

Zoning Solutions, Inc.

836 Washington Street, P.O. Box 850270, Braintree, MA 02185
781-848-0040 ~ FAX 781-380-4136

ZONING CERTIFICATE

Date: November 24, 2020

This certificate was compiled from public records obtained and reviewed by Zoning Solutions, Inc. regarding the zoning requirements and limitations for this property.

Subject Property:

86 Eastman Street, Mansfield, MA

Zoning District:

Natural Resource & Scenic Residential (R1)

See attached zoning map & index

Permitted Uses:

Warehouse is not permitted by right

See attached use regulations for additional permitted uses

See attached assessor records confirming that the property is a commercial warehouse built in 1986. It was confirmed with Robert Blackman in the building department that the existing use is grandfathered as legally pre-existing non-conforming.

Dimensional/ Open Space Requirements: See Dimensional Table 4.2.1

Other relevant records attached:

- 1. Use Table;**
- 2. Dimensional table;**
- 3. Zoning map and map index**
- 4. Parking Table**
- 5. Assessor record**

This Zoning Certificate is not a title insurance product or a legal zoning opinion, but a limited representation to the zoning district and permitted uses therein for the property according to the provisions of the Town of Mansfield public records as amended through November 24, 2020. Zoning Solutions, Inc. has relied upon the authenticity and accuracy of the representations and documentation provided to Zoning Solutions, Inc. by representatives at Mansfield Town Hall in making this certification.

If this certificate raises zoning issues not clearly explained by the enclosed documentation, please contact the undersigned immediately.

Zoning Solutions, Inc.

By:

A handwritten signature in black ink, appearing to read 'DL', written over a horizontal line.

David B. Lane, Attorney at Law

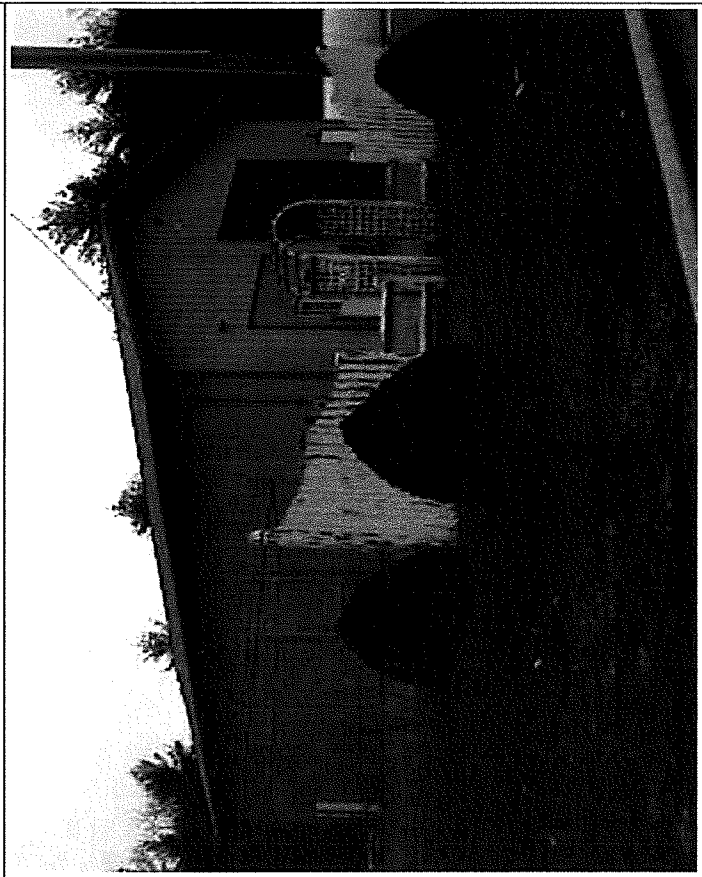
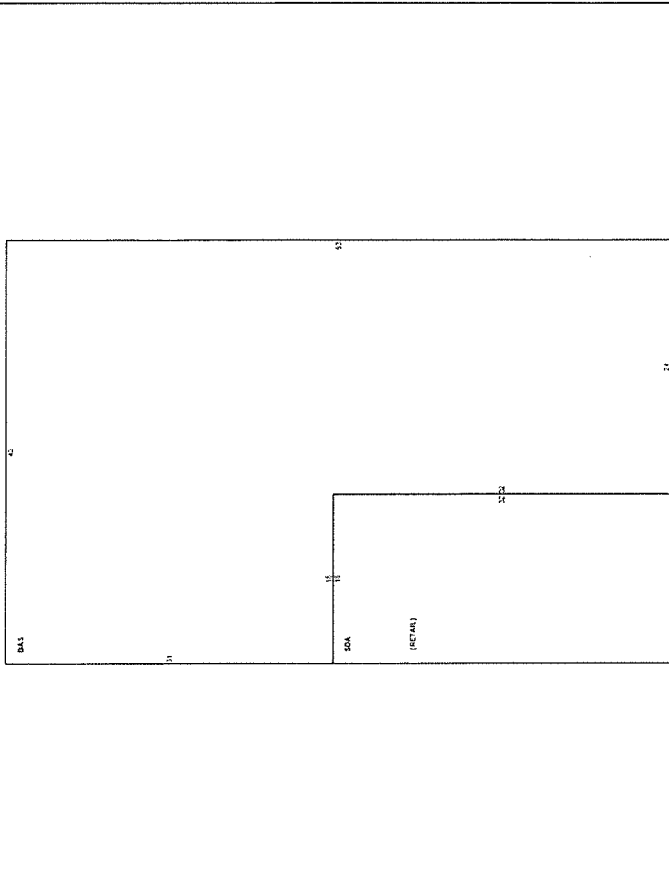
Enclosures

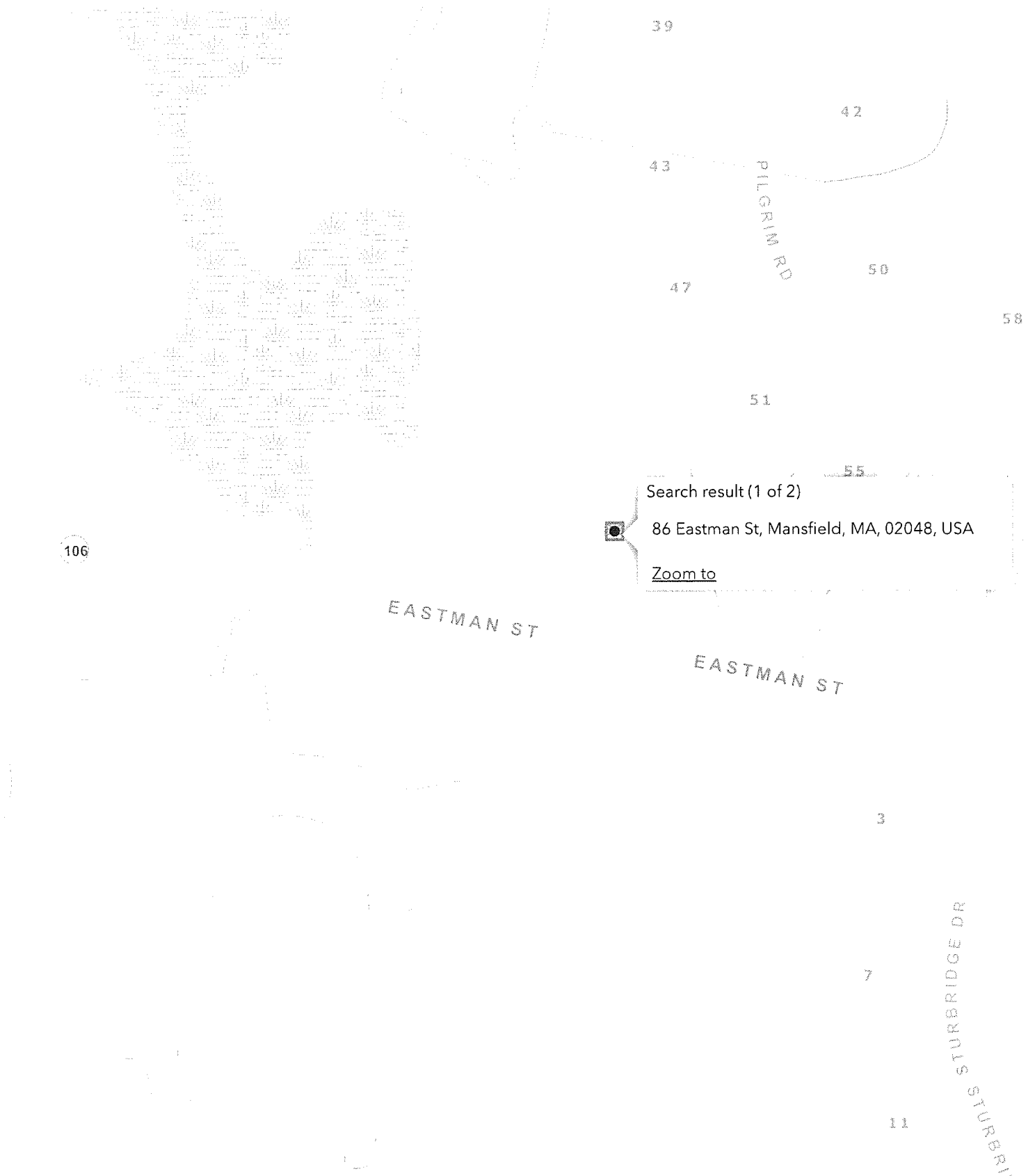
CONSTRUCTION DETAIL (CONTINUED)

