

Zoning Bylaws of the Town of Otis

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Town of Otis

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SECTION 1.0 PURPOSE AND AUTHORITY

1.1 PURPOSE. These regulations are enacted to promote the general welfare of the Town of Otis, to protect the health and safety of its inhabitants, to encourage the most appropriate use of land throughout the town, to preserve the cultural, historical and agricultural heritage of the community, to increase the amenities of the town, and to reduce the hazard from fire by regulating the location and use of buildings and the area of open space around them, all as authorized by, but not limited to, the provisions of the Zoning Act, G.L. c. 40A, as amended, Section 2A of 1975 Mass. Acts 808 and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.2 AUTHORITY. This Zoning By-Law is enacted in accordance with the provisions of the General Laws, Chapter 40A, and any and all amendments thereto, and by Article 89 of the Amendments to the Constitution of the Commonwealth of Massachusetts.

1.3 SCOPE. For these purposes, the construction, repair, alteration, reconstruction, height, number of stories, and size of buildings and structures, the size and width of lots, the percentage of lot area that may be occupied, the size of yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land in the Town are regulated as hereinafter provided.

1.4 APPLICABILITY. All buildings or structures hereafter erected, reconstructed, altered, enlarged, or moved, and the use of all premises in the Town, shall be in conformity with the provisions of the Zoning By-Law. No building, structure or land shall be used for any purpose or in any manner other than is expressly permitted within the district in which such building, structure or land is located. Where the application of this Zoning By-Law imposes greater restrictions than those imposed by any other regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this Zoning By-Law shall control.

1.5 AMENDMENTS. This Zoning By-Law may from time to time be changed by amendment, addition, or repeal by the Town Meeting in the manner provided in G.L. c. 40A, s.5, and any amendments thereto.

1.6 SEPARABILITY. The invalidity of any section or provision of this Zoning By-Law shall not invalidate any other section or provision herein.

1.7 SPECIFIC PROVISIONS PREVAIL. To the extent that any specific provision of this Zoning By-Law, as amended from time to time, shall conflict with any provision expressed herein in general terms, the specific provision shall apply.

SECTION 2.0 DISTRICTS

2.1 ESTABLISHMENT. For the purpose of this By-Law, the Town shall be comprised of the following two (2) zoning districts:

R-40 Residential District

V-1 Village District

2.2 OVERLAY DISTRICTS. In addition, the following overlay districts are also hereby established in Section 8.0:

FPOD -Flood Plain Overlay District

2.3 LOCATION OF DISTRICTS. The location and boundaries of these districts are hereby established as shown on a map entitled "Zoning Map of the Town of Otis dated June 30, 1998," with all explanatory matter thereon, is declared to be a part of this By-Law.

2.4 DISTRICT BOUNDARY LINES. For purposes of interpretation of district boundaries as shown on the Zoning Map, the following rules shall apply:

2.4.1 Centerlines. Boundaries that appear to follow the centerlines of streets, railroads, or streams shall be construed to follow such lines.

2.4.2 Shorelines. Boundaries indicated as following shorelines of lakes or ponds shall be construed to follow such lines.

2.4.3 Watercourse. Where a boundary is shown following a stream or other watercourse, the boundary shall coincide with the centerline thereof as said line existed at the date of zoning map.

2.4.4 Property Line. Where not otherwise indicated as above, a district boundary shall be deemed to coincide with a property line, as such line existed at the time the ordinance or amendment thereto was adopted.

2.4.5 Zoning Enforcement Officer. In cases of uncertainty or disagreement concerning the exact locations of a district boundary line or where physical features existing on the ground are at variance with those shown on the Zoning Map or in other circumstances not covered herein, the district boundary shall be determined by the Zoning Enforcement Officer.

SECTION 3.0 USE REGULATIONS

3.1 PRINCIPAL USES. Except as provided by law or in this Zoning By-Law, no building or structure shall be erected, and no building, structure or land or part thereof shall be used for any purpose or in any manner other than one or more of the uses hereinafter set forth as permitted by right or as permissible by special permit and so authorized. Any use not specifically permitted is specifically prohibited.

3.1. Symbols. Symbols employed in the Table of Use Regulations shall mean the following:

1

y	Permitted as of right
N	Prohibited
BA	Special permit Board of Appeals
PB	Special Permit Planning Board
SB	Special Permit/ Select board

3.1.2 If Classified Under More Than One Use. Where an activity may be classified as more than one of the principal uses listed in the Table of Use Regulations, the more specific classification shall determine permissibility; if equally specific, the more restrictive shall govern.

