

Middlefield – Additional required Zoning Bylaw revisions:

Section 7.0 Terms Definitions

Bed and Breakfast Inn - A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Child Care Facility - Any facility operated on a regular basis whether known as a day nursery, nursery school, kindergarten, child play school, progressive school, child development center, or preschool, or known under any other name which receives children not of common parentage under seven years of age, or sixteen years of age if such children have special needs, for nonresidential custody and care during part or all of the day separate from their parents. Day Care Center shall not include: any part of a public school system; any part of a private, organized educational system, unless the services of such system are primarily limited to kindergarten, nursery or related preschool services; a Sunday school conducted by a religious institution; a facility operated by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services; a family day care; an informal; cooperative arrangement among neighbors or relatives; or the occasional care of children with or without compensation therefor.

Community Facilities - Land and buildings owned, maintained and operated by a governmental or other chartered nonprofit organization, such as school, hospital, or church, but not including a membership club or public utility.

Convenience Store - Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same.

Cottage Industry - A cottage industry is a more intensive form of home-based business, having more employees, more floor area used for the business, or other signs of greater use of a residential parcel for business purposes. A cottage industry, like a home occupation, remains clearly subordinate to the use of the parcel and dwelling for residential purpose

Drive-in Eating Establishment - A commercial establishment wherein food is usually served to or consumed by patrons while they are seated in parked cars.

Elder Care Home - A private residence where care, protection and supervision are provided for a fee at least twice a week to no more than 6 adults over the age of 60 at one time including participating elder adults living in the residence.

Essential Services - Services and appurtenant equipment and installations provided by public utility or governmental agencies through underground or overhead gas, electrical, telephone, sewerage, drainage, refuse, water, traffic, fire and police systems. Specifically excluded from this definition are buildings or overhead transmission towers.

Farm Business - Business established for the processing of farm products fifty percent (50%) by volume of which must have been raised or produced on the premises or elsewhere in the Town of Southampton.

Farm Stand - Stand established for the display or sale of farm products. During the months of June, July and August fifty percent (50%) by volume of which must have been raised or produced on the premises or elsewhere in the Commonwealth of Massachusetts.

Family Day Care Home - Any private residence which on a regular basis, receives for temporary custody and care during part or all of the day, children under seven years of age or children under sixteen years of age if such children have special needs; provided, however, in either case, that the total number of children under sixteen in a family day care home shall not exceed six, including participating children living in a residence. Family day care home shall not mean a private residence used for an informal cooperative arrangement among neighbors or relatives, or the occasional care of children with or without compensation therefor.

Home-based Business - Any activity conducted by a resident within a dwelling or accessory structures for financial gain. A home-based business is an accessory use to the primary use of the parcel. Home-based businesses include home occupations and cottage industries. Home based businesses are intended to be start-up or incubator type businesses that, once they become successful and outgrow their residential location, relocate and expand to the Business District.

Home Occupation - A home-based business which is incidental to and clearly subordinate to, the residential use of the property. A home occupation has no more than two employees who are not resident on the premises, does not use accessory structures (except for unheated storage), has no retail sales (except for goods and services produced on the premises), and occupies no more than 33% of the gross floor area of the dwelling.

Light Manufacturing - where all processing, fabricating, assembly, or disassembly of items takes places wholly within an enclosed building. Typical items for processing, fabricating, assembly, or disassembly include but are not limited to apparel, home accessories, food, drapes, clothing accessories, bedspreads, decorations, artificial plants, jewelry, instruments, computers, and electronic devices. Such facilities shall have a maximum building area of 2500sf, shall employ no more than 25 employees per shift, and shall not operate more than two shifts per day, Monday thru Friday. Such uses are characterized as lower in intensity, cleaner, and generally more compatible with abutting property uses and do not generate excessive noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation and other nuisance characteristics. Such light industry must be capable of operation in such a manner as to control the external effects of the manufacturing process, such as odors, vibrations, emissions, or other nuisance characteristics through prevention or mitigation devices and conduct of operations. The Planning Board may issue a Special Permit permitting a larger building area, greater number of employees or extended days of operation where they find that it is consistent with the intent of this Bylaw and will not have a detrimental effect on the surrounding neighborhood.

Non-resident employees - Employees who do not live on the parcel being used for a home-based business.

Professional Office - The office of a recognized profession maintained for the conduct of that profession.

Public Recreation Use - A recreation use or facility operated by a government agency and open to the general public.

Research Offices - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory,

Restaurant - A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state in individual servings or in nondisposable containers and where the customer consumes these foods while seated at tables or counters located within the building.

Restaurant - Fast-food - An establishment that offers quick food service which is accomplished through a limited menu of items already prepared and held for service or prepared, fried, or grilled quickly or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table. and food is generally served in disposable wrapping or containers.

Screening/Buffer - Screening materials, such as plants or fencing, must provide at least 90% opacity to a height of at least six feet in all seasons. If such screening is not provided by existing or proposed vegetation, it shall be supplemented by additional plantings or fencing. All screening materials shall be in keeping with the character of the district.

Special Permit Granting Authority - The Special Permit Granting Authority shall be specifically identified in the applicable sections of the Zoning Bylaws. Where the SPGA is not specifically identified, than the Planning Board shall be the SPGA.

Changes Needed Elsewhere in the Bylaw

Section 6.4 Special Permits

Section 6.4.2 Special Permit Granting Authority (SPGA)

The Special Permit Granting Authority shall be specifically identified in the applicable sections of the Zoning Bylaws. Where the SPGA is not specifically identified, than the Planning Board shall be the SPGA.

6.4.3 Application Procedures

(a) Application is made on the form for Special Permits available at the Town hall, Town Clerk's Office or through the **SGPA**. **One original Application, and eight (8) complete copies shall submitted and each** shall be accompanied by a site plan drawn to scale and showing the following:

6.4.6 Review Procedures

Upon receipt of a Special Permit application, the **SPGA** shall submit one (1) copy of said application and site plan to the Planning Board, Board of Health, Conservation Commission, **Police Department, Fire Department, Highway Department and Buildings Inspector for their review and comments.** Said Boards, Commissions **and Departments** shall make recommendations as they deem appropriate and shall send copies thereof to the **SPGA**. Failure of said Board, Commission **or Department** to submit their recommendations to the **SPGA** within thirty-five (35) days of receipt of the application by said Board Commission **or Department** shall be deemed their lack of opposition thereto.

Delete Sections:

6.4.5 Public Hearing

6.4.7 Special Permit Granting Authority Vote

6.4.8 Special permit Expiration

6.4.12 Time Schedule

6.4.14 Appeals on Special Permit Activity