SECTION 5

USE REGULATIONS

Regulations for uses within each district are contained in Section 5.1, Table of Use Regulations, and in Section 5.2.

5.1 Table of Use Regulations

For each of the Zoning Districts, uses permitted by right are designated by an “X”; uses that require a special permit from the City Council are designated by a “P”; uses that require a Special Permit from the Planning Board are designated by “PB”; and those uses not permitted are designated by a “-“ (See Note 1). (amended 10/04/1999)

(See Following Pages)

Notes to 5.1 Table of Use Regulations:

1. In addition to the Special Permit requirements shown in 5.1, Special Permits may be granted for the following: Exception to screening requirements in buffer areas (6.2.6[6]); reconstruction of a non-conforming use or structures damaged by fire (7.6); Reduction in required off-street parking stalls for mixed uses (8.2.5); Driveway widths or minimum driveway radii requirements for multi-family dwellings and commercial projects: Exception for landscaping requirements for parking facilities (8.6.2), Reduction in required loading spaces for mixed uses (8.7.1); cluster development (10). (amended 10/6/2016)

2. The mobile home may be used as a dwelling unit, during reconstruction of a residence following a fire or other disaster, for no longer than twelve (12) months.

3. Site Plan Review required if gross floor area is greater than 15,000 square feet.

4. a. In the IP, OP and IG Zoning Districts such service uses shall be located entirely within the principal structure and shall not in the aggregate occupy more than twenty (20%) percent of the gross floor area of the principal structure.

   b. Such retail uses shall be located entirely within the principal structure and shall not in the aggregate occupy more than five (5%) percent or 2,500 sq. ft. or whichever is less, of the gross floor of the principal structure.

   (Note 4 amended 12/01/87, Note 4.b amended 9/1/92)

5. In office park districts, light manufacturing uses shall not occupy more than twenty-five (25) percent of the gross floor area of the principal structure.

6. Materials shall be completely enclosed by means of a solid fence or wall not less than eight (8) ft, in height, with the exception of entrances and exits.

7. No portion of the structure may be within two hundred (200) ft. of a residential structure.

8. No such use may be within one thousand five hundred (1500) ft. of a residential district.

9. The vehicle shall be stored either within a principal or accessory structure, or not less than fifty (50) ft. from any street line and within the side yard setbacks, and shall not be used for sleeping or dwelling purposes.

10. The vehicle shall not exceed a capacity of two tons or twelve passengers, and shall not be loaded with noxious, flammable or other dangerous materials or liquids.

11. The accessory facilities shall not occupy more than twenty-five (25) percent of the gross floor area, and shall not be located within fifteen (15) ft. of any street lot line unless separated by a solid wall.

12. Such uses shall not aggregate more than ten (10) percent of the gross floor area of the structure, and all materials, goods, activities and signs shall be confined completely within the structure.

13. Also refer to general revised ordinances for regulation of self service gas stations.

14. No carnival and/or traveling enterprise offering amusements and/or games or contests of chance, rides and exhibitions, or other forms of entertainment, shall be permitted in any zoning district in the City of Woburn without a Special Permit granted by the City Council. The number of events during any one calendar year shall be limited to three. The duration of any one event shall be no more than eight days or eight nights, any carnival operating on Sunday shall be limited to the hours between 11:30 a.m. and 6:00 p.m., which shall count as one full day and night of operation; the hours of operation are restricted to between 11:30 A.M. and 11:30 P.M. with no more than two events per Voting District Ward per calendar year, but in no event shall the total number of said events exceed three (3) per calendar year throughout the City. Any carnival operating on Sunday shall be limited to a six-day duration. Prior to the grant of a Special Permit hereunder, the applicant shall obtain liability insurance covering all aspects of the proposed enterprise sufficient to hold the City harmless from any and all claims. Documents evidencing such insurance shall be submitted to the Law Department and approved by the City Solicitor before the permit is granted. The applicant shall notify the Department of Inspectional Services, the Police Department and the Fire Department 14 days prior to the first operating date of the enterprise. This shall allow sufficient time for each of the above agencies to schedule inspections. Annual resident religious and/or church festivals which do not exceed three (3) days and are organized and conducted by church members and held on or adjacent to parish grounds are exempted from this ordinance upon a 30 day written notice to the Chief of Police and Chief of the Fire Department.
(amended 3/17/92, 1/19/93, 2/21/95, 3/21/95, 9/24/96)

