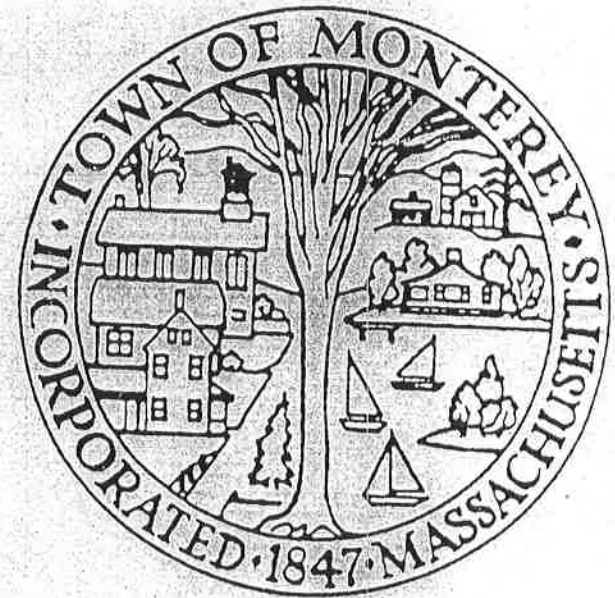


Town Zoning Bylaws



TOWN SEAL DESIGNED BY EDITH L. WILSON IN 1970

TOWN BYLAWS PRINTED 2006

TOWN OF MONTEREY
MASSACHUSETTS
YEAR 2006 EDITION

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ally the zoning district in which it is located, a literal enforcement of the provisions of the Bylaw would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw. The Board may authorize a use or activity variance. Upon receipt of a request for a variance, the Board of Appeals shall notify the Conservation Commission, Planning Board, and the Board of Health of the request, and said boards shall respond to the Board of Appeals within thirty (30) days thereafter by written reports of their findings in respect of their specific fields of responsibilities. If deemed necessary, said boards shall make on-site plan reviews and inspections

SECTION IX.C. Filing information

Filing information may be obtained at the Town Offices.

SECTION X. AMENDMENTS

This Bylaw may be amended from time to time at an Annual or Special Town Meeting in accordance with the provisions of Chapter 40A of the General Laws.

SECTION XI. VALIDITY

The invalidity of any section or provision of this Bylaw shall not affect any other section or provision thereof.

The following Zoning Bylaws were voted on favorably by the voters of Monterey at a Special Town Meeting on February 16, 1974, and approved May 16, 1974, by Attorney General Robert H. Quinn, together with revisions voted on favorably at a Special Town Meeting January 22, 1977, and approved March 16, 1977, by Attorney General Francis X. Bellotti. Further bylaws were voted at the Annual Town Meeting in Monterey on May 7, 1977, and approved August 18, 1977. Additions were voted on favorably at a Special Town Meeting September 2, 1981, and approved December 8, 1981. Later revisions, approved by successive Attorneys General, were added and the original bylaws were amended as noted in italics next to the appropriate articles. Each change has become effective following publication as provided in Chapter 40, Section 32, of the Massachusetts General Laws.

SECTION I. PURPOSE

(August 24, 1982)

The purpose of the Bylaws is to provide for the Town of Monterey all the protection authorized by the General Laws of the Commonwealth of Massachusetts, Chapter 40-A, and any amendments thereof, and to protect and promote the health, safety, and general welfare of the inhabitants of Monterey.

SECTION II. DEFINITIONS

(August 24, 1982, amended May 3, 1986; August 5, 1989; May 4, 1996;)

Agricultural Use: Any use of land for the purpose of raising agricultural products, livestock, poultry or dairy products, including necessary farm structures, vehicles and equipment. This does not include kennels, commercial stables, commercial greenhouses or slaughterhouses.

Building: A roofed or walled structure used or intended for supporting or sheltering any use or occupancy.

Camp, Summer: A land use, in operation only between Memorial Day and Labor Day, which for campers and staff provides: organized recreational activities, common kitchen and dining facilities, and sleeping quarters in dormitories or separate cabins. One single-family dwelling may be provided for the purpose of administration or owners' residence.

Customary Home and Professional Occupations: Resident occupants working at an occupation involving use of space in the home and carried forth in the home, including but not limited to accountant, architect, artisan, artist, bookkeeper, carpenter, caterer, dentist, doctor, dress-maker, electrician, home-cooking, house painter, lawyer, plumber, potter, photographer, the giving of private music and dance lessons, a one-chair beauty parlor, real estate agent, telephone, computer-related, and mailing services. Customary home occupation does not include gift shop, antique shop or art gallery or similar retail establishments.