3.1.3 Table of Use Regulations.

See Appendix A

3.2 ACCESSORY USES

3.2.1 Permitted Accessory Uses in All Districts. The following accessory uses are specifically permitted as indicated by right or by special permit on the same premises as the principal use, as specified in Appendix A, the Table of Use Regulations:

1. Accessory Scientific Uses. Uses, whether or not on the same parcel as activities permitted as a matter of right, which are necessary in connection with scientific research or scientific development or related production, may be permitted upon the issuance of a special permit by the Board of Appeals, provided that the Board finds that the proposed use does not substantially derogate from the public good.

2. Family Day Care Homes. Small family day care homes are allowed as an accessory use as of right in all districts. Large family day care homes are allowed in all districts only upon the issuance of a special permit by the Board of Appeals.

3. Adult Day Care Facility.

4. Home Occupation and Cottage Industry, as limited by Section 7.2.
5. The display and sale by a resident of the premises at a roadside stand or otherwise of natural products which are produced on the premises.
6. Display of sign or signs as regulated in Section 5.2 of this By-Law.
7. Mobile home or travel trailer, as regulated in Section 6.2 of this By-Law.
8. Homestay.
9. Accessory Apartments. See Section 7.1.

3.3 NONCONFORMING USES AND STRUCTURES

3.3.1 Applicability. This zoning by-law shall not apply to structures or uses lawfully in existence or lawfully begun, or to a building or special permit issued before the first publication of notice of the public hearing required by G.L. c. 40A, s. 5 at which this zoning by-law, or any relevant part thereof, was adopted. Such prior, lawfully existing nonconforming uses and structures may continue, provided that no modification of the use or structure is accomplished, unless authorized hereunder.

3.3.2 Nonconforming Uses. The Board of Appeals may award a special permit to change a nonconforming use in accordance with this section only if it determines that such change or extension shall not be substantially more detrimental than the existing nonconforming use to the neighborhood. The following types of changes to nonconforming uses may be considered by the Board of Appeals:

1. Change or substantial extension of the use;
2. Change from one nonconforming use to another, less detrimental, nonconforming use.

3.3.3 Nonconforming Structures. The Board of Appeals may award a special permit to reconstruct, extend, alter, or change a nonconforming structure in accordance with this section only if it determines that such reconstruction, extension, alteration, or change shall not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The following types of changes to nonconforming structures may be considered by the Board of Appeals:

1. Reconstructed, extended or structurally changed;
2. Altered to provide for a substantially different purpose or for the same purpose in a substantially different manner or to a substantially greater extent;

3.3.4 Variance Required. Except as provided in subsection 3.3.5, below, the reconstruction, extension or structural change of a nonconforming structure in such a manner as to increase an existing nonconformity, or create a new nonconformity, including the extension of an exterior wall at or along the same nonconforming distance within a required yard, shall require the issuance of a variance from the Board of Appeals.

3.3.5 Nonconforming Single and Two Family Residential Structures. Nonconforming single and two family residential structures may be reconstructed, extended, altered, or structurally changed upon a determination by the Building Inspector that such proposed reconstruction, extension, alteration, or change does not increase the nonconforming nature of said structure.

The following circumstances shall not be deemed to increase the nonconforming nature of said structure:

1. New construction, alteration or renovation of, but not limited to, a deck, porch, patio, entryway, addition, attached garage, garden shed or accessory building provided the proposed work provides the minimum front setback of twenty-five (25') feet, and the side and rear setbacks not less than fifteen (15') feet from the lot line. Front setback is to be measured from the street right-of-way line where a plan of the way is on file with the Registry of Deeds, or in absence of such plan from a line which begins twenty-five (25') feet from and parallel with the center line of the right-of-way.

2. Reconstruction, replacement or renovation of existing non-conforming structures within the exact same footprints and building height.

In the event that the Building Inspector determines that the nonconforming nature of such structure would be increased by the proposed reconstruction, extension, alteration, or change, the Board of Appeals may, by special permit, allow such reconstruction, extension, alteration, or change where it determines that the proposed modification will not be substantially more detrimental than the existing nonconforming structure to the neighborhood

3.3.6 Abandonment or Non-Use. A nonconforming use or structure which has been abandoned, or not used for a period of two years, shall lose its protected status and be subject to all of the provisions of this zoning by-law.

3.3.7 Reconstruction after Catastrophe or Demolition. A nonconforming structure may be reconstructed after a catastrophe or after demolition in accordance with the following provisions:

1. Reconstruction of said premises shall commence within two years after such catastrophe or demolition.

2. Building(s) as reconstructed shall be located on the same footprint as the original nonconforming structure, shall be only as great in volume or area as the original nonconforming structure, and shall meet all applicable requirements for yards, setback, and height.

3.3.8 In the event that the proposed reconstruction would (a) cause the structure to exceed the volume or area of the original nonconforming structure or (b) exceed applicable requirements for yards, setback, and/or height or (c) cause the structure to be located

other than on the original footprint, a special permit shall be required from the Board of Appeals prior to such demolition.

3.3.8 Reversion to Nonconformity. No nonconforming use shall, if changed to a conforming use, revert to a nonconforming use.

3.4 TEMPORARY USES. All temporary uses shall require the issuance of a permit from the Board of Selectmen and shall not be authorized for more than six (6) consecutive months; provided, however, that a tag sale shall obtain a permit only from the Town Clerk. An appropriate fee may be required

SECTION 4.0 DIMENSIONAL REQUIREMENTS

4.1 GENERAL. Any building or structure used for dwelling purposes or housing a principal permitted use shall be so located on a lot as to meet the following requirements:

4.1.1 Residential District

1. The lot area shall not be less than one (1) acre and the frontage not less than one hundred fifty (150) feet.
2. The minimum front setback for any structure or building shall be thirty-five (35) feet, and the side and rear setbacks not less than twenty-five (25) feet from the lot line. Front setback is to be measured from the street right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan from a line twenty-five (25) feet from and parallel with the center line of the travel way.
3. An accessory building may be constructed in the minimum side or rear setback area but not within ten (10) feet of a property line.
4. No more than one principal building shall be located on a lot.
5. No business use in the R-40 District shall have more than 5,000 square feet of gross floor area.

4.1.2 Village District

1. The lot area shall not be less than 20,000 square feet and the frontage shall not be less than one hundred (100) feet for residential uses, and sixty (60) feet for non-residential uses.
2. The minimum front setback for any residential structure or building shall be thirty five (35) feet, and the side and rear setbacks not less than twenty five (25) feet from the lot line. Front setback is to be measured from the street right-of-way line where a plan of the way is on file with the Registry of Deeds, or in the absence of such plan from a line twenty five (25) feet from and parallel with the center line of the travel way.
3. The minimum front setback for any non-residential structure or building shall be ten (10) feet, and the side and rear setbacks not less than ten (10) feet from the lot line.
4. No more than one (1) principal building shall be located on a lot, except as otherwise authorized herein.
5. Minimum lot size may be reduced by a maximum of fifty (50) percent if the lot is serviced by the Town of Otis Sewer District.
6. No business use in the V-I District shall have more than 10,000 square feet of gross floor area.
7. In the event a premises is being used both for residential and non-residential purposes, the restrictions pertinent to the Principal Use of the premises shall govern.

4.1.3 Special Rules

1. Lot frontage may be reduced to fifty (50) feet by grant of a special permit from the Planning Board where such lot is located on a Residential Compound Definitive Subdivision Plan.
2. Minimum Lot Area. When the distance between any two points on lot lines is less than fifty (50) feet measured in a straight line, the smaller portion of the lot which is bounded by such straight line and such lot lines shall not be used to compute lot area unless the distance along such lot lines between the two points is less than one hundred fifty feet. See Appendix B, Diagrams.
3. Minimum Lot Width. Each lot shall have a width of not less than eighty percent (80%) of the required frontage at all points between the sidelines and the front line of the principal building on the lot. See Appendix B, Diagrams.

4.2 ACCESSORY STRUCTURES

4.2.1 General

1. No accessory building or structure shall be located within the required front yard area.
2. No accessory building shall be located in any side yard nearer to the side lot line than ten (10) feet, or in a rear yard nearer to the rear lot line than ten (10) feet. Lots located on the corner of the street, road or public way will require that no accessory building be located in any side yard nearer to the side line than twenty-five (25) feet.
3. Prior to the construction of an accessory building or structure, a building permit shall be obtained from the Building Inspector.
4. Within the V-1 Village District, Site Plan Approval will also be required from the Planning Board.

4.2.2 Special Rules

1. An accessory building attached to its principal building or within ten (10) feet of it shall be considered an integral part thereof and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.
2. Accessory structures and buildings shall be located on the same lot as the principal structure on the premises.
3. Accessory building not more than 20 feet in height above the average grade level around the structure shall be permitted by right. Barns for agricultural use shall not be subject to this requirement.

4. Accessory building more than 20 feet but less than 35 feet in height above the average grade level around the structure shall be permitted by special permit of the Planning Board. Barns for agricultural use shall not be subject to this requirement.

5. Flag poles of a height not to exceed 35 feet are permitted and shall be exempt from the setback requirements of this Section.

6. Swimming pools, game courts, and the like are accessory structures and shall comply with the State Building Code and all applicable setback requirements of this Zoning ByLaw.

4.2.3 Fences. A property owner may erect directly on the boundary lines(s) a solid type fence (including, but not limited to stockade, board and batten, brick, masonry) in excess of 48" (4') in height, providing the following requirements are met prior to construction. This regulation does not apply to fences other than solid types or to any type offence less than 48" (4') in height (including, but not limited to split rail, picket, farm, wire, chain link, metal mesh, brick, masonry). No building permit is required for any fences less than 48" (4') in height.

1. A building permit is obtained from the Building Inspector;

2. A plot plan identifying the boundary line(s) with applicable measurements is submitted with application. Acceptable are a plot plan drawn to scale or a professionally surveyed plot plan.

3. Under no circumstances may a fence of any height be constructed on an abutter(s)' property without written consent of the owner(s).

4. Construction of any fence in excess of 72" (6') in height must be approved by the Zoning Board of Appeals by Special Permit. Maximum height of any type of fence to be allowed is 8'.

5. Repair and replacement offences in existence prior to the date of this By-Law is allowed providing the fence is placed in the same location and constructed of the same type material.

6. Privacy fences not to exceed 8' (including but not limited to fences around decks or patios and storage areas) may be allowed providing minimum set backs from all boundary lines and roads are the same as set forth herein.

7. The Building Inspector shall serve as Fence Viewer to resolve disputes and enforce this By-Law.

8. Applicants are advised that certain fences in wetlands or stream buffer areas may require approval from the Conservation Commission.

4.2.4 Prohibited Accessory Structures. In the Residential Districts, the following accessory structures are prohibited, unless, in the case of a lawful business use, a special permit is granted from the Board of Appeals:

1. Convex box;
2. Steel storage unit.

4.3 RETAIL BUSINESSES. Retail business or consumer service establishment, including but not limited to food store, barber or beauty shop, antique shop, tavern, restaurant, eating establishment, automotive repair shop, gasoline service station, bank or other office use, is subject to the following special requirements:

4.3.1 Parking. The lot shall be sufficient in size so as to provide suitable off-street parking area with adequate disposal of storm water, capable of accommodating parked vehicles as required by Section 5.1 of this By-Law.

4.3.2 Setback from Residential Lot. No commercial building, structure, parking area or driveway providing access to or from a public way for such use shall be located within fifty (50) feet of any side or rear property line, if a residential use is located on the immediately adjacent property.

4.3.3 Setback from Nonresidential Lot. If a non-residential use is located on the immediately adjacent property, or parking area or driveway providing access to or from a public way for such use shall be located closer than 10 feet from any side or rear property line.

4.4 MULTIFAMILY DWELLINGS. Not more than one multifamily dwelling shall be located or constructed on a lot or set of contiguous lots held in common ownership as of the effective date of this by-law.

SECTION 5.0 GENERAL REGULATIONS

5.1 PARKING REQUIREMENTS

5.1.1 Parking Spaces Required. Off-street parking spaces shall be provided for every new structure, the enlargement of an existing structure, and the development of a new use or any change in an existing use, in accordance with the following schedule:

PRINCIPAL USE	REQUIRED SPACES
Hotel or Bed and Breakfast	One (1) parking space for each sleeping room
Home Occupation, Office or Roadside Stand	One (1) space for each non-resident employee plus adequate off-street parking for clients or customers
V-1 Village District	One (1) parking space for each 500 feet of gross floor area plus adequate space for employees, service and supply vehicles
Multiple-Family Dwelling	One and a half (1 1/2) parking spaces for each dwelling unit and adequate space for service and supply vehicles
Eating Establishment	One (1) space for each three (3) seats based on the legal capacity of the facility plus adequate space for employees

5.1.2 Special Permit. The minimum number of required off-street parking spaces may be reduced by special permit from the Zoning Board of Appeals upon determination that special circumstances render a lesser provision adequate for the parking needs in any particular case.

5.1.3 Standard Parking Space. An area often (10) feet by twenty (20) square feet, exclusive of drives or aisles, shall be considered as one (1) standard off-street parking space.

5.1.4 Access. All required parking spaces shall be provided with unobstructed access to and from a street and shall be properly maintained in such a manner as to permit them to be used at all times.

5.1.5 Screening. Within the V-1 Village District parking shall be screened from adjacent residential properties and should be located in an unobtrusive location on the side and rear of the property where possible.

5.2 SIGNS

5.2.1 General Regulations.

1. No sign shall use moving parts, noise making devices, or blinking, rotating, or flashing lights, or lights changing in light intensity, and no sign shall be placed on the roof of any building or structure, or extend above the parapet or eave line.
2. No sign or light shall be placed so as to constitute a traffic hazard or nuisance.
3. A free-standing sign may not exceed twenty (20) feet in height above grade or be closer to the front property line than twenty (20) feet, except with a special permit from the Zoning Board of Appeals where the Board finds that requirements of the particular location dictate greater height or smaller setback.
4. No sign shall be located off the premises to which it applies, except that directional, informational or identification signs may be allowed by special permit by the Zoning Board of Appeals where such signs will serve the public convenience and not be detrimental to the neighborhood with respect to size, location or design. Such signs shall not exceed twenty-four (24) square feet.

5.2.2 Temporary Signs. Temporary signs which do not comply with this By-Law may be authorized by the Zoning Enforcement Officer for special events. The Zoning Board Enforcement Officer may, at their discretion, require the posting of a bond or cash deposit large enough to cover the cost of removal of temporary signs if such signs are not removed promptly after termination of the advertised event by the sponsors.

5.2.3 Grandfathered Signs. Signs legally erected before the adoption of this By-Law which do not conform to the provisions of this By-Law may continue to be maintained without a permit, provided, however, that no such sign shall be permitted if, after the adoption of this By-Law, it is enlarged, redesigned or altered in any substantial way, except to conform to the requirements of this By-Law.

5.2.4 Abandoned Signs. Any sign which has been abandoned or advertises any product which is no longer sold, or any activity which is no longer carried on must be removed within thirty (30) days by the owner of the premises after notice to that effect from the Zoning Enforcement Officer.

5.2.5 Permitted Signs. The following signs may be displayed in any district subject to regulations contained in the By-Law:

1. At a residential use, one sign not over two (2) square feet in area, showing the name of the occupants.
2. At religious, educational or philanthropic institutions, library, museum, art gallery, or building or area for municipal or government use or service one sign each entrance.
3. A temporary, unlighted sign not over six (6) square feet in area pertaining to lease or sale of the property on which it is displayed.
4. At each entrance to a farm orchard, commercial greenhouse, nursery, truck garden, woodlot, or

roadside farm stand permitted or authorized under this By-Law, one sign.

5. For a use on a residential property, one sign not over two (2) square feet in area.

5.2.6 Signs Authorized by Special Permit. The following signs may be displayed with a Special Permit from the Zoning Board of Appeals:

1. On property in R-40 Residential devoted to use authorized by Special Permit, one sign not exceeding (6) square feet in total area.
2. Within the V-I Village District, each business is permitted two (2) signs not to exceed twenty-four (24) square feet in total combined area. Signs may be freestanding or attached flat against the wall of the building. Freestanding signs may not exceed eighteen (18) square feet.
3. On multiple business use lots there is permitted one (1) directory sign per lot not exceeding twenty-four (24) square feet in area for all business establishments or uses on the lot, and not exceeding twelve (12) square feet for any one business establishment or use on the lot.

5.2.7 Billboards are prohibited.

5.2.8 Political Signs. The following is the Town of Otis policy on political sign location, size and duration:

1. LOCATION: Political signage shall not be located within a public way layout or on Town-owned property except as follows:
 1. Exceptions on Private Property
Political signage may be placed on private property, along a public way provided that:
 - a. The sign is placed a minimum of ten (10) feet back from the edge of pavement for the public way and any sidewalk, and
 - b. The owners of the subject private property allows placement of the signage, and
 - c. The signage does not impede the travel of pedestrians.
 2. Exceptions on Town-Owned Property
Political signage may be placed on town owned property providing that:
 - a. The sign is placed a minimum of one hundred fifty (150) feet away from any polling entrance and shall be removed immediately after the polls close. The sign shall not block vehicular traffic, the progress of pedestrians or existing signs.
 - b. ONE SIGN per candidate is permitted on the grassy island at the intersection of Becket Road and East Otis Road, also known as Route 23, provided that the signs are placed so they do not impede the view of drivers on the adjacent public ways or block existing signs or impede pedestrians.

5.3 DRIVEWAY REGULATIONS

5.3.1 All Driveways. For the purpose of promoting the safety of the residents of the Town, an application for a building permit for a residential structure shall include the following information:

1. A plan, at a scale of 1" = 100 ft., showing the driveway serving the premises and showing approximate grade and distance.

2. A description of the proposed construction as far as it encroaches upon or affects the way and its shoulders, banks, ditches, drainage and other features.

3. Proposed measures to reduce, disperse and delay the runoff or otherwise protect the traveled way.

The building permit shall only be issued if the proposed driveway shows due consideration of traffic hazards and drainage problems which might result. The building permit shall be issued or denied within 30 days of application. All driveways shall be constructed in a manner ensuring reasonable and safe access from the public way serving the premises to within a distance of 100 feet or less from the building site of the residential structure on the premises, for all vehicles, including, but not limited to, emergency, fire, and police vehicles. The Building Inspector shall not issue a building permit for the principal structure on the premises unless all of the following conditions have been met.

5.3.2 All Driveways; Conditions.

1. Maximum Distance. The distance of any driveway measured from the street line to the point where the principal building is proposed shall not exceed a distance of five hundred (500) feet provided, however, the Planning Board may grant a special permit for a longer driveway after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.

2. Grade. The grade of each driveway where it intersects with the public way shall not exceed six percent (6%) for a distance of 20 feet from the travel surface of the public way, or ten percent (10%) at any other location; provided, however, the Planning Board may grant a special permit for a driveway with grade in excess of these requirements after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.

3. Access. Driveways serving the premises shall provide access through the required frontage of the serviced lot, except in the case of a "common driveway" under Section 6, herein.

4. Entrances on state highways shall conform to Massachusetts Department of Public Works Standards and Regulations.

5. Any adjacent disturbed areas shall be stabilized and planted with ground cover returned to a useable state after construction is completed.

6. No driveway shall be approved within 100 feet of an intersection because of potential safety hazards, except by grant of a special permit.

7. A clear sight distance of at least sixty-five (65) feet should be maintained on either side of the driveway at its point of intersection with the public way with Highway Superintendent approval.

8. Driveways shall be so constructed that water from the driveway shall not drain onto the road.

9. In no instance shall the edges of the driveway entering into the road conflict with the flow of the surface water runoff.

10. Culverts taking the place of roadside ditches shall have as a diameter per Highway Department requirements.

5.3.3 Common Driveways. Common driveways serving not more than three (3) lots may be allowed on special permit by the Planning Board. A common driveway must satisfy all of the conditions of Section 5.3.2 and all of the following conditions:

1. Common driveways can never be used to satisfy subdivision requirements. Each lot served shall have frontage on a way which serves to satisfy frontage requirements under this By-Law.
2. Common driveways shall provide access to the lots from the way on which the lots served have their frontage.
3. No common driveway shall be located within 100 feet of an intersection
4. Driveways shall be located to the best advantage with regard to alignments with the way, profile, sight distance conditions and the like.
5. The elevation of driveways at the point of entry into the public right of way should be not more than the elevation of the shoulder of the road
6. Any curb at the entrance shall be rounded off with a radius of three (3) feet.
7. Wherever possible, driveways should be pitched downward from the roadway. However, where topography prevents the driveway from being pitched downward in its entirety, the driveway must be constructed on a downgrade from the road surface to the sideline of the town right of way with a pitch of at least one-quarter ($1/4$) inch per foot. From the sideline the driveway may be pitched toward the roadway; however, in no instance shall a driveway have a pitch toward the roadway of greater than one (1) inch per foot, unless adequate provisions have been made and approved by the Highway Superintendent for the diversion of driveway surface runoff away from the roadway. The Highway Superintendent may require methods of diversions for driveways having a pitch of less than one (1) inch per foot if the proposed driveway construction will result in an excess accumulation of surface water in the way.
8. Driveways should be located to the best advantage to alignment with the way, profile, sight distance conditions and the like. In no instance shall the driveway intersect the way at less than a sixty (60) degree angle. Unless there is no other alternative, a driveway should not be located within a required side yard
9. A minimum cleared width of 16 feet shall be maintained over its entire length.
10. A roadway surface of a minimum of 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown shall be installed.
11. Proposed documents shall be submitted to the Planning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest.

12. Any person aggrieved by a decision of the Planning Board pursuant to this section may appeal said decision in accordance with G.L.c.40A, section 17.