15. (deleted 4/19/2018)

16. Where such establishment is a convenience store/supermarket or variety store a Special Permit is required where the hours of operation are in excess of 7:00 a.m. to 10:00 p.m. Transfer of ownership shall require City Council approval. Restaurant, full-service and Restaurant, fast food where hours of operation are in excess of 6:00 a.m. to 11:00 p.m. shall require a Special Permit. (added 11/17/87; amended 7/28/2003)

17. This Special Permit is to be granted for a period not to exceed one (1) year. (added 12/1/92)

18. This accessory use is restricted to lines 16 and 17 of Recreational and Institutional uses. (added 6/7/94)

19. All wireless communications links located on municipally owned property and structures, including monopoles shall require a special permit "P". Also, the commercial use of wireless communications links on conforming residentially zoned properties is prohibited. (added 7/15/97 numbered as passed)

19a. A) No exterior signs intended to be used incidental to or in connection with (or for advertising purposes or otherwise) any of such adult uses shall depict or show human beings, or likenesses of human beings, engaged in any form of sexual activity.

B) All of the uses described in paragraph a-e of Use #80 and #82 of Sec. 5.1 shall be subject to the following limitations on siting:

1. None of such uses may be located within one thousand feet of a residential zoning district.

2. None of such uses may be located within one thousand feet of a residential use; for purposes of this paragraph, a "hotel", "motel" or "inn" shall be deemed to be a residential use.

3. None of such uses may be located within one thousand feet of a public or private school, day care center or nursery school.

4. None such uses may be located within one thousand feet of a church, or other structure used in whole or in part, all the time or part of the time for religious or spiritual services.

5. None of such uses may be located within two thousand feet of a public park, playground, nursery school or day care center.

6. None of such uses may be located within two thousand feet of another use enumerated in paragraph a-e of Use #80 and #82 of Sec. 5.1 of the WZO.

7. None of such uses may be located within one thousand feet of any nursing home, senior center or elderly housing.

8. None of such uses may be located within one thousand feet of any facility where large numbers of minors regularly congregate, such as bowling alleys, ice cream shops, youth centers, recreational facilities, etc.

9. None of such uses may be located within one thousand feet of any establishment serving liquor to be consumed on the premises.

(Added 9/3/96, amended 5/22/2001)

19b. No MEDICAL MARIJUANA TREATMENT CENTER shall be allowed:

A. Within one thousand feet of a residential zoning district, public or private school, or church or other structure used in whole or in part all the time or part of the time for religious or spiritual services;
B. Within one thousand feet of any facility where large numbers of minors regularly congregate;
C. Within two thousand feet of a public park, public library, public playground, nursery school, licensed day care center or another Medical Marijuana Treatment Center.

The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Medical Marijuana Treatment Center.

(added 7/16/2015)

19c. No Marijuana Establishment shall be allowed on property where the proposed marijuana establishment is to be located within five hundred feet of a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12. The distance under this Note shall be measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed Marijuana Establishment. No Marijuana Establishment shall be allowed to cultivate, process or manufacture marijuana that is, in a manner that is, causes or contributes to a public nuisance. Public signs related to marijuana establishments shall comply with Section 13 of the 1985 Woburn Zoning Code, as amended. For the purposes of this zoning ordinance, the definitions as set forth in M.G.L. c.94G, Section 1, as may be amended from time to time, shall apply."