Dwelling Unit: One or more rooms constituting a separate, independent housekeeping unit establishment with cooking, living, sanitary and sleeping facilities for the use of no more than one family.

Dwelling, Single Family: A detached residential building designed for or occupied by one (1) family only, but not including mobile homes and trailers whether placed on foundations or not.

Dwelling, Multi-Family: A residential building containing two (2) or more dwelling units.

Family: An individual or any number of individuals related by blood, marriage or other legal arrangement, such as adoption, guardianship, foster care, or up to six (6) unrelated individuals living in a single dwelling unit.

order, requirement, decision or determination made by the Select Board or other officer charged with the enforcement of this Bylaw. Such appeals may be taken to the Board of Appeals by any officer of a board of the Town, or by any person aggrieved by such order, requirements, decision or determination, following the procedure established under Chapter 40A of the General Laws as amended.

2. Special Permits

To grant permits for exceptions as provided in this Bylaw and in Chapter 40A of the General Laws when it shall find, after a public hearing, that such exception shall be in harmony with the general purpose and intent of the Bylaw and that the use involved will not be injurious, noxious, offensive, or detrimental to the established or future character of the neighborhood and of the Town and subject to appropriate conditions or safeguards if deemed necessary. Upon receipt of a request for permit, the Board of Appeals shall notify the Planning Board, Conservation Commission, and the Board of Health of the request, and said boards shall respond to the Board of Appeals within thirty (30) days thereafter by written reports of their findings in respect of their specific fields of responsibilities. If deemed necessary, said boards shall make on-site plan reviews and inspections.

3. Variances

To hear and decide requests for a variance from the terms of the Bylaw where the Board of Appeals specifically finds that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures but not affecting gener-

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Upon notification, the Inspector of Buildings shall inspect the building for compliance with building permit and regulations and issue an occupancy permit within the specified fourteen (14) day period; or instruct the owner which deficiencies must be corrected.

2. After a public hearing, the Board of Appeals may grant a permit for the temporary use of a trailer or mobile home provided that adequate provision is made for water, sewage disposal and other dwelling requirements of the State Sanitation Code, and provided the applicant proposed to use such trailer or mobile home as temporary living quarters while a new home is under construction. Such permit shall expire no later than twelve (12) months from date of its issue.

SECTION IX. BOARD OF APPEALS

(Amended August 24, 1982; May 3, 1986)

SECTION IX.A. Election and Appointments

There is hereby established a Board of Appeals of five (5) elected members and two (2) associate members to be appointed by the Select Board as provided in Chapter 40A of the General Laws.

SECTION IX.B. Powers, Duties and Procedures

(Amended August 25, 1989)

The powers of the Board of Appeals shall include the following:

1. Appeals

To hear and decide appeals and review any

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Frontage: The boundary of a lot which lies along a road.

Lot: An area of land in one ownership with definite boundaries, used or available for use as the site of one or more buildings.

Municipal Use: Any Town of Monterey use of land in accordance with the general laws governing municipal powers and functions including participation in regional uses.

Personal Watercraft: Personal Watercraft is defined as a small vessel which uses an inboard motor powering a water-jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes but is not limited to a jet-ski, wet bike or surf-jet, so-called.

Repair: Any maintenance which affects structure, egress, fire protection systems, fire ratings, energy conservation provisions, plumbing, sanitary, gas, electrical or other utilities.

Repair, ordinary: Any maintenance which does not affect structure, egress, fire protection systems, fire ratings, energy conservation provisions, plumbing, sanitary, gas, electrical or other utilities.

Resident Occupant: Person listed by a Monterey street and house number.

Road: (a) A public way or way which the Clerk of the Town certifies is maintained and used as a public way, or ((b)) a way shown on a plan theretofore approved and endorsed in accordance with the Subdivision Control Law, or (c) a way in existence when the Subdivision Control Law became effective (January 27, 1966) in the town in which the land lies, having, in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting hereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Roadline: The right-of-way-line of a road as established by public authority (stone walls, line trees, deeds, surveys, other of official documents, etc.), or as shown on a plan approved or endorsed by the Planning Board under the Subdivision Control Law, or if none of the above apply, a line parallel to the center line of the traveled way and 25 feet therefrom.

Setback: The area of the lot extending inward from a lot line (or, in the case of front setback, the road line), for the distance specified in the zoning regulations in which no buildings or structures may be placed.

Setback. Front: An area extending across the full width of the lot and extending inward from the road line of the lot.

Setback. Rear: An area extending inward from the rear lot line between the side lot lines.

Setback. Side: An area extending along a side lot line from the front line to the rear line.

Structure: Any construction, erection, assemblage or other combination of materials upon the land with or without pilings, footings or a foundation for attachment to the land, including but not limited to swimming pools, recreational courts, decks, platforms including tent platforms, piers, free-standing antennae and satellite dishes. For the purpose of this by-law, fences are not considered structures.

Traveled Way: Portion of a road which is used and maintained for vehicular travel.

Wireless Communications Facilities: Any and all materials, equipment, storage structures, towers and antennas, other than customer premises equipment, used by a telecommunications carrier to provide telecommunications services.

structures located within one hundred (100) feet of wetlands are subject to the review of the Conservation Commission.

b. A building permit from the Inspector of Buildings shall be required before starting to:

1. Construct, reconstruct, alter, remove, repair, or demolish a building or structure, or
2. Change the type of occupancy or use of a building or structure, or
3. Install or alter any equipment for which provision is made or installation of which is regulated by the Massachusetts Building Code.

Such permit shall state that the structure, premises and the proposed use thereof comply with the provisions of the Bylaw.

Exceptions which do not require a building permit:

1. Ordinary repairs.
2. Construction, alteration or expansion of a building or structure which will create less than one hundred (100) square feet of area, including basements and additional floors.
- c. All permits shall expire in one (1) year if construction is not substantially started during this period of time, and shall become void if the operation once commenced is discontinued for a period of more than six (6) months.
- d. The Inspector of Buildings shall be notified in writing by the owner fourteen (14) days before a building shall be used or a dwelling occupied.

SECTION VIII. ADMINISTRATION

Amended August 25, 1989)

SECTION VIII.A. Enforcement

1. This Protective Bylaw shall be administered and enforced by the Inspector of Buildings under the supervision of the Select Board. Anyone violating any of the provisions of this Bylaw may be fined not more than two hundred dollars (\$200) for each offense. Each day that such violation continues may constitute a separate offense.

2. In addition to the procedures for enforcement as described above, the provisions of this Protective Bylaw may also be enforced by the Inspector of Buildings and the police, by non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40 Section 21D. Each day on which a violation exists may be deemed to be a separate offense. The penalty for violation of any provisions of this bylaw shall be \$25.00 for the first offense; \$50.00 for the second offense; \$100.00 for the third offense; and \$200.00 for the fourth and each subsequent offense.

SECTION VIII.B. Permits

(Amended May 6, 1995)

1. Building Permits

a. The Inspector of Buildings shall grant building permits when plans and specifications conform with the provisions of this Bylaw, the Subdivision Control Law, and the State Building and Sanitary Codes or with the decision of the Board of Appeals or of the courts. Applications for buildings or

SECTION III. ESTABLISHMENT OF DISTRICT AND MAP

(August 24, 1982, amended May 3, 1986,; February 27, 1998)

SECTION III.A. Types of Districts

For the purposes of this protective bylaw, the Town of Monterey is hereby divided into the following districts:

1. Agricultural-Residential District
2. Lake Shore District
3. Business District
4. Wireless Telecommunication Overlay District
 1. Purpose: The Wireless Telecommunications Overlay District is intended to protect the scenic, historic, natural and other resources of the Town of Monterey, while allowing adequate Wireless Telecommunications to be developed.
 2. Description: This District includes the properties listed below. These properties are included by reason of their potential to provide technically feasible and accessible locations for the siting of facilities which can provide adequate wireless telecommunications services to the Town of Monterey. The Overlay District is defined, delineated and mapped on the Map entitled "Wireless Telecommunications Overlay District Map, Town of Monterey, MA" and incorporated by this reference herein. All lands located within the Town of Monterey, within a one-quarter (1/4) mile radius of the summit of Mount Wilcox.
 3. Relation to other Districts: The Wireless Telecommunications Overlay District (WTOD) is an overlay district mapped over other districts. It modifies and, where there is inconsistency, supersedes the regulations of such other districts. Except as so modified or superseded the regulations of the underlying districts remain in effect.

- 4. Applicability: Any use of lands within the W TOD for purposes of placement, construction, modification or removal of Personal Wireless Service Facilities and/or Towers shall be subject to the requirements of Section IV.F of this Bylaw.

SECTION III.B. Location of Districts

Said Districts are located and bounded as shown on a map entitled "Zoning Map of Monterey, Massachusetts," on file with the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made a part of this Bylaw.

SECTION III.C. Description of Districts

1. Lake Shore District

This district shall consist of all land located within 260 feet of the mean high water level line of Lake Buel or Lake Garfield.

