shall be signed by and attested by the Town Clerk. **[Amended 4-13-1978 ATM, Art. 39; 5-2-2000 ATM, Art. 35]**
- D. No changes of any nature shall be made in the Official Zoning Map or matters shown thereon except in conformity with the procedures set forth in this Chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Chapter and punishable under ~ 210-158 of this Chapter.
- E. Regardless of the existence of purported copies of the Zoning Map which may be made or published from time to time, the Official Zoning Map located in the office of the Town Clerk shall be the final authority as to the current zoning status of all land, buildings and other structures in the town.

~ 210-3. General applicability.

Except as may be otherwise provided herein, no building, structure or lot may be used, and no building structure or part thereof may be erected, reconstructed, extended, enlarged or altered, except in conformity with the regulations herein specified for the district in which it is located.

~ 210-4. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

ACCESSORY USE -- A building, structure or use that is customarily incidental and subordinate to the lawful principal use of the lot and is located on the same lot as the principal use or building. An accessory use must not be the primary use of the property but rather one that is subordinate and minor in significance, has a reasonable relationship with the primary use and is one that is usual to maintain in connection with the primary use of the lot. **[Amended 5-3-1999 ATM, Art. 23]**

AFFORDABLE HOUSING UNIT – A dwelling unit that qualifies as a Local Initiative Unit under the Commonwealth's Local Initiative Program (760 CMR 45.00) and meets the requirements of a subsidized housing unit for purposes of listing in the Subsidized Housing Inventory under GL. C.40B Sec. 20-23. **[Added 5-7-2007 ATM, Art. 30]**

APPEAL -- An appeal to the Board of Appeals by any person aggrieved by an order or decision of the Inspector of Buildings or other administrative official, pursuant to MGL c. 40A, ~ 8 or 10.

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BED-AND-BREAKFAST ESTABLISHMENT -- Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation. **[Added 5-2-1994 ATM, Art. 19]**

BOARD OF APPEALS -- The Board of Appeals of the Town of Hopkinton established by ~ 210-146 of this Chapter under the authority of MGL c.40A.

COMMON OWNERSHIP - Common ownership shall mean ownership by the same person or persons or legal entities or ownership by any two or more persons or entities, when there is active or pervasive control of those legal persons or entities by the same controlling person and there is a confusing intermingling of activity among those persons while engaging in a common enterprise. **[Added 5-7-2007 ATM, Art. 30]**

CONFERENCE CENTER -- A structure or series of structures for the purpose of providing conference, seminar or meeting facilities and/or recreation facilities, including but not limited to golf, tennis or dining. A residential dormitory component of a conference center shall be considered a separate use and is defined as providing living, sleeping and toilet facilities solely for the patrons of the conference center. **[Added 5-6-1996 ATM, Art. 38]**

DWELLING UNIT -- A room or group of rooms forming a habitable unit for one family with the facilities which are used or intended to be used for living, sleeping, cooking and eating.

EARTH REMOVAL -- Stripping, digging, excavating or blasting soil, loam, sand or gravel from one lot and removing or carrying it away from said lot to other lots or places.

EAVE -- The projecting lower edges of a roof overhanging the wall of a building. **[Added 5-6-1996 ATM, Art. 38]**

GROSS FLOOR SPACE -- The sum of the gross horizontal areas of the several floors of a building excluding areas used for accessory garage purposes and such basement and cellar areas as are devoted exclusively to uses accessory to the operation of the building. All dimensions shall be taken from the exterior faces of walls, including the exterior faces of enclosed porches.

HOME OCCUPATIONS **[Added 4-13-1978 ATM, Art. 39]:**

A. The following limitations apply to all classes of home occupations as defined for the purposes of this Chapter, although the Board of Appeals may grant a special permit conditionally modifying such limitations:

- (1) The occupation is situated in the petitioner's dwelling.
- (2) There is no major structural change to the exterior nor any other external evidence of such home occupation, other than one accessory, non-flashing sign of not more than four square feet.
- (3) Not more than one person other than the resident shall be employed on the premises.

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- (4) No more than four clients shall be scheduled in any one hour nor more than 16 in any one day and only between the hours of 8:00 a.m. and 8:00 p.m.
- (5) There shall be sufficient parking area on the lot to accommodate expected peak parking by the resident family, employees and clients.
- (6) No produce nor stock-in-trade shall be sold at retail except insofar as incidental to the home occupation (e.g. teaching supplies), or as specifically permitted in connection with farm uses or home retail occupations.

B. Home occupations are divided into the following classes:

- (1) Home professional office: office for the practice of a profession involving a high degree of training in the humanities, science or arts, such as medicine, law, engineering or fine arts.
- (2) Home personal service: personal services, such as insurance, notary public, real estate broker, dressmaking, beauty care, clerical services; studio for the teaching of fine or domestic arts and crafts; home care or therapy (for pay) for not more than three patients or children; home baker or caterer.
- (3) Home business workshop: the business or shop of a painter, carpenter, electrician or similar trade.
- (4) Home specialty retail: the sale of homemade products on the premises other than those permitted in connection with farm uses; or of collector's items, such as antiques, stamps, coins, etc.; provided that the Board of Appeals finds that the production or selection of the products depends on a special skill or knowledge of the resident and the access road and off-street parking are adequate and safe.

LAND USE -- The purpose for which land or building is occupied or maintained, arranged, designed or intended.

LAND USE REGULATIONS -- The provisions of Articles II through XII of this Chapter governing the activities that may be conducted, whether unconditionally or upon grant of a special permit, in each of the various zoning districts.

LANDSCAPING BUSINESS AND STORAGE/STAGING FACILITY -- A facility at which vehicles, trailers, equipment and supplies used in the landscape service business are stored. Such facility may constitute the location from which workers are dispatched to work on customer's property and at which their vehicles are stored while at work. Retail or wholesale sales shall not be conducted at the facility. Administrative functions associated with the landscape service business, such as scheduling, dispatching, and financial administration, may be conducted at the facility. **[Amended 5-1-2006 ATM, Art. 34]**

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LOT -- A single piece or parcel of land lying in a solid body under single, joint or several ownership and separated from contiguous land by property lines or street lines.

LOT AREA -- The area of a lot, not including any area in a public or private street nor any water area more than 10 feet from the shoreline.

LOT COVERAGE -- That percent or portion of the total lot area occupied by all buildings and structures thereon, including accessory buildings and structures.

LOT FRONTAGE -- **[Amended 4-15-1981 ATM, Art. 33; 4-15-1988 ATM, Art. 78; 5-1-1995 ATM, Art. 34]**

- A. The linear extent of a lot measured along the street right-of-way from the intersection of one side lot line to the intersection of the other of the same lot. Frontage shall be measured in a continuous line along the street line between the points of intersection of the side lot lines with said street line. The frontage of a corner lot shall be measured along that side of the lot bordering the traveled way which is in front of and parallel to the front of the building or proposed building. Where a building has no front or is located diagonally, the owner may designate either street lot line as the frontage. The driveway providing the principal access to a lot shall be across the lot frontage as herein defined, subject to the provision, however, that if a lot has minimum lot frontage on more than one street, the driveway may enter the lot from any of such streets, subject to the approval of the Director of Municipal Inspections. The approval of the Director of Municipal Inspections shall be given only after issues concerning public safety, designated scenic roads and good planning principles have been considered.

- B. Sixty percent of the lot frontage must have the following minimum depth measured at a ninety-degree angle from the front lot line. **[Amended 5-5-2003 ATM, Art. 25, 5-7-2007 ATM, Art. 26]**

District	Minimum Frontage Depth (feet)
Residence A	90
Residence B	100
Residence RLF	100
Agricultural	120
Rural Business	120
IndustrialA and Industrial B	120

LOTS IN TWO OR MORE RESIDENCE DISTRICTS -- If a lot is located in two or more residence districts, all of the lot shall be considered as lying entirely within the district having the largest area and frontage requirements. **[Added 4-14-1975 ATM, Art. 31; amended 4-13-1978 ATM, Art. 39]**

MAXIMUM HEIGHT -- Vertical distance measured from the mean finished grade of all sides of the building or structure to the highest point of the roof for flat roofs, to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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The mean finished grade shall not be raised or lowered more than five feet above the mean center-line grade of the frontage street for the proposed building unless the building will be located more than 50 feet from the front property line. **[Amended 5-2-1994 ATM, Art. 21]**

MEDICAL CENTER -- A building that contains establishments dispensing health services for health maintenance and the treatment of medical or physical conditions. This term shall not include hospitals, nursing homes or extended-care facilities, but may include establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks and oxygen and other miscellaneous types of medical supplies and services. **[Added 5-6-1996 ATM, Art. 38]**

NONCONFORMING USE -- A use of a building or land that does not conform to all the land use regulations of this Chapter for the district in which it is located, which use was in existence and lawful at the time said land use regulations became effective.

OFFICIAL ZONING MAP -- That copy of the Town Zoning Map located in the office of the Town Clerk, signed by the Selectmen, attested by the Town Clerk and bearing the Seal of the Town and a certification of its status as the Official Zoning Map.

OFF-STREET PARKING -- That portion of a lot set aside for purposes of parking, including any necessary aisle space in said facility, but not including roadways or drives connecting said off-street parking space or lot with a street or thoroughfare.

QUALIFIED AFFORDABLE HOUSING UNIT PURCHASER -- An individual or family with a household income that does not exceed 80% of the Hopkinton area median income, with adjustments for household size, as reported by the most recent information from the United States Department of Housing and Urban Development (HUD) and/or the Massachusetts Department of Housing and Community Development (DHCD). **[Added 5-7-2007 ATM, Art. 30]**

REAR YARD DEPTH -- The minimum distance from the rear lot line to the nearest part of the structure nearest to said line. The term "structure," for purposes of this definition, shall mean a man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, and the like; provided, however, that signs, retaining walls, fences, tents, poles, swing sets and the like are not to be considered structures. **[Amended 5-2-2000 ATM, Art. 25]**

RECYCLING CENTER -- A parcel of land, with buildings, within which materials are stored, separated and processed for shipment and eventual reuse in new products. All storage, separation and processing for shipment shall be contained within enclosed buildings. No use which has outdoor storage, separation or processing for shipment shall be considered a recycling center. Recycling centers shall not include facilities where recyclables are processed and/or treated so as to be placed in a condition in which they may be used again in new products or establishments that store, process or treat hazardous wastes. This definition of recycling center shall not apply to a municipal facility for the collection of recyclable materials. **[Added 5-6-1996 ATM, Art. 38]**

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SETBACK -- Shortest line or distance from the street line to the nearest portion of the first adjacent structure measured at a right angle from the street line. The term "structure," for purposes of this definition, shall mean a man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, and the like; provided, however, that signs, retaining walls, fences, tents, poles, swing sets and the like are not to be considered structures. [**Amended 5-2-2000 ATM, Art. 25**]

SIDE YARD WIDTH -- The minimum distance from the side lot line to the nearest part of the structure nearest to said line. The term "structure," for purposes of this definition, shall mean a man-made combination of materials assembled in a fixed location to give support or shelter or for any other purpose, including buildings, frameworks, platforms, sheds, and the like; provided, however, that signs, retaining walls, fences, tents, poles, swing sets and the like are not to be considered structures. [**Amended 5-2-2000 ATM, Art. 25**]

SINGLE-FAMILY DWELLING -- A detached dwelling unit, but not including a mobile home or trailer as defined by the State Building Code. [**Added 4-13-1978 ATM, Art. 39**]

SPECIAL PERMIT -- A right or permit granted by the Board of Appeals or Planning Board pursuant to the authority of MGL c. 40A, ~ 9, and of Article XXII of this Chapter, for a purpose specified in this Chapter as one subject to special permit, following upon review and conditions set by the Board. [**Amended 4-13-1978 ATM, Art. 39; 4-15-1988 ATM, Art. 80**]

STREET LINE -- Common bound between street right-of-way, public or private, and abutting lot.

TOWER -- A monopole or lattice structure which is designed to serve as a mount for wireless communications facilities. [**Added 5-7-1998 ATM, Art. 41**]

TRAILER -- A mobile house or compartment constructed to be moved on two or more wheels and designed to be used for living purposes.

TRAILER PARK OR CAMP -- A lot used, designed or advertised as a parking space for two or more trailers used for living purposes. [**Amended 4-13-1978 ATM, Art. 39**]

USE, NONCONFORMING -- See definition of "nonconforming use."

VARIANCE -- Relief from strict enforcement of one or more zoning bylaws granted by the Board of Appeals pursuant to authority under MGL c. 40A, ~ 10 and 14, and Article XXII of this Chapter. [**Amended 4-13-1978 ATM, Art. 39; 5-3-1999 ATM, Art. 24**]

VETERINARY CLINIC -- An establishment to provide medical care to animals of all types housed in a facility separate and apart from all other uses on that site. There shall be no outdoor facilities to house or exercise animals. [**Added 4-15-1988 ATM, Art. 55**]

WIRELESS COMMUNICATIONS FACILITY -- A structure (with antennae, if any) designed to facilitate the following types of services: cellular telephone service, personal communications

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service and enhanced specialized mobile radio service. Types of structures facilitating these types of services include but are not limited to a tower, water storage tank, building and utility poles. [**Added 5-5-1997 ATM, Art. 26; amended 5-7-1998 ATM, Art. 41**]

ZONING DISTRICT -- One of the zones or districts into which the Town is divided for zoning purposes. See Article I, ~ 210-1. [**Amended 4-13-1978 ATM, Art. 39**]