(added 3/21/2017)

20. Townhouse developments in R-1 and R-2 zoning districts shall comply with all application provisions as indicated in Section 14 of this Ordinance. While townhouse developments proposed in R-3 and R-4 zoning districts shall comply with the provisions indicated in Section 11.3.2 and 12.3.2. In addition, townhouse development densities and other dimensional requirements shall comply with the

provisions of their respective zoning districts, as indicated in Section 6.1 - Table of Dimensional Regulations. (added 6/19/96)

21. That there shall be a buffer zone of three hundred (300) feet between the facility and any residential zoning district boundary line. (Added 1/24/2000)

22. That if the number of coin operated recreational or entertainment machines located in either a public or private building is great than three (3) a special permit "P" shall be required in B-N, B-H, B-D, B-I, I-P, IP-2, S-1, I-G, O-P and OP-93 zoning districts and shall not be a permitted use "-" in all other zoning districts. (added 3/6/2003)

23. Pet Care Facility used as an accessory use to a retail pet store containing a minimum of 15,000 square feet of gross floor area providing day and overnight care for cats and dogs in a sound attenuated indoor facility containing non-operable windows located entirely within said retail pet store. A Pet Care Facility shall not be located within five hundred fifty (550) feet of a residential district nor shall any outside activities be allowed except bringing said animals to and from said Pet Care Facility. (added 9/29/2007)

24. Any use defined as "BL3" and "BL4" by the NIH Guidelines promulgated in the Federal Register on May 7, 1986 and any subsequent federal amendments shall not be permitted in the City of Woburn. (added 5/26/2009)

25. The Granting of a Special Permit for automobile and truck repair garages located in a S-1 Zoning District shall be subject to the following conditions:

    a. The repair facility shall have frontage on a State numbered road under the jurisdiction of MassHighway for design, construction, and maintenance as of January 1, 2012.
    b. The repair facility shall only be allowed at a location where a repair facility was once located;
    c. Repairs shall be limited to automobiles; No repairs shall be allowed on vehicles, SUVs and light trucks weighing in excess of 10,000 pounds.
    d. The square footage of the repair facility shall not exceed 2,000 square feet.
    e. No portion of the structure shall be located within forty (40) feet of a residential dwelling.
    f. Automobile and truck repair garages located in an S-1 Zoning District shall require a special permit from the City Council pursuant to the provisions of this Note 25 and the requirements of Section 11.
    g. The Council shall also impose such additional conditions of those specified in this Ordinance as it finds reasonably appropriate to safeguard the neighborhood or otherwise serve the purposes of this Ordinance, including but not limited to the following: Screening, buffers, or planting strip, fences, or walls, as specified by the Council modification of the exterior appearance of the structure; method and

time of operation, or extent of facilities; regulation of number and location of drives, accessways, or other traffic features, and off-street parking or loading, or other special features beyond the minimum required in the Ordinance.

h. All signage shall comply with the requirements of Section 13.

(added 1/31/2012)

26. 1. Restaurant Full Service/Fast Food located in an S-1 Zoning District shall be subject to the following conditions:
   a. The full service/fast food restaurant must be located in an office building containing a minimum of 50,000 square feet of gross floor area;
   b. Any fast food restaurant shall not be visible (including signage) from the exterior of the building. No fast food drive-up customer service facility shall be allowed;
   c. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.

   2. Physical Fitness Training Facilities located in an S-1 Zoning District shall be subject to the following conditions:
   a. The Physical Fitness Training Facility must be located in an office building containing a minimum of 50,000 square feet of gross floor area;
   b. The office building shall have frontage on a State numbered road under the jurisdiction of Mass Highway for design, construction and maintenance as of January 1, 2012.

(added 9/22/2016)

27. Rooftop dining may be authorized by Special Permit from the City Council in the B-D (Downtown Business) zoning district if the conditions outlined in Section 11.6 are met. (added 2/8/2018)

5.2 Additional Use Regulations

1. General Requirements for All Districts

   1) There shall be no use of a building, structure or land in any district for a purpose that creates a nuisance by reason of the emission of odors, waste, fumes, dust, smoke, vibration, noise, light, radiation, or other causes.

   2) The open display or open storage of junk shall be prohibited in all districts, including, but not limited to more than one unregistered automobile, worn out, cast off, or discarded articles and materials which are ready for destruction or have been stored or collected for salvage or conversion into some other use. Any storage of such articles and materials shall be enclosed or screened so that they are not visible from adjacent streets or properties.