Element	Cd	Description	Element	Cd	Description
Style:	51	Pre-Eng Gar			
Model	95	Svc Gar or Gar			
Grade	03	Average			
Stories:	1.00				
Occupancy	27	Pre-finish Mntl	MIXED USE		
Exterior Wall 1	03	Gable/Hip	Code	Description	Percentage
Exterior Wall 2	03	Asph/F Gls/Cmp	3160	COMM WHSE M-96	100
Roof Structure	01	Minimum			0
Roof Cover	01	Concrete Slab			0
Interior Wall 1	03	Coal/Wood/None	COST / MARKET VALUATION		
Interior Wall 2	01	None	RCN		106,007
Interior Floor 1	01	None	Year Built		1986
Interior Floor 2	01	None	Effective Year Built		1999
Heating Fuel	01	None	Depreciation Code		A
Heating Type	01	None	Remodel Rating		19
AC Type	01	None	Year Remodeled		0
Bldg Use	3160	COMM WHSE M-96	Functional %		0
Total Rooms	00		External Obsol		1
Total Bedrms	0		Trend Factor		81
Total Baths	0		Condition %		85,900
Heat/AC	05	NONE	Perct Good		
Baths/Plumbing	00	STEEL	Cns Sect Rcnld		
Frame Type	00	NONE	Dep % Ovr		
Ceiling/Wall	00	NONE	Dep Ovr Comment		
Rooms/Ptns	02	AVERAGE	Misc Imp Ovr		
Wall Height	14.00		Cost to Cure Ovr		
% Comm Wall			Cost to Cure Ovr Comment		
1st Floor Use:	3251				

OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Bilt	Cond. Cd	% Good	Grade	Grade Adj	Appr. Value
FN3	FENCE-6' CHAI	L	170	12.00	1987		50		0.00	1,000
SHD1	SHED WD RES	L	576	9.00	1989		70		0.00	3,600
SGN2	DOUBLE SIDE	L	16	50.00	2013		50		0.00	400

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprc Value
BAS	First Floor	2,008	2,008	2,008	40.43	81,183
SDA	Store Display Area	512	512	614	48.48	24,824
	Ttl Gross Liv / Lease Area	2,520	2,520	2,622		106,007





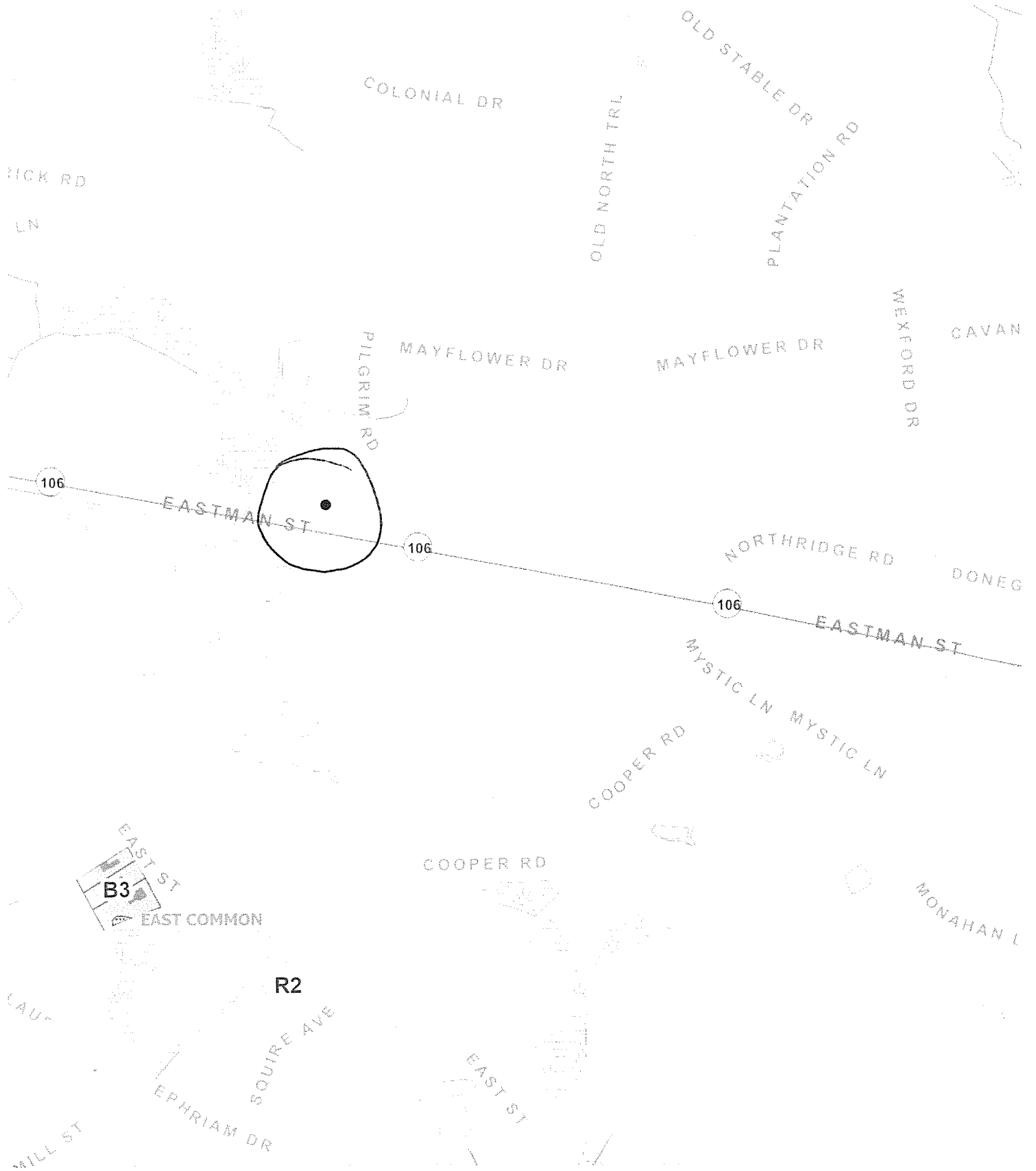
Search result (1 of 2)

86 Eastman St, Mansfield, MA, 02048, USA

[Zoom to](#)

Zoning Map

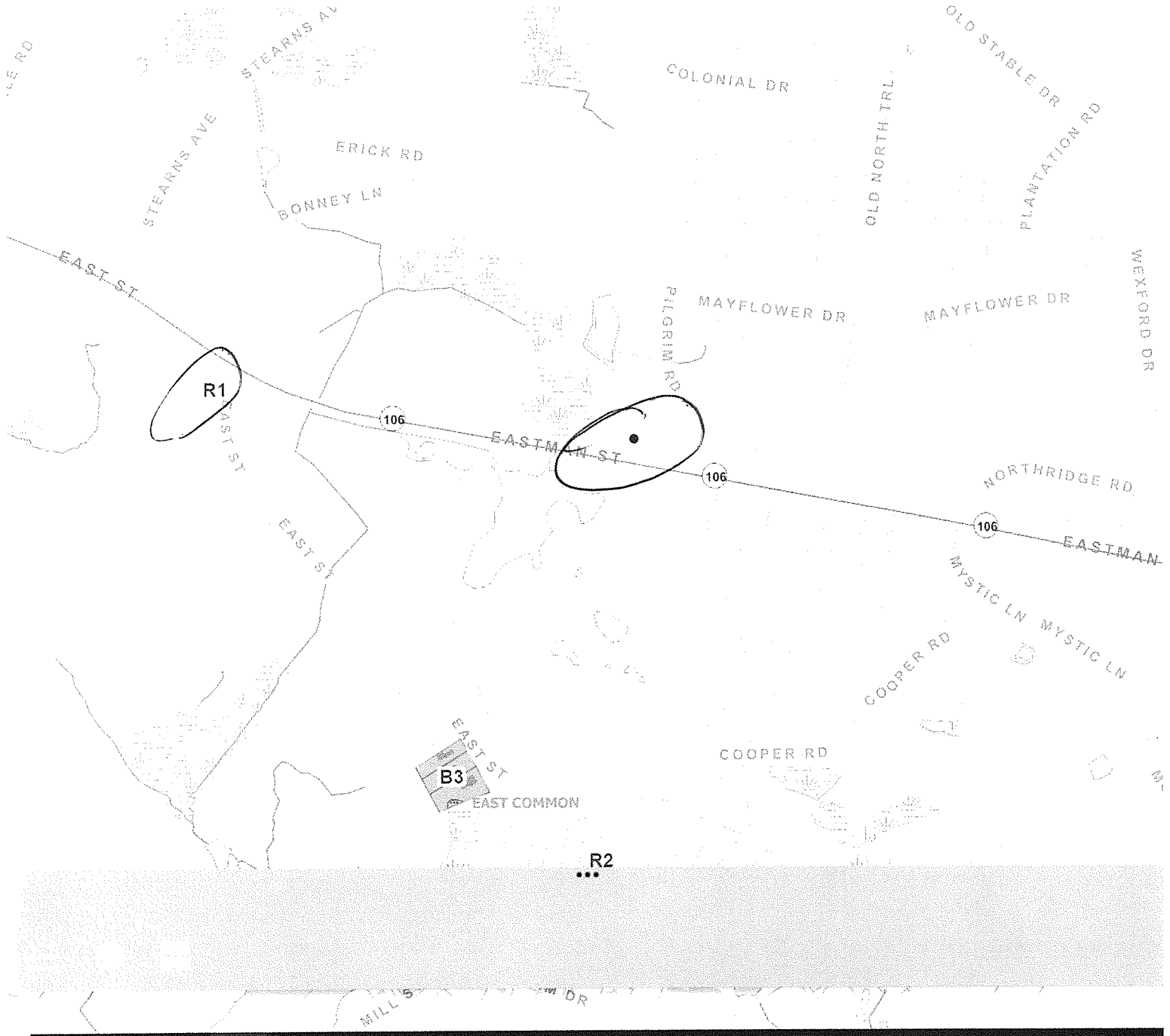
86 Eastman St, Mansfield, I



Zoning Map

86 Eastman St, Mansfield, I X Q

webappviewer/index.html?id=038cb22dd3bf4d1badc1149278d26ac7



*Town of Mansfield, MA
Monday, November 23, 2020*

Chapter 230. Zoning

Article II. Districts

§ 230-2.1. Classes.

For the purposes of this Zoning Bylaw, the Town of Mansfield is hereby subdivided into the following districts:

Residence 1	Natural Resource and Scenic Residential
Residence 2	Medium Density Residential
Residence 3	Higher Density Residential
RD	Reservoir District
Business 1	Central Business
Business 2	Downtown Mixed Use
Business 3	Highway Business
Business 4	Gateway Business
Planned Business District	Industrial Park
Industrial 1	Higher Density Industrial
Industrial 2	Limited Industrial
Industrial 3	Mixed Use Industrial
A	Airport
SGWRPD	Surface and Groundwater Resource Protection District
FPD	Floodplain Overlay District
NMSBOD	North Main Street Business Overlay District
MSROD	Mansfield Station Revitalization Overlay District

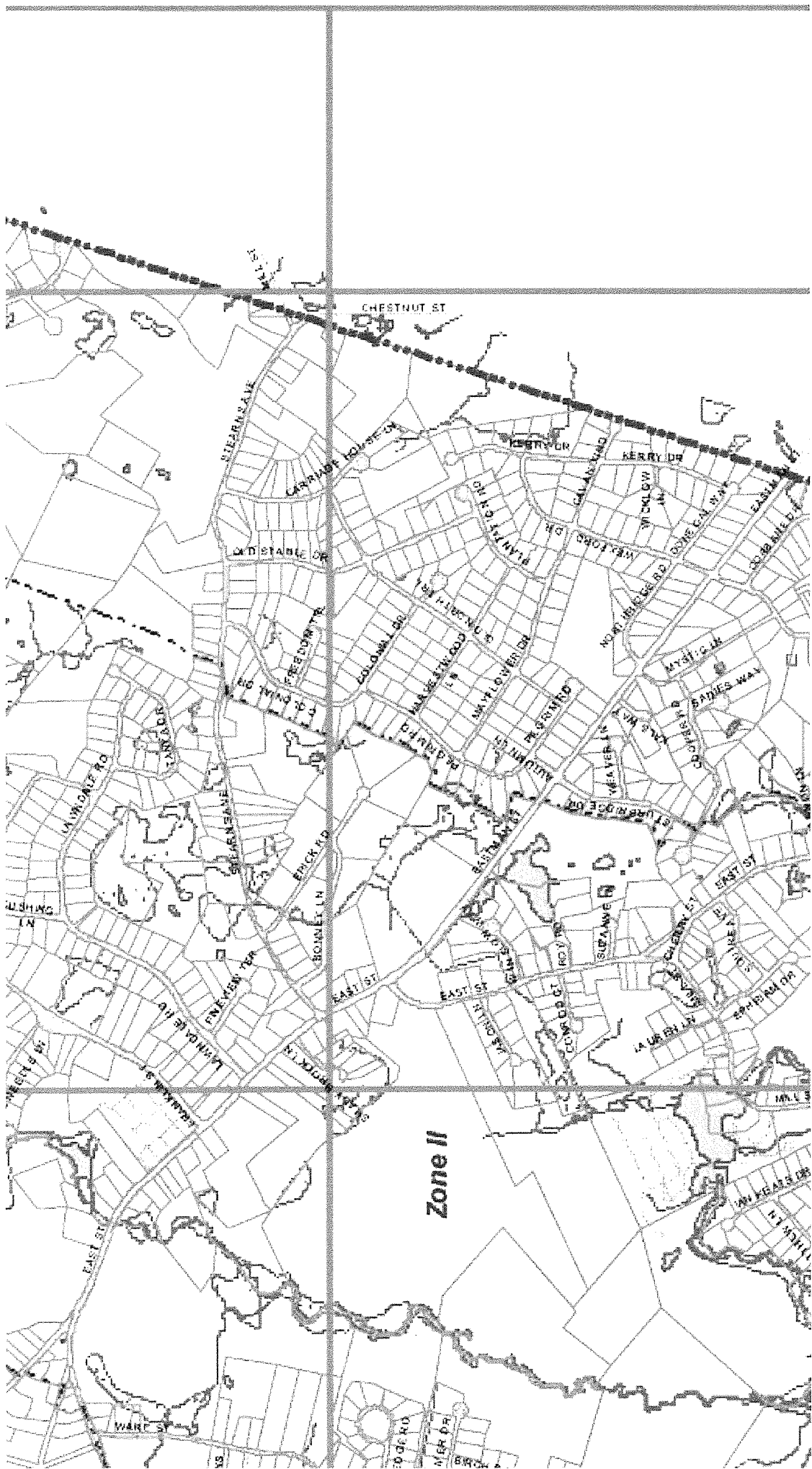
§ 230-2.2. Boundaries.

The boundaries of each of said districts shall be continued as shown, defined and bounded on the Zoning Bylaw map as effective on October 16, 1989, with amendments on file in the office of the Town Clerk of the Town of Mansfield, all explanatory matter on said map or maps shall continue to be part of the Zoning Bylaw.

- A. Where the boundary lines are shown upon said map within the street line of public and private ways, the center lines of such ways shall be the boundary lines.
- B. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot and boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.

- C. Boundary lines located outside of such street lines and shown approximately parallel thereto shall be regarded as parallel to such street lines, and dimensions shown in figures placed upon said map between such boundary lines and street lines are the distance in feet to such boundary lines from such street lines, such distances being measured at right angles to such street lines unless otherwise indicated.
- D. In all cases which are not covered by other provisions of this section, the location of boundary lines shall be determined by the use of identifications as shown on the map, or by the scale of said map.
- E. The Surface and Ground Water Resource Protection Districts are those areas so designated on a map entitled "Surface and Ground Water Resource Protection Overlay District" at a scale of one inch equals 2,250 feet dated January 2013. This map is hereby made part of the Town Zoning Bylaw and is on file in the office of the Town Clerk.
- F. The North Main Street Business Overlay District is that area so designated on a map titled "North Main Street Business Overlay District" dated February 25, 2010, at a scale of one inch equals 500 feet.
- G. The Mansfield Station Revitalization Overlay District is that area so designated on a map titled "Mansfield Station Revitalization Overlay District," dated February 27, 2014, at a scale of one inch equals 310 feet, which map is on file in the office of the Town Clerk.
- H. The Gateway Business Zoning District is that area so designated on a map titled "GATEWAY BUSINESS B-4 Date 3/18/2014," on file in the office of the Town Clerk.

[1] *Editor's Note: See the Zoning Bylaw maps included as attachments to this chapter.*



CHESTNUT ST

N. MAIN ST

CARRIAGE HOUSE LN

OLD STABLE DR

KERRY DR

KERRY DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

W. LANTIER DR

Zone II

WART ST

EDGE RD

MCH DR

BR DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

W. HEADS DR

ZONING

230 Attachment 1

Town of Mansfield

Schedule of Principal Use Regulations

[Amended 4-12-2016 ATM by Art. 27; 4-11-2017 ATM by Art. 35; 4-10-2018 ATM by Art. 29; 4-10-2018 ATM by Art. 30; 4-9-2019 ATM by Art. 35; 4-9-2019 ATM by Art. 38; 4-14-2020 ATM by Art. 24; 4-14-2020 ATM by Art. 27; 4-14-2020 ATM by Art. 34; 4-14-2020 ATM by Art. 35]

KEY:

- Y = Use permitted as of right
- S = Special permit of the Planning Board
- S1 = Special permit of the Board of Appeals
- SPA = Y - Site plan approval required
N - Site plan approval not required
- A = Uses in accordance with Airport Master Plan approved by Town Meeting

§ 230-		Residential Districts				Business Districts				PBD	Industrial Districts				TOD	SPA
		1	2	3	R	1	2	3	4		1	2	3	A		
3.2	EXTENSIVE USES															
3.2A	Agriculture	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
3.2B	Greenhouse	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
3.2C	Conservation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
3.2D	Recreation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	Y
3.2E	Recreation, Mansfield nonprofit	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.2F	Earth removal	N	N	N	N	N	N	N	S	S	S	S	S	S	N	Y
3.2G	Forestry	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	N
3.3	RESIDENTIAL															
3.3A	Single-family dwelling	Y	Y	Y	Y	S	S	N	N	N	N	Y ¹	Y	N	N	N
3.3B	Two-family dwelling	N	N	Y	N	N	S	N	N	N	N	N	Y	N	N	N
3.3C	Accessory apartments	S	S	S	S	S	S	N	N	N	N	N	S	N	N	Y
3.3D	Multiple residence ⁷	N	N	N	S	S	S	N	N	N	N	N	Y	N	S	Y
3.3E	Rowhouse, townhouse	N	N	N	S	S	S	N	N	N	N	N	Y	N	S	Y
3.3F	Cluster residential	S	S	S	S	N	N	N	N	N	N	S ¹	S	N	N	N
3.3H	Recreation vehicle storage	Y	Y	Y	Y	N	N	Y	Y	N	Y	Y	Y	Y	N	Y
3.3I	Assisted-care retirement facility	N	S	N	N	N	N	N	N	N	N	N	N	N	N	Y
3.3J	Residential facilities for residents 55 years or older	S	S	N	S	N	N	S	N	N	N	N	N	N	N	Y
3.4	GOVERNMENTAL, INSTITUTIONAL AND PUBLIC SERVICE USES															
3.4A	Municipal use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
3.4B	Educational	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y
3.4C	Religious	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.4D	Philanthropic	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.4E	Day-care center	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.4F	Hospital, nursing home	N	N	S	S	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y
3.4G	Community life care center	N	S	N	N	N	N	N	N	N	N	N	N	N	N	Y

MANSFIELD CODE

§ 230-		Residential Districts				Business Districts				PBD	Industrial Districts				TOD	SPA
		1	2	3	R	1	2	3	4		1	2	3	A		
3.4H	Public service utility	S	S	S	S	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.4I	Aviation	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	Y
3.4J	Temporary use	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y ²	Y	Y	Y	Y ²	N
3.4K	Registered nonprofit medical marijuana dispensary	N	N	N	N	N	N	N	N	S	N	N	N	N	N	
3.4L and M	Recreational marijuana uses															
	Cultivation and craft marijuana (use continued below)															
	Cultivator cooperative	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
	Microbusiness	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Manufacturing															
	Independent testing	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Y
	Laboratory	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Y
	Retail (brick and mortar)	N	N	N	N	N	N	N	N	N	S	N	N	N	N	Y
	Retail (delivery only)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Third party transporter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Existing license transporter	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Research	N	N	N	N	N	N	N	N	N	N	S	N	N	N	Y
	Social consumption - primary use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
	Social consumption - mixed use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.5	BUSINESS USES															
3.5A	Retail store	N	N	N	S	Y	Y	Y	Y	N ¹	S	S	Y	A	Y	Y
3.5.1a	Open-air market	N	N	N	N	N	N	N		N	N	N	N	N	Y	Y
3.5B	Mall	N	N	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5C	Office	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.5D	Bank	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.5E	Restaurant	N	N	N	S	Y	Y	Y	Y	S ⁴	S	N	Y	Y	Y	Y
3.5F	Fast-food restaurant	N	N	N	N	N	N	N	S	N	S	N	N	N	S ⁶	Y
3.5G	Hotel/Motel	N	N	N	S	S	S	S	S	S	S	S	S	N	S	Y
3.5H	Lodge and club	S	S	S	S	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y
3.5I	Funeral home	S	S	S	S	Y	Y	Y	Y	N	Y	Y	Y	N	N	Y
3.5J	Vet clinic/hospital	N	N	N	S	S	S	S	S	N	S	S	S	N	N	Y
3.5K	Kennel	S	N	N	N	N	N	N	N	N	S	S	S	N	N	Y
3.5L	Personal service shop	N	N	N	S	Y	Y	Y	Y	N ⁵	S	S	Y	N	Y	Y
3.5M	Craft shop and building trade	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	Y
3.5N	Commercial/Trade school	N	N	N	S	Y	Y	Y	Y	Y	Y	Y	Y	A	S	Y
3.5O	Amusement facility	N	N	N	S	Y	S	S	S	N	S	N	N	N	S	Y
3.5P	Auto service station	N	N	N	N	S	S	N	S	N	S	S	S	N	N	Y
3.5Q	Auto repair/body shop	N	N	N	N	S	S	S	S	N	S	S	S	N	N	Y
3.5R	Car wash	N	N	N	N	N	N	S	S	N	N	N	S	N	N	Y
3.5S	Vehicular dealership	N	N	N	N	S	S	S	S	N	S	S	S	N	N	Y
3.5T	Parking facility	N	N	N	S	Y	Y	Y	Y	N	S	S	S	N	S	Y
3.5V	Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

ZONING

§ 230-		Residential Districts				Business Districts				PBD	Industrial Districts				TOD	SPA
		1	2	3	R	1	2	3	4		1	2	3	A		
3.5.21a	Live/Work	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	
3.5W	Motor vehicle salvage	N	N	N	N	N	N	N	N	N	S	N	N	N	N	Y
3.5X	Research and development	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
3.5Y	Biotechnology	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N	Y
3.5.25	Adult bookstore	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.5.26	Adult motion-picture theater	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.5.27	Adult paraphernalia store	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.5.28	Adult video store	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.5.29	Adult cabaret	N	N	N	N	N	N	N	N	S	N	N	N	N	N	Y
3.6	INDUSTRIAL USES															
3.6A	Warehouse	N	N	N	N	N	N	N	N	Y	Y	S	Y	N	N	Y
3.6B	Bulk material storage/sales	N	N	N	N	N	N	Y	Y	N	Y	Y	Y	N	N	Y
3.6C	Light manufacturing	N	N	N	N	N	N	N	N	Y	Y	Y	Y	A	N	Y
3.6D	General manufacturing	N	N	N	N	N	N	N	N	Y	Y	Y	S	N	N	Y
3.6E	Regulated refuse incinerator	N	N	N	N	N	N	N	N	S	S	N	N	N	N	Y
3.6F	Nonregulated refuse incinerator	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
3.6G	Exterior wireless communication facility	N	N	N	Y	N	N	N	N	Y	Y	S	S	N	S	Y
3.6G	Interior wireless communication facility	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y
3.6G	Freestanding wireless communication facility	N	N	N	S	N	N	N	N	S	S	N	N	N	N	Y
3.6G	5G	S	S	S	Y	S	S	S	S	Y	Y	Y	Y		Y	Y
3.6.8	Self- and mini-storage	N	N	N	N	N	N	Y	Y	N	Y	Y	S	N	N	Y
3.7	CLASSIFICATION OF OTHER USES															
3.7A ⁷	Mixed business/residential use	N	N	N	N	Y	S	N	S	N	N	N	S	N	Y	Y
3.7B	Adaptive reuse of historic structures	S	S	S	S	S	S	S		S	S	S	S	S		Y

NOTES:

- ¹ South of Route 106 only (as a by-right use) at density allowed in Residence 1 District.
- ² Temporary use may be permitted by special permit as provided in § 230-3.4J.
- ³ Ancillary retail use is permitted by right, up to a maximum of 5% of the total gross floor area or 2,500 square feet, whichever is less, provided that goods sold are related to the primary use.
- ⁴ Ancillary restaurant use is permitted by right, up to a maximum of 5% of the total gross floor area or 1,000 feet, whichever is less.
- ⁵ Ancillary personal service shop use is allowed by right, up to a maximum of 5% of the total gross floor area or 2,500 square feet, whichever is less.
- ⁶ In the TOD Zone only; no drive-up window allowed.
- ⁷ Developments of 20 or more residential dwelling units require a special permit.

ZONING

230 Attachment 2

Town of Mansfield

**Schedule 4.2A
Density and Dimensional Regulations
Residential Districts
[Amended 4-12-2016 ATM by Art. 27]**

	R1	R2	R3	RD
Minimum lot area per unit (square feet)				
Detached single-family	60,000	30,000	10,000	30,000
Two-family	—	—	7,500	—
With public sewer per unit (square feet)				
Detached single-family	60,000	22,500	10,000	22,500
Two-family	—	—	7,500	—
Minimum lot frontage (feet)	200 ^{1a}	150	80	100
Minimum setbacks (feet)				
Front ²	40	30	30	30
Side	25	15	15	15
Rear	40	30	30	30
Maximum building height (feet)	35	35 ³	35	35
Minimum open space (percent)	50%	50%	50%	50%

NOTES:

- ¹ Lot width must conform to the definition of “lot width” in § 230-1.5.
- ^{1a} Notwithstanding other provisions of this bylaw, minimum frontage of 300 feet shall be required for lots which front on Route 106 between its intersection with East Street and the Easton Town line.
- ² 75 feet on lots over 30,000 square feet with frontage located on a scenic road as determined by Town Meeting.
- ³ Life-care centers, allowed by special permits, may be constructed to five stories/60 feet in height.
- ⁴ Please see § 230-4.II regarding structural projections into required front, side and rear yard setbacks in Residential Zones.

MANSFIELD CODE

**Schedule 4.2B
Density and Dimensional Regulations
Business and Industrial Districts
[Amended 4-12-2016 ATM by Art. 27; 4-14-2020 ATM by Art. 24; 4-14-2020 ATM by
Art. 30]**

	B1	B2	B3	B4	PBD	I1	I2	I3	TOD
Maximum floor area ratio									
By right									
Retail	2.0	1.0	0.25	0.50	—	0.40	—	0.25	0.50
Office	2.0	1.0	0.25	0.60	0.75	0.40	0.25	0.25	0.75
Other nonresidential	2.0	1.0	0.25	0.60	0.60	0.40	0.25	0.25	0.75
Residential	—	0.5	—	—	—	—	¹	0.25	0.50
Business/Residential ²	2.5	1.5	—	0.80	—	—	—	0.25	2.0
Special permit (§ 230-4.9)	—	—	—	—	0.75	0.75	—	—	—
Green building/sustainable development (§ 230-4.9A)	—	—	—	—	0.85	—	—	—	—
Research and development	—	—	—	—	0.75	0.40	—	—	—
Biotechnology	—	—	—	—	0.75	0.40	—	—	—
Light manufacturing	—	—	—	—	0.75	0.40	—	—	—
General manufacturing					0.75	0.40	—	—	—
Minimum lot size (square feet)	—	—	15,000	15,000	40,000	40,000	15,000	15,000	40,000
Minimum open space (percent)	—	—	—	—	25% ⁵	35%	35%	35%	—
Maximum building height	45	45	45	45	90 ⁴	60	45	45	45
Minimum frontage (feet)	—	—	100	100	200	200	50	50	50
Minimum setbacks (feet)									
Front	—	—	50	30	50	50	50	50	0
Side ³	—	—	20	20	20	20	20	20	0
Rear ³	—	—	20	40	20	20	20	20	25

NOTES:

- ¹ South of Route 106 (as a by-right use), as per the Residence 1 District.
- ² Business and residential uses may be combined in the same or separate buildings, provided that in the Business 1 and Business 2 and Business 4 Districts, retail, office, bank or restaurant uses shall occupy the entire ground floor (see § 230-3.7A). Developments of 20 or more residential dwelling units require a special permit.
- ³ In the PBD, I1 and I2 Districts, side and rear setbacks shall be 75 feet when businesses or industrial uses are within 75 feet of the property line of a residential use or a residential zone line. Said setbacks shall be waived when abutting a railroad easement in the PBD, I1, I2, and I3 Districts.
- ⁴ In the PBD, maximum building height shall be 60 feet when an office, business or industrial lot abuts or is within 75 feet of a property line of a residential use or residential zone line.
- ⁵ In the PBD, roof gardens or green roofs on the primary building or on the roof of a parking structure will count toward open space.

Town of Mansfield, MA
Monday, November 23, 2020

Chapter 230. Zoning

Article IV. Intensity Regulations

§ 230-4.4. Off-street parking and loading.

In any zoning district, if a structure is constructed, enlarged, or extended and any use of land established, or any existing use is changed after the effective date of this bylaw, parking and loading spaces shall be provided in accordance with the following schedules:

A. Off-street parking schedule.

[Amended 4-11-2017 ATM by Art. 30; 4-9-2019 ATM by Art. 33]

Land Use	Minimum Number of Off-Street Parking Spaces
Dwelling, single-family and 2-family units.	2 per dwelling; 2-family in B2, 2 spaces per unit
Dwelling, multifamily (3 or more units)	1.5 per unit in Business 1; 2.0 in all other zones
Hotel, motel, tourist court	1 per sleeping room
Automobile repair garage	1 space for each 200 square feet of gross floor area
Liquor store	1 space for each 200 square feet of gross floor area
Theater, gymnasium, auditorium, church, meeting rooms, or similar place of public assembly with seating facilities.	1 for each 4 seats of total seating capacity (20 linear inches of bleachers or benches may be considered equal to 1 seat)
General business, or commercial, personal services (barber, hair dresser, and tailor), department stores, drug stores, variety stores, medical centers, and outpatient clinics; banks, bowling alleys, and business, professional and other offices less than 25,000 square feet	1 per 200 square feet of gross floor area. In B1 and B2, 1 per 1,000 square feet of gross floor area.
Business, professional, and other offices 25,000 square feet and greater	In PBD, 2.75 spaces per 1,000 square feet of gross floor area. In all other districts, 3.5 spaces per 1,000 square feet of gross floor area
Manufacturing and warehousing and offices incidental thereto	1 per employee on the largest operating shift

Land Use	Minimum Number of Off-Street Parking Spaces
Restaurant	1 per 4 seats; in B1 and B2, 1 space per 1,000 square feet of gross floor area. In the B1 and B2 Zones, off-street parking is not required where valet parking is provided. Only for conversion to restaurant use in the B1 and B2 Zones, the Planning Board may waive the off-street parking requirement as part of site plan or special permit approval based upon alternate parking solutions. ADA-compliant parking must still be provided.
Retail use greater than 25,000 square feet	One per 250 square feet of gross floor area
Mixed use	Number of tandem parking spaces which, in the judgment of the Planning Board are adequate to provide off-street parking for the proposed use
Any use permitted by this bylaw not interpreted to be covered by this schedule	Number of spaces which in the judgment of the Planning Board are adequate to provide off-street parking for the proposed use

B. Off-street loading area requirements.

Use	Minimum Number of Loading Space Areas
All uses under 5,000 square feet of gross floor area	None required except instances where existing loading is done in the public street or sidewalk
Retail trade, manufacturing, wholesale, and industry with over 5,000 square feet of gross floor area	1 per 20,000 square feet or fraction thereof of gross floor area up to 40,000 square feet; 1 additional space for every 60,000 square feet thereafter.
Business services, community facilities, and other service areas (school, church, Town building, recreation) with over 5,000 square feet of gross floor area	1 per 75,000 square feet or fraction thereof of gross floor area up to 2 spaces; 1 additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet
Any use permitted by this bylaw interpreted to not be covered by this schedule	Number of spaces which in the judgment of the Planning Board are adequate to provide off-street loading for the proposed use(s)

C. Handicapped parking. Specially designed parking spaces for the physically handicapped shall be provided according to the most recent rules and regulations of the State of Massachusetts Architectural Barriers Board.

D. Design standards and special conditions.

- (1) Computation of spaces. When the computation of required parking or loading spaces results in the requirement of a fractional space, the fractional space shall require a full space if the fraction is greater than 1/2.
- (2) Combined uses/multiple uses. In the case of combined or mixed uses, the parking facilities required shall be of the sum of the requirements for the various individual uses, computed separately in accordance with this bylaw. Parking facilities for one use shall not be considered

as providing the required parking facilities for any other use unless it can be clearly demonstrated that the need for parking occurs at different times.

- (3) Location.
 - (a) Required parking spaces and loading spaces shall be on the same lot as the principal use(s) served; or if not reasonably possible, on other property in the same zoning district within 200 feet of the principal building. This 200 feet shall be measured along a public way. Such off-premises parking shall be in possession, by deed or lease, of the owners of the use served.
 - (b) In the Business 1 and Business 2 Districts, all required parking shall be located at the rear of the principal building.
- (4) Existing spaces. Parking or loading spaces being maintained in any district in connection with any existing use on the effective date of this bylaw, or any spaces subsequently provided in accordance with this bylaw, shall not be decreased or in any way removed from service to the use originally intended to be served 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 requirements of the parking and loading schedules.
- (5) Materials. All parking areas shall contain 2 1/2 inches of pavement. Durable curbing shall be installed for four inches above the pavement at appropriate locations to provide for adequate drainage and protection of buffer areas. Parking areas shall be constructed with a subsurface drainage system which is either connected to or designed in conjunction with the existing and proposed street or driveway drainage system. The drainage shall be designed for a twenty-five-year storm frequency.
- (6) Parking spaces. Each required off-street parking space shall be marked with paint or other durable marking material and shall be large enough to contain a rectangle measuring not less than nine feet by 18.5 feet. This area shall constitute one space. For subcompact cars, a space shall be large enough to contain a rectangle measuring not less than eight feet by 17 feet.
- (7) Loading spaces.
 - (a) Each space for off-street loading shall be a minimum of 14 feet by 60 feet with a vertical clearance of at least 14 feet. Each loading space shall have additional area adequate for maneuvering and/or parking so that a public street, sidewalk, or area is not encroached upon. The loading spaces required for uses listed in the off-street loading schedule shall in all cases be on the same lot as the use they are intended to serve unless information/data can be presented which demonstrates that this requirement is not necessary.
 - (b) In no case shall the required loading spaces be part of the area used to satisfy the parking requirements of the bylaw.
- (8) All lighting of parking lots shall be arranged so as to adequately light the entire parking lot and will be directed away from the street and adjoining residential uses.
- (9) Entrance/Exit drive widths and location.
 - (a) The minimum distance between an entrance or exit drive at the street (right-of-way) line and the curb line of an intersection street shall be 50 feet in all directions.
 - (b) The maximum width of an entrance or exit drive at the street (right-of-way) line shall be 24 feet in a Residential District and 40 feet in any other district. If the driveway is divided to separate entrance and exit movements, the combined width may be increased to 60 feet.

(c) The Planning Board may authorize departures from the above standards as follows:

- [1] In Industrial, Business and Planned Business Districts, the Board may authorize more than two access driveways if it determines that such additional driveways are necessary to provide adequate area for safe vehicular turning movements and circulation. In any case, there shall be no more than one additional access driveway for each 100 feet of frontage, and all two-way access driveways on a single lot shall be at least 100 feet apart measured from the center line of each access driveway.
- [2] In Industrial, Business and Planned Business Districts, the Board may authorize a driveway with a greater width than provided for herein when the Planning Board finds that such width would facilitate traffic flow and safety.
- [3] No increase in the number or widths of driveways shall be granted unless the Planning Board specifically finds that the proposed design would provide greater traffic safety than a design conforming to the design standards set forth herein.

(10) Subcompact car spaces.

- (a) The Planning Board may allow the construction of smaller parking spaces designed to accommodate a subcompact car. Thirty percent of subcompact parking spaces shall be allowed by right. Anything above said number shall be approved by the Planning Board.
- (b) In the Planned Business District only, up to 40% of the required parking spaces may be designed to accommodate subcompact cars by right.

(11) Business 1 Zone exception. All businesses proposed for the Business 1 Zone may be exempted from the off-street loading requirements if, in the opinion of the Planning Board, an unsafe traffic condition is not created.

(12) Display of merchandise. No parking or loading area shall be used for the sale, repair, display, storage, dismantling, or servicing of any vehicle, equipment, merchandise, material, or supplies except as specifically permitted by these bylaws in conjunction with uses directly involving sale, servicing, storage, or repair of vehicles in districts where such uses are permitted.

(13) Parking barriers. A substantial bumper of concrete, steel, or heavy timber; or a concrete curb or berm which is backed; or a natural berm; shall be so located at the edge of surfaced areas except driveways so as to protect abutting structures, properties, sidewalks and landscaping.

(14) Aisle and maneuvering space. The aisle maneuvering area shall be provided based on recognized standards approved by the Highway Research Board.

(15) Senior citizen housing. In instances where a senior citizen housing project is developed, the requirement for off-street parking shall be one space for every two dwelling units.

(16) Municipal parking lots and areas. The Planning Board shall not allow the substitution of parking space within municipal parking lots in lieu of the parking requirements of this bylaw.

(17) Employee parking. In addition to the requirements for off-street parking in Subsection **A**, all use(s) of land shall also provide one parking space per employee on the largest operating shift unless otherwise noted.

(18) Drive-up window stacking lane requirements.

- (a) For the purposes of this bylaw, a "stacking lane" and "stacking space" shall be defined as follows:

STACKING LANE

An area of stacking spaces and driving lane provided for vehicles waiting for drive-up service, which is physically separated from other traffic and pedestrian circulation on the site.

STACKING SPACE

An area within a stacking lane for vehicles waiting to order and/or finish a drive-up transaction.

- (b) Fast-food drive-up facilities shall provide a minimum of 10 stacking spaces (within the site) before the order board. The facility shall provide another four stacking spaces between the order board and the transaction window. If the facility has two transaction windows, the four stacking spaces may be split between each of the windows. An additional stacking space shall be provided after the last transaction window(s).
[Amended 4-14-2020 ATM by Art. 34]
 - (c) Non-fast-food drive-up facilities shall provide a minimum of four spaces before the drive-up window.
 - (d) Each stacking space shall be a minimum of 20 feet in length and 10 feet in width along straight proportions. Stacking spaces and stacking lanes shall be a minimum of 12 feet in width along curved segments.
 - (e) Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
 - (f) Entrances to stacking lanes shall be clearly marked and a minimum of 60 feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
 - (g) Stacking lanes shall be designed to prevent circulation congestion, both on-site and on adjacent public streets. The circulation shall: (1) separate drive-up traffic from site circulation, (2) not impede or impair access into or out of parking spaces, (3) not impede or impair vehicle or pedestrian traffic movement, and (4) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. Stacking lanes or bypass lane shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. An emergency bypass lane or exit shall be provided.
 - (h) Stacking lanes shall not enter or exit directly into a public right-of-way. Stacking lanes shall be integrated with the on-site circulation pattern.
 - (i) The intersection of stacking lanes and walk-in customer access shall be a minimum of 50 feet from any access connections and/or transaction windows. Said intersections shall be provided with a crosswalk. These crosswalks shall use enriched paving and striping and include warning signage aimed at both the pedestrian and the vehicle.
 - (j) For any drive-up window use permitted by this bylaw interpreted not to be covered by these queuing and stacking requirements, the Planning Board may require the number of spaces which, in the judgment of the Planning Board, are adequate to provide sufficient parking and queuing lanes to provide off-street access for the proposed use(s).
- (19) Tandem parking spaces, as defined in § **230-1.5**, may be allowed in the Business 1 (B1), Business 2 (B2), Business 4 (B4), Industrial 1 (I1), Industrial 2 (I2) and the Industrial 3(I3) Zones. The Planning Board may make the finding that tandem parking may be used in the Transit Oriented Development (TOD) and North Main Street Business Overlay District.
[Added 4-11-2017 ATM by Art. 30]

*Town of Mansfield, MA
Monday, November 23, 2020*

Chapter 230. Zoning

Article V. Special Provisions and Permits

§ 230-5.1. Surface and Groundwater Resource Protection District.

- A. Purpose of district. The purpose of this Surface and Groundwater Resource Protection District is to:
- (1) Promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water for the residents, institutions, and businesses of the Town of Mansfield;
 - (2) Preserve and protect existing and potential surface and subsurface sources of drinking water supplies;
 - (3) Conserve the natural resources of the Town; and
 - (4) Prevent temporary and permanent contamination of the environment.
- B. Scope of authority. The Surface and Groundwater Resource Protection District is an overlay district superimposed on other zoning districts established by this bylaw. This overlay district shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Applicable activities or uses in a portion of one of the underlying zoning districts which fall within the Surface and Groundwater Resource Protection District must additionally comply with the requirements of this district. Uses that are prohibited in the underlying zoning districts shall not be permitted in the Surface and Groundwater Resource Protection District.
- C. Definitions. For the purposes of this section, the following words and phrases shall have the following meanings:

AQUIFER

Geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.

IMPERVIOUS SURFACE

Material or structure on, above, or below the ground that does not allow precipitation or surface water to penetrate directly into the soil.

MINING

The removal or relocation of geologic materials such as topsoil, sand, gravel, metallic ores, or bedrock.

RECHARGE AREAS

Areas that collect precipitation or surface water and carry it to aquifers. Recharge areas may include areas designated as Zone I, Zone II, or Zone III.

SURFACE AND GROUNDWATER RESOURCE PROTECTION DISTRICT

The zoning district defined to overlay other zoning districts in the Town of Mansfield. The Surface and Groundwater Resource Protection District includes Zone II recharge areas.

TOXIC OR HAZARDOUS MATERIALS

Any substance or mixture of physical, chemical, or infectious characteristics posing a significant, actual, or potential hazard to water supplies or other hazards to human health if such substance or mixture were discharged to land or water of the Town of Mansfield. Toxic or hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalis, and all substances defined as toxic or hazardous under MGL Chapters 21C and 21E and 310 CMR 30.00, and also include such products as solvents and thinners in quantities greater than normal household use.

ZONE I

The protective radius around a public water supply or well field that must be owned or controlled through either outright ownership or a conservation restriction by the water supplier. This radius is defined as 400 linear feet for a single well with a planned yield of 100,000 gallons per day (gpd) or greater, as defined in 310 CMR 22.00.

ZONE II

The area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield with no recharge from precipitation), as defined in 310 CMR 22.00.

ZONE III

The land area beyond the area of Zone II from which surface water and groundwater drain into Zone II, as defined in 310 CMR 22.00.

D. Establishment and delineation of Surface and Groundwater Resource Protection District.

- (1) For the purposes of this district, there are hereby established within the Town certain surface and groundwater protection areas, consisting of aquifers or recharge areas which are delineated on a map. This map is titled "Surface and Ground Water Resource Protection District, Town of Mansfield"; the scale is one inch equals 2,083 feet, dated February 1992, revised March 1993. The map is further revised to include the East Mansfield Zone II Re-Delineation map, dated January 31, 2013, prepared by Woodard & Curran, at a scale of 1:25,000. This amendment to the current map replaces the 1993 East Mansfield Zone II delineation in its entirety, is hereby made part of the Town Zoning Bylaw and is on file in the Office of the Town Clerk.^[1]

[1] *Editor's Note: A copy of said map is included as an attachment to this chapter.*

- (2) Where the boundaries of the district are in doubt or dispute, the burden of proof shall be upon the owner of the land to show where they should be properly located. The landowner may engage an acceptable professional, at the sole expense of the landowner, to provide technical assistance in the delineation of the district boundary. The Planning Board may, by special permit, waive the applicability of this section where the landowner demonstrates that the land proposed for development does not lie within the Surface and Groundwater Resource Protection District.

E. Use regulations. In the Surface and Groundwater Resource Protection District, the following regulations shall apply:

- (1) Permitted uses. The following uses are permitted within the Surface and Groundwater Resource Protection District, provided that all necessary permits, orders, or approvals required by local, state, or federal law are also obtained:
 - (a) Conservation of soil, water, plants, and wildlife;

- (b) Outdoor recreation, nature study, boating, fishing and hunting where otherwise legally permitted;
 - (c) Foot, bicycle and/or horse paths, and bridges;
 - (d) Normal operation and maintenance of existing water bodies and dams, splash boards, and other water control, supply and conservation devices;
 - (e) Maintenance, repair, and enlargement of any existing structure, subject to Subsection **E(2)**, Prohibited uses, and Subsection **E(3)**, Uses and activities requiring a special permit;
 - (f) Residential development, subject to Subsection **E(2)**, Prohibited uses, and Subsection **E(3)**, Uses and activities requiring a special permit;
 - (g) Farming, gardening, nursery, conservation, forestry, harvesting, and grazing, subject to Subsection **E(2)**, Prohibited uses, and Subsection **E(3)**, Uses and activities requiring a special permit;
 - (h) Construction, maintenance, repair, and enlargement of drinking water supply related facilities such as, but not limited to, wells, pipelines, aqueducts, and tunnels. Underground storage tanks related to those activities are not categorically permitted.
- (2) Prohibited uses. The following uses are prohibited:
- (a) Landfills and open dumps as defined in 310 CMR 19.006;
 - (b) Storage of liquid petroleum products, except the following: 1) normal household use, outdoor maintenance, and heating of a structure; 2) waste oil retention facilities required by statute, rule, or regulation; 3) emergency generators required by statute, rule, or regulation; 4) treatment works approved under 314 CMR 5.00 for treatment of ground or surface waters; provided that such storage, listed in items 1) through 4) above, is in freestanding containers within buildings or above ground with secondary containment adequate to contain a spill 115% the size of the container's total storage capacity;
 - (c) Landfilling of sludge or septage as defined in 310 CMR 32.05;
 - (d) Storage of sludge and septage, unless such storage is in compliance with 310 CMR 32.30 and 310 CMR 32.31;
 - (e) Individual sewage disposal systems that are designed in accordance with 310 CMR 15.00 to receive more than 110 gallons of septage per quarter acre under one ownership per day, or 440 gallons of sewage on any one acre under one ownership per day, whichever is greater, provided that:
 - [1] The replacement or repair of a system, which will not result in an increase in design capacity over the original design, or the design capacity of 310 CMR 15.00, whichever is greater, shall be exempted;
 - [2] In cluster subdivisions, the total sewage flow allowed shall be calculated based on the number of lots suitable for construction of an on-site subsurface sewage disposal system in the entire parcel;
 - (f) Storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated run-off or leachate;
 - (g) Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;

- (h) Earth removal, consisting of the removal of soil, loam, sand, gravel, or any other earth material (including mining activities) to within 10 feet of mean annual high groundwater as determined by a competent evaluator using one or more of the following methods:
 - [1] A factor to be determined by observation of one or more of the permanent groundwater monitor wells installed and operated by the Town of Mansfield for such purpose; or an on-site monitoring well established by the applicant, or digging a test pit excavated by the applicant to establish maximum groundwater elevation as approved by the evaluator;
 - [2] A factor to be determined by comparison of soil and topography conditions of the site, with the most applicable observation well and recorded information from the United States Geological Survey of Current Water Resource Conditions in Central New England;
 - [3] Soil morphology of undisturbed soil;
 - [4] Soil color of undisturbed soil, using the Munsell Color Systems;
 - [5] Soil mottling of undisturbed soil;
 - [6] Observations including, but not limited to, topography, soil conditions and botanical features, both on-site and on adjacent parcels; except for excavations for building foundations, roads, or utility works;
- (i) Facilities that generate, treat, store, or dispose of hazardous waste subject to MGL 21C and 310 CMR 30.000, except the following:
 - [1] Very small quantity generators as defined under 310 CMR 30.000;
 - [2] Household hazardous waste centers and events under 310 CMR 30.390;
 - [3] Waste oil retention facilities required by MGL c. 21, § 52A;
 - [4] Water remediation treatment works approved by DEP for the treatment of contaminated ground or surface waters;
- (j) Automobile graveyards and junkyards, as defined in MGL c. 140B, § 1;
- (k) Treatment works that are subject to 314 CMR 5.00, including privately owned sewage treatment facilities, except the following:
 - [1] The replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - [2] The replacement of an existing subsurface sewage disposal system(s) with wastewater treatment works that will not result in a design capacity greater than the design capacity of the existing system(s);
 - [3] Treatment works approved by the Massachusetts Department of Environmental Protection designed for the treatment of contaminated groundwater;
 - [4] Sewage treatment facilities in those areas with existing water quality problems when it has been demonstrated to the Department of Environmental Protection's and the special permit granting authority's satisfaction both that these problems are attributable to current septic problems and that there will be a net improvement in water quality;

- (l) Storage of hazardous materials, as defined in MGL Chapter 21E, unless in a freestanding container within a building or above ground with adequate secondary containment adequate to contain a spill 115% the size of the container's total storage capacity;
 - (m) Industrial and commercial uses which discharge process wastewater on-site;
 - (n) Stockpiling and disposal of snow and ice containing deicing chemicals if brought in from outside the district;
 - (o) Storage of commercial fertilizers, as defined in MGL c. 128, § 64, unless such storage is within a structure designated to prevent the generation and escape of contaminated run-off or leachate;
 - (p) The use of septic system cleaners which contain toxic or hazardous chemicals.
- (3) Uses and activities requiring a special permit. The following uses and activities are permitted only upon the issuance of a special permit by the Planning Board under such conditions as it may require:
- (a) Enlargement or alteration of existing uses that do not conform to the Surface and Groundwater Resource Protection District; for the purposes of this bylaw, in the Surface and Groundwater Protection District, the Planning Board shall have the authority to render a finding in accordance with MGL c. 40A, § 6;
 - (b) Those activities that involve the handling of toxic or hazardous materials in quantities greater than those associated with normal household use, permitted in the underlying zoning [except as prohibited under Subsection **E(2)**]. Such activities shall require a special permit to prevent contamination of ground and surface water;
 - (c) The construction of dams or other water-control devices, ponds, pools or other changes in water bodies or courses, created for swimming, fishing, or other recreational uses, agricultural uses, or drainage improvements. Such activities shall not adversely affect water quality or quantity;
 - (d) Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater. A system for ground and surface water recharge must be provided which does not degrade ground or surface water quality. For nonresidential uses, recharge shall be by stormwater infiltration basins or similar system covered with natural vegetation, and dry wells shall be used only where other methods are unfeasible. For all nonresidential uses, all such basins and wells shall be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Any and all recharge areas shall be permanently maintained in full working order by the owner.

F. Procedure for issuance of special permit.

- (1) The special permit granting authority (SPGA) under this bylaw shall be the Planning Board. Such special permit shall be granted if the Planning Board determines, in conjunction with the Board of Health, the Conservation Commission, Town Engineer and Department of Public Works, that the intent of this bylaw, as well as its specific criteria, are met. The Planning Board shall not grant a special permit under this section unless the petitioner's application materials include, in the Planning Board's opinion, sufficiently detailed, definite, and credible information to support positive findings in relation to the standards given in this section. The Planning Board shall document the basis for any departures from the recommendations of the other Town boards or agencies in its decision.
- (2) Upon receipt of the special permit application, the Planning Board shall transmit one copy to the Board of Health, the Conservation Commission, the Town Engineer and Department of

Public Works for their written recommendations. Failure to respond to the Planning Board in writing within 35 days of receipt shall indicate approval or no desire to comment by said agency. The necessary number of copies of the application shall be furnished by the applicant.

- (3) The Planning Board may grant the required special permit only upon finding that the proposed use meets the following standards, those specified in Subsection F of this section, and any regulations or guidelines adopted by the Planning Board. The proposal use must:
 - (a) In no way, during construction or thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Surface and Groundwater Resource Protection District; and
 - (b) Be designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related natural characteristics of the site to be developed.
- (4) The Planning Board may adopt regulations to govern design features of projects. Such regulations shall be consistent with subdivision regulations adopted by the municipality.
- (5) The applicant shall file 11 copies of a site plan and attachments. The site plan shall be drawn at a proper scale as determined by the Planning Board and be stamped by a professional engineer. All additional submittals shall be prepared by qualified professionals. The site plan and its attachments shall at a minimum include the following information where pertinent:
 - (a) A complete list of chemicals, pesticides, herbicides, fertilizers, fuels, and other potentially hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use;
 - (b) For those activities using or storing such hazardous materials, a hazardous materials management plan shall be prepared and filed with the Hazardous Materials Coordinator, Fire Chief, and Board of Health. The plan shall include:
 - [1] Provisions to protect against the discharge of hazardous materials or wastes to the environment due to spillage, accidental damage, corrosion, leakage, or vandalism, including spill containment and clean-up procedures;
 - [2] Provisions for indoor, secured storage of hazardous materials and wastes with impervious floor surfaces;
 - [3] Evidence of compliance with the Regulations of the Massachusetts Hazardous Waste Management Act, 310 CMR 30, including obtaining an EPA identification number from the Massachusetts Department of Environmental Protection.
 - (c) Proposed down-gradient location(s) for groundwater monitoring well(s), should the Planning Board deem the activity a potential groundwater threat.
- (6) The Planning Board shall hold a hearing, in conformity with the provision of MGL c. 40A, § 9, within 65 days after the filing of the application and after the review by the Town boards, departments, and commissions. Notice of the public hearing shall be given by publication and posting and by first-class mailings to "parties of interest" as defined in MGL c. 40A, § 11. The decision of the Planning Board and any extension, modification, or renewal thereof shall be filed with the Town Clerk within 90 days following the closing of the public hearing. Failure of the Planning Board to act within 90 days shall be deemed as a granting of the permit. However, no work shall commence until a certification is recorded as required by said MGL c. 40A, § 11.
- (7) Violations.

- (a) Written notice of any violations of this bylaw shall be given by the Building Inspector to the responsible person as soon as possible after detection of a violation or a continuing violation. Notice to the assessed owner of the property shall be deemed notice to the responsible person. Such notice shall specify the requirement or restriction violated and the nature of the violation, and may also identify the actions necessary to remove or remedy the violations and preventive measures required for avoiding future violations and a schedule of compliance. A copy of such notice shall be submitted to the Building Inspector, the Board of Health, Conservation Commission, Town Engineer, Department of Public Works, and Water Department. The cost of containment, clean-up, or other action of compliance shall be borne by the owner and operator of the premises.
 - (b) For situations that require remedial action to prevent adverse impact to the water resources within the Surface and Groundwater Resource Protection District, the Town of Mansfield, the Building Inspector, the Board of Health, or any of their agents may order the owner or operator of the premises to remedy the violation. If said owner and/or operator does not comply with said order, the Town of Mansfield, the Building Inspector, the Board of Health, or any of their agents, if authorized to enter upon such premises under the terms of the special permit or otherwise, may act to remedy the violation. The remediation cost shall be the responsibility of the owner and operator of the premises.
- G. Severability. A determination that any portion or provision of the overlay Surface and Groundwater Resource Protection District is invalid shall not invalidate any other portion or provision thereof, nor shall it invalidate any special permit previously issued thereunder.