2. Business District

(Amended May 1986)

This district shall consist of all the land bordering on Main Road known as Route 23 to a distance of 150 feet from the right-of-way lines of the highway between the following boundaries: the easterly boundary of the district shall be the right-of-way on the westerly side of the New Marlborough Road and extending across to the easterly boundary of the Old Firehouse Property on said Main Road. The westerly boundary of the district shall be the westerly boundary of land now or formerly of Donald L. Amstead formerly known as the golf course property and extending across at a 90-degree angle to said Main Road.

bodies of water indicated on a map entitled "Monterey Streams and Ponds" prepared by the Berkshire County Regional Planning Commission for the Monterey Planning Board in March 1990. Said map indicates all major streams and ponds within Monterey and, in addition, delineates the water sheds draining into Lake Buel and Lake Garfield, within which watersheds all streams, as defined by the Massachusetts Wetland Protection Act (MGL Ch 131, Sec 40), whether indicated on the map or not, are subject to the provisions of this bylaw. Said map is to be adopted as part of the Zoning Bylaw and will be permanently on file at the Town Office.

In the case of a lot duly recorded prior to October 19, 1990, the Board of Health may authorize construction or installation of such disposal system at a reduced distance but not below the minimum set in the State Environmental Code, Title V, if the Board determines the compliance with the requirements of this section would cause unreasonable difficulty.

2. No dwelling, parking area larger than 600 square feet, or impervious-surfaced parking or recreational area larger than 300 square feet shall be constructed within 75 feet of the mean high-water line of any natural or man-made water bodies described herein under item 1) above, except under a Special Permit from the Board of Appeals, if the Board finds that compliance with the requirements of this section would cause unreasonable difficulty.

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SECTION VII.D. Radioactive Waste Disposal

No land within any use district in the Town of Monterey may be used for the collection, treatment, storage, burial, incineration or disposal of radioactive waste, including but not limited to wastes classified as low-level radioactive waste.

SECTION VII.E. Hazardous Waste Disposal

(Amended August 25, 1989)

No land within any use district in the Town of Monterey may be used for the collection, treatment, storage, burial, incineration or disposal of hazardous waste as defined in Chapter 21C Section 2. Of the Massachusetts General Laws except by provision of the Board of Health for collection, temporary storage and removal.

SECTION VII.F. Measurements

All distances in this bylaw shall be measured horizontally and all heights shall be measured vertically.

SECTION VII.G. Streams and Pond Protection

(Added May 5, 1990)

The following minimum-distance setback requirements shall apply to any new construction, installation, or development as described herein:

1. No on-lot subsurface sewage effluent leaching system such as a cesspool, dry well, leaching field or a drainage system for the waste water from showers, sinks, etc. shall be installed or contracted within 150 feet of the mean high-water line of the

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3. Agricultural-Residential District

This district shall consist of all the area of the town not described under III.C. 1. and III.C.2.

4. Wireless Telecommunications Overlay District

The Overlay District is defined, delineated and mapped on the Map entitled "Wireless Telecommunications Overlay District Map, Town of Monterey, MA" and incorporated by this reference herein. All lands, located within the Town of Monterey, within a one-quarter (1/4) mile radius of the summit of Mount Wilcox

SECTION IV. USE REGULATIONS

(Amended January 22, 1977, May 7, 1977, August 24, 1982, May 3, 1986, February 27, 1998)

SECTION IV.A. Authorized Uses

(Amended August 24, 1982)

No dwelling, structure or land or any part thereof shall be used for any purpose unless authorized:

1. As a use by right in the specified district in this section of the Bylaw.
2. Under Special Permit or Variance granted by the Board of Appeals.
3. Under applicable law at the time such use began, and provided such use has continued until the present time.

SECTION IV.B. Agricultural-Residential District

(Amended May 7, 1977; August 24, 1982; August 25, 1989; May 4, 1996)

1. Uses by right:
 - a. Single-family dwellings.

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- b. Any municipal or non-profit recreational purpose.
- c. Any religious or non-municipal educational purpose subject to Section VII. C.
- d. Any agricultural use.
- e. The following commercial purposes but no others:

1. The display and sale of natural products, the major portion of which are raised in the Town.

2. The use of a room or rooms within a residence, or use of an accessory building of six hundred square feet or less in area, for a customary or professional home occupation as defined, with no more than two employees per residence, and provided there is no external evidence of business other than a permitted sign and required off-street parking, and further provided that no offensive noise, fumes, smoke, dust, odors, glare or injurious electromagnetic fields shall be created. The display and sale of products produced on the premises is permitted. Traffic generated shall not exceed that normal to a residential neighborhood. The required off-street parking shall be provided for employees and clientele.

3. Renting of rooms and furnishing of board by an owner in his residence provided no independent kitchen facilities are maintained.

- f. Buildings or structures accessory to the above uses.

Approval by the Attorney General June 13, 2007

TOWN OF MONTEREY: ANNUAL TOWN MEETING
MAY 5, 2007

This is to certify that:

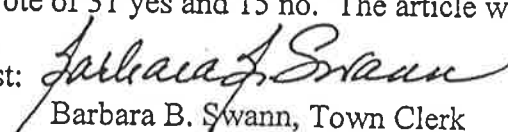
ARTICLE 27. The Town voted to amend the zoning bylaws of the Town by deleting Section VII.C 3 and, in substitution thereof, insert the following:

“Section VII.C. Non-municipal Educational or Religious Use,
3. Setback – two hundred foot (200’) buffer surrounding the property to be kept undeveloped except for entrance and exit roadways, driveways and walkways, measured from the boundary of any abutter, but excluding roadlines where both sides of the road are owned by the same non-municipal educational or religious institution.”

The oral report by the Planning Board was as follows: This amendment to our Zoning Bylaws specifically addresses Gould Farm and its difficulties since it owns both sides of the road and they would require a variance each time they develop a project. It would also cover projects by Keswick.

After discussion of possible unintended consequences and original intent of this part of the Zoning Bylaws, the question was called by a vote of 49 yes and 1 no. The vote to approve this change to the Bylaws was by a vote of 31 yes and 15 no. The article was passed.

A true copy. Attest:


Barbara B. Swann, Town Clerk

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SECTION VII.B. Parking Requirements

(Amended August 25, 1989)

The area of parking space must be a minimum of nine (9) feet by twenty (20) feet. Minimum requirements as set forth below:

<u>PRINCIPAL USE SPACES</u>	<u>NUMBER OF PARKING SPACES</u>
ONE FAMILY DWELLING	2 SPACES/ FAMILY
MULTI-FAMILY DWELLING	2 SPACES/ DWELLING UNIT
ROOMING HOUSE	2 SPACES PLUS 1 SPACE FOR EACH RENTAL UNIT
MOTELS, RESORTS	2 SPACES PLUS 1.5 SPACES FOR EACH RENTAL UNIT PLUS 1.5 SPACES FOR EACH 20 SQUARE FEET OF FLOOR SPACE AVAILABLE FOR MEETINGS OR FUNCTIONS
PERMITTED OFFICE	4 SPACES IN RESIDENCE
RETAIL BUSINESS, CONSUMER SERVICE ESTABLISHMENT	1 SPACE FOR EACH 250 FEET OF GROSS FLOOR AREA
RESTAURANT, THEATERS	1 SPACE FOR EVERY THREE SEATS
EDUCATIONAL AND RELIGIOUS USES NOT OTHERWISE COVERED	1 SPACE FOR EVERY 3 PARTICIPANTS BASED UPON THE MAXIMUM CAPACITY OF THE BUILDING

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2. Uses by Special Permit Only

The Board of Appeals may issue a Special Permit under Section IX.B.2. for the following uses:

- a. Commercial greenhouse
- b. Icehouse
- c. Sawmill
- d. Antique, craft or gift shop
- e. Summer camp, golf course, boat livery, riding stable
- f. Commercial ski area (as limited by Sec. 2.m.)
- g. Restaurant
- h. Facilities for generating power from wind, sun or water
- i. Enclosed veterinary hospital
- j. Municipal and public service buildings and structures.
- k. Display and sale of natural products, the major portion of which are raised outside of Town.
- l. Multi-family dwelling, subject to the following requirements:
 - a. Site plan, construction plans and elevations and approval in writing by the Planning Board, the Board of Health, the Conservation Commission, and the Building Inspector in respect to their respective fields of responsibility.
2. The multi-family structure shall contain no more than six (6) dwelling units in one building. Plans shall contain provisions for adequate water supply, sewage disposal facilities, and roadways designed in accordance with the Subdivision Control Law.
3. Lots shall contain a minimum of two (2) acres for the first dwelling unit and three (3) acres for each additional unit and two hundred (200) feet of frontage for the first unit and one hundred (100) feet of frontage for each addi-

tional unit. Land lying within the Lake Shore District may not be included as qualifying acreage for multi-family dwellings.

4. Dwelling units, parking areas, and playing grounds shall be set back not less than one hundred (100) feet from all lot lines.

5. Except as provided in (6) hereof, plans for conversion of an existing single family residence into a multi-family dwelling unit must conform to all other requirements of this section.

6. Conversion of a single-family dwelling into a multi-family dwelling of two units, without meeting the requirements of (3) as to lot area and frontage and of (4) as to distance from lot lines may be permitted by the Board of Appeals, provided that:

a. The single-family dwelling has not been enlarged within seven (7) years of the proposed conversion;

b. The lot area has not been reduced with a resulting acreage smaller than the minimum acreage in (3) above within seven (7) years of the proposed conversion;

c. Any fire escapes or outside stairways leading to a second story shall be located on any wall not facing a road and shall not occupy any part of the rear or side setback under Section VI. of the Bylaw.

d. Subsequent additions or expansions are subject to an amended Special Permit.

m. Uses by Special Permit: Customary Home Occupation, as defined in Section IV.B.2.e, where an accessory building in excess of six hundred

tions.

3. Signs Not Requiring Permits:

a. Temporary signs: No temporary sign shall exceed four (4) square feet in total area or industry standard.

1. A Contractor's sign on project premises only during construction process.

2. Real Estate for Sale or Lease on premises, to be removed within fourteen (14) days after closing date.

3. Signs announcing public events sponsored by civic or social organizations to be displayed for not more than fourteen (14) days prior to event. The Select Board may grant size waivers for these temporary signs.

4. Seasonal Agricultural signs at premises and/or directional locations.

b. Other Signs Not Requiring a Permit:

1. Residential identification signs

2. Number signs required for 911

3. Municipal information signs

4. Property posting signs (no trespassing, etc.)

3. Signs Requiring Permits:

a. Commercial Signs On-Site:

Signs erected prior to this Bylaw are exempted from the size requirements until altered in any substantial way. Permit (no fee) is required for documentation.

1. **Business District:** Sign shall not exceed ten (10) square feet.
2. **Agricultural Residential District:** Commercial sign* shall not exceed two (2) square feet except for Agricultural signs which shall not exceed four (4) square feet.
3. **Lake Shore District:** Commercial sign* shall not exceed two (2) square feet.

*This is the permitted sign referred to in Section IV.B.1.e.2. (Customary Home Occupation).

b. Commercial Signs Off-Site:

Two or more such signs at one intersection are to be stacked and placed at a location to be determined by the Highway Superintendent.

1. **Directional :** One sign allowed at intersecting way nearest business site. Sign shall not exceed eight by thirty-six (8" x36") inches.
2. **Secondary Directional:** Signs shall not exceed six by thirty (6"x 30") inches. Up to one sign allowed at each of two secondary intersection loca-

feet is proposed.

- n. Wireless Telecommunications Permits, not affecting the construction or use of facilities by a federally licensed amateur radio operator as protected by MGL 40A Section 3, within the Wireless Telecommunications Overlay District as defined in Section IIIA.4.1-4, according to the following chart:

Wireless telecommunications base station and any tower, equipment, accessory structure, fencing, access roadways and/or Landscaping as regulated in Section IV.F.	DISTRICTS		
	AgRes	Lake	Business
	N(a)	N	N

(a) Except if the proposed location is in the Wireless Telecommunications Overlay District, then a Special Permit is required from the Board of Appeals.

Wireless telecommunications repeater and any accessory screening or camouflage as-Regulated in Section IV.F	SP	SP	SP

"N" means the use is not permitted.
 "SP" means the use is permitted with a Special Permit from the Board of Appeals

SECTION IV.C. Business District

(Amended August 25, 1989)

1. Uses by Right:

- a. Any purpose allowed by right or by Special Permit in the Agricultural-Residential District except multi-family dwellings.

b. Any other lawful business, service or public utility except the following: junk yards, commercial piggeries, fur farms, slaughter houses, trailer or mobile-home parks; and any purpose or use which by the emission or discharge of fumes, vapor, smoke, dust, dirt, odors, chemicals, sewage, noise or vibration or by unduly increasing the risk from fire or explosion would be dangerous or injurious to the health or safety of the public.

2. Uses by Special Permit

Multi-family dwellings, subject to regulations in Section IV.B.2.1.

SECTION IV.D. Lake Shore District

1. Uses by Right:

Land may be used for single-family residential purposes only.

2. Uses by Special Permit:

- a. The use of a room or rooms in a dwelling as described in Section IV. B.1.e.2.
- b. Summer Camp.

SECTION IV.E. Nonconforming Structures. Uses and Lots

(August 25, 1989; May 1, 1993)

pancy.

(d.) Frontage to be measured in a straight line between the two side lot lines.

(e.) Lots in the Lake Shore District existing prior to May 3, 1986, have setback requirements of 15 feet front, side and rear.

SECTION VII. GENERAL REGULATIONS

SECTION VIIA. Signs

(Amended August 25, 1989; March 24, 2000)

1. Introduction

Any structure or device used for visual communication that may comprise any letter, word, symbol, drawing, picture, design or article that calls attention to or indicates any premises, person, or activity, whatever the nature of material and manner of composition or construction, shall be considered a sign and is to be regulated by this section. A sign may have two faces in opposite directions and constitute one sign; the area requirement shall be determined from the measurements of one side only. No sign shall have illumination by neon or blinking type of light, be of noisemaking variety, nor have moving parts. No part of a sign shall be closer than ten (10) feet from the traveled way, or the pre-existing building set-back distance.

2. Administration

Permits for signs shall be issued by the Planning Board, which will also establish appropriate fees. Enforcement of this bylaw shall be by the Inspector of Buildings.

MAXIMUM HEIGHT OF BUILDINGS / STRUCTURES

MEASURED IN FEET (c.)

<u>DISTRICT</u>	<u>FEET</u>
AGRICULTURAL-RESIDENTIAL	35
BUSINESS	35
LAKE SHORE (b.) (e.)	35

FOOTNOTES

(Amended August 24, 1982; May 3, 1986 ;August 25, 1989)

(a.) Non-conforming lots on record and lots shown on a plan endorsed by the Planning Board under the Subdivision Control Law are exempt from the provisions of this Bylaw to the extent of, and as provided in, Section 6, Chapter 40A of the General Laws.

(b.) The stated setbacks notwithstanding, no structure except fences, steps and docks may be erected in the Lake Shore District less than forty (40) feet from the mean high water line.

(c.) Height to be measured in accordance with the State Building Code. The height regulations of buildings and structures shall not apply to agricultural buildings and structures, churches, spires, chimneys, antennae, or other appurtenances usually required to be placed above roof level and not intended for human occu-

1 Exemptions

Except as herein provided, this bylaw shall not apply to:

- a. Structures and uses lawfully in existence prior to the effective date of this bylaw.
- b. A structure lawfully begun under a building permit or special permit issued before the first publication of notice of the required public hearing by the Planning Board on the applicable zoning bylaw or amendment.
- c. The alteration, reconstruction, extension or structural change to an existing nonconforming one-family or two-family dwelling provided such change does not increase the nonconforming nature of such structure as determined by the Zoning Board of Appeals.
- d. The expansion or reconstruction of existing structures for the primary purpose of agriculture, horticulture, viticulture or floriculture.
- e. Nonconforming lots of record and lots shown on a plan endorsed by the Planning Board under the Subdivision Control Law are exempt from the provisions of this bylaw to the extent and as provided in Section 6, Chapter 40A of the General Laws.

2. Requirements for Extension, Alteration, Reconstruction of a Structure or A Change in Use

a. The Inspector of Buildings may authorize a building permit as a matter of right for any extension, alteration or reconstruction of an existing nonconforming one-family dwelling or of an existing one-family dwelling on a nonconforming lot provided:

- 1. Such change, as well as the existing structure,

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shall meet all setback requirements in effect at the time of application;

2. Such change would not increase the height of the existing structure with reference to the existing structure's highest point;
 3. Such permit application does not involve a lot containing a multi-family dwelling nor more than one dwelling.
- b. In cases where a building permit is not authorized as a matter of right, the Zoning Board of Appeals may authorize by Special Permit any extension, alteration or reconstruction of an existing nonconforming single or two-family dwelling or of an existing single or two-family dwelling on a nonconforming lot provided the Zoning Board of Appeals finds that such change would not increase the nonconforming nature of the structure, lot, and/or use.
- c. In all other cases, the Zoning Board of Appeals may authorize by Special Permit any extension, alteration, construction or reconstruction of an existing nonconforming structure or of a structure on a non-conforming lot or of a structure used in a nonconforming manner to provide for its use for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent, provided that any such change:
1. Shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure or use;
 2. Would not significantly increase the incidence of air, steam, or water pollution, odor, glare,

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SECTION VI. TABLE OF MINIMUMS AND MAXIMUMS

(August 25, 1989)

-LOT DIMENSIONS-

MINIMUM LOT DIMENSION		
<u>DISTRICT</u>	<u>AREA (sq.ft.)</u>	<u>FRONTAGE (d.)</u>
AGRICULTURAL RESIDENTIAL		
	2 ACRES	200 feet
BUSINESS	.25 ACRES	200 feet
LAKE SHORE:		
Average Slope of Lakeshore Land:		
	Less than 12%:	
	2 ACRES	200 feet
	12% - 15%:	
	4 ACRES	300 feet
	Over 15%:	
	6 ACRES	400 feet

-SETBACK REQUIREMENTS

MINIMUM SETBACK MEASURED IN FEET

DISTRICT:	FRONT	SIDE	REAR
AGRICULTURAL-RESIDENTIAL	25	25	25
BUSINESS	15	15	15
LAKE SHORE	25	25	25

SECTION V.G. Rules for Parcels In Two Districts

Any lot lying partly in two districts must have the minimum lot dimensions applicable to the district in which lies the largest part of its land. If the parts are exactly equal and if one of the equal parts lies in the Business District, the minimum lot dimensions of the Business District shall apply, and if one of the equal parts lies in the Lake Shore District, the minimum lot dimension of the Lake Shore District shall apply. No new lots with exactly equal parts in two districts shall be created by division or subdivision after the adoption of this bylaw. In all other respects, land and structures must be in compliance with the laws and regulations applicable to the district in which they lie.

SECTION V.H. Access by an Approved Way

A way approved by the Planning Board in accordance with the Subdivision Control Law may provide frontage and access only for lots which are contained within the approved subdivision.

electrical interference, noises, traffic, or night operation according to the findings of the Zoning Board of Appeals after consideration of any recommendations from the Planning Board, the Conservation Commission and the Board of Health.

3. Would result in a structure no more than 25% greater in total habitable square footage than the structure as it was at the time it first became nonconforming. Total habitable square footage shall not include an unenclosed deck, unfinished basement, or unfinished attic.
4. Shall be subject to reasonable conditions, safeguards or limitations as imposed by the Zoning Board of Appeals so as to lessen any possible adverse impact on adjacent properties and the general neighborhood. And
5. Shall comply with all other applicable provisions of this bylaw.

d. If any nonconforming use of any building, structure and/or land is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

3. Reconstruction of Structure Damaged by Fire or Other Catastrophe

Any pre-existing nonconforming structure or use may be rebuilt or reestablished within two (2) years if damaged or destroyed by fire or other catastrophe provided the rebuilt or reestablished structure shall not be in greater nonconformity with the provisions of this bylaw, and provided a building permit is obtained. If more than two (2) years pass from the time of damage, a Special Permit must be obtained before said structure

or use may be rebuilt or reestablished. Such rebuilt or reestablished structure may be enlarged or changed in use only in accordance with the provisions of Section IV-E (2) herein.

4. Abandonment

Any nonconforming use which has been abandoned or not used for two (2) years or more shall not be reestablished, and any future use of such premises shall conform to the provisions of the bylaw.

5. Maintenance; Repair and Reconstruction of Unsafe Structure

Nothing in this bylaw shall be deemed to restrict the normal maintenance and repair on nonconforming structures or prevent reconstruction to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety.

SECTION IV.F. Wireless Telecommunications

As the language of the by-law for Wireless Telecommunications, and the Wireless Telecommunications District (WTOD) is extensive, procedures for a Special Permit for the Wireless Telecommunications Overlay District are published separately from the Monterey Zoning Bylaws, as Sections IVF.1 through IV.F.18.

SECTION V. INTENSITY REGULATIONS

(Amended August 24, 1982; August 25, 1989)

SECTION V.A. One Dwelling Per Lot

No more than one single-family dwelling shall exist upon any lot as a use by right.

SECTION V.B. Business District Minimums

A building or structure erected or converted for business use in the business district, which includes one (1), single-family dwelling unit within the structure shall have no less than one-half (1/2) acre of land.

SECTION V.C. Minimum Size Parcel

A parcel of land having less than the minimum requirements set forth in the Table of Minimums may not be used for any building or structure.

SECTION V.D. Minimum Setbacks for Accessory Buildings

Accessory buildings and structures including but not limited to garages, maintenance sheds, tennis courts, swimming pools shall be subject to regulations under minimum setback dimensions.

SECTION V.E. No Reductions below Table of Minimums

No existing lot shall be reduced in size or changed in shape so as to result in violation of the requirements set forth in the Table of Minimums and Maximums, Section VI.

SECTION V.F. Maximum Land Coverages

The maximum land coverage including accessory buildings and structures and hardtop surfaces shall be as follows:

AGRICULTURAL-RESIDENTIAL DISTRICT	20%
BUSINESS DISTRICT	30%
LAKE SHORE DISTRICT	20%