3) Within any district, no equipment or process shall be utilized in any use of land, buildings or structures which creates a nuisance by virtue of unreasonable noise, vibration, glare, fumes, or odors detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in any radio or television receivers off the premises. No other noise, vibration, smoke, dust, odors, heat, glare, unsightliness, or other nuisance shall be produced which is discernable from other properties.

4) Access to the buildable portion of a lot shall be gained from a lot's legal street frontage only. Access to lots by so called "common driveways" or access easements shall be prohibited. (Added 8/24/2000; amended 3/29/2011)

5) The maximum residential density on any parcel in all districts, except for B-D and overlay districts, shall not exceed 20 units per acre. This density limitation shall not apply to Assisted Living, Assisted Living/Continuing Care, Congregate Elderly Apartments or Hospital, Extended Care uses. (Added 5/30/2018)

2. General Requirements for Residential Districts.

Within any residential district, all non-residential uses shall comply with the following:

All noise, odors, glare, or other objectionable features shall be controlled or otherwise contained within the premises, and all parking areas shall be effectively screened so as not to create any conditions which create a nuisance or otherwise adversely affect the health, safety, or welfare of the population within the district.

3. General Requirements for Business, Industrial, Mixed Use, and Office Park Districts.

Within any business, industrial, mixed use, or office park district, all uses shall comply with the following:

There shall be no nuisance created as a result of the emission of odors, fumes, dust, noise, smoke, vibration, radiation, or any other cause which would be or appear to be injurious, noxious, offensive, hazardous, or otherwise objectionable to the general neighborhood or to the City. Permits from the Mass. Division of Environmental Quality Engineering shall define acceptable limits for the effects of individual projects.

4. Uses of Land in Residential Districts as Access to Land in Non-Residential Districts (Business, Industrial, Mixed Use, and Office Park Districts).

No access through any lot in a residential district to any land in a non-residential district shall be permitted unless no alternate access is available, and the following conditions are met:

1) The land in the non-residential corridor district is adjacent to that in the residential district.

2) The width of the right of way is at least fifty-four (54) feet wide.

3) The right-of-way is at least seventy-five (75) feet from the adjoining lot lines in the residential district.

4) Screened areas fifteen (15) feet wide are provided in a buffer area on both sides of the right-of-way. The screened areas shall be densely planted with shrubs or trees which are at least five (5) feet high at the time of planting and shall not obstruct the view of oncoming traffic when entering or exiting from the property. The planted material, in all respects, shall be maintained in a healthy condition.

5) Lots of land which are in existence at the time of adoption of this ordinance and which, because of their configuration and as a result of the impossibility of complying with 5.4.1. 1) through 4) above, cannot be used for the uses permitted in the district in which they are located because of insufficient access, may be used in their entirety for the purposes of the adjacent residential district, and all provisions of this ordinance relating to the adjoining districts shall apply.

5.3 Requirements for Fences

1) No fence, retaining wall, screen or other method of separation shall be erected without a permit; however, no permit shall be required for the erection of a fence in a location in which a previously existing legally erected fence was maintained provided that the new fence is erected within thirty (30) days of the removal of the former fence and is not prohibited by state law or regulated by the Massachusetts State Building Code. No permit shall be required for the repair of a previously existing legally erected fence which is in broken or damaged condition including the replacement of the fence, or a section thereof, with a new fence provided that the fence is not prohibited by state law or regulated by the Massachusetts State Building Code. [amended 11/24/2008]

2) No fence shall be built or maintained within the street setback requirements or the setback of the existing building over 3 feet high from the sidewalk or street level.

3) [deleted 11/24/2008]

4) The maximum height of any fence is 6 feet from the ground (except as provided in NOTE #6 of Notes to 5.1, TABLE OF USE REGULATIONS). (amended 12/5/89) .

5) The smoothest and best appearing side of a fence must face the abutting land unless otherwise approved in writing by the fence viewer.

6) A fence that has been painted or refinished or otherwise decorated that is not kept up and properly maintained shall not be allowed to stand.

7) No color combinations or other unnecessary configurations will be used to attract unnecessary attention or in the opinion of the fence viewer would lower the value or disrupt the harmony of adjacent property.

8) No permit will be issued for a fence that does not reasonably conform to the General Laws of the Commonwealth of Massachusetts.

5.4 Requirements for Swimming Pools

1. Permits shall be required for all permanent pools with a depth exceeding two (2) feet with a surface covering more than 100 sq. ft. or portable pools exceeding two (2) feet depth with 200 sq. ft.

2. All residential swimming pools shall be completely enclosed by a fence or wall no less than four (4) feet in height, which shall be so constructed as to not have any openings, holes or gaps larger than three (3.) inches in any dimension except for doors and gates. A dwelling house or accessory building may be used as part of such enclosure. A swimming pool having sides above the ground a minimum of four (4) feet shall not require an enclosure provided that it is equipped with a ladder that can be made inaccessible below four (4) feet above the ground when the swimming pool is not in actual use.

   All door or gate openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping said door or gate securely closed at all times when the gate is not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped. Such self-closing and self-latching device shall be located at least four (4) feet above the ground.

   All swimming pools governed by this section shall be equipped with at least one life ring and a rescue hook.

   This section shall be applicable to all new residential outdoor swimming pools hereafter constructed.

3. All public or semi-public swimming pools, as defined in the State Sanitary Code, shall comply with the fence enclosure requirements established in the State Building Code. (Amended 5/1/89)

5.5 Earth Removal or Filling

1) The removal or filling of loam, soil, clay, sand, borrow, gravel, stone, or any other

earth product, earth constituent or earth material from any land in the City of Woburn not in public use is hereby prohibited except such removal or filling as may be permitted in any zoning district by Special Permit as the Woburn City Council by vote may direct the Building Commissioner to issue, and except such removal as is permitted by Paragraph 7 of this section.

2) Written application for each special permit or renewal thereof shall be made to the Woburn City Council, and no special permit or renewal thereof, shall be issued without such application, and a public hearing thereon before the City Council, with due notice given.

3) Each such application shall include a diagram to scale of the area concerned, showing the boundaries of the whole of the property for any part of which a special permit is sought, the existing and proposed ground elevations in the land proposed to be excavated or filling, the means of storm water drainage of such excavation and the site lines of the existing public and private ways nearest the property for

which such permit is sought. In addition, the boundary lines shall be properly marked on the site in a suitable manner for viewing by the Building Commissioner.

4) Notice of each such public hearing shall be given at the expense of the applicant once in each of two successive weeks the first publication not being less than 21 days before the day of such hearing in a newspaper published in or for general circulation in Woburn.

5) Each copy of any earth material removal or filling permit voted by the City Council shall state all of the conditions imposed, if any, including but not limited to the following limitations of such removal as to: extent of time; area and depth of excavation of fill; steepness of slopes excavated or filled; distance between edge of excavation or fill and neighboring properties or ways; temporary or permanent drainage; posting of security bond; the replacement of not less than 6 in. of top soil over the whole of any area from which earth materials are removed where the location of such removal is afterward to become a residential subdivision; or in the case of continuing sand or gravel pit or filling operations in one general locus, recovering the finished cut banks with a minimum of 4 in. of top soil.

6) A copy of the City Council vote on each application, whether for issuance or for denial thereof, shall be mailed by the City Clerk to the parties of interest, and the Building Commissioner, not later than 5 business days after the date of such Council vote.

6) This regulation shall be deemed not to prohibit the removal or filling of such loam, gravel, soil, clay, sand or stone as may be required to be excavated for the purpose of constructing foundations for buildings or other allowable structures or site preparations as detailed on the plan for which building permits have been issued,

or for the purpose of constructing utilities or other engineering works for public service. Nor shall this regulation be deemed to prohibit the transferral of loam, soil, clay, sand, gravel or stone from one part of a lot, tract, or parcel of land to another part of the same lot, tract, or parcel of land in the same ownership. This regulation shall not be deemed to apply to filling of such loam, gravel, soil, clay, sand or stone where the material shall be used to fill an in ground swimming pool of a size no greater than twelve feet in depth and with a surface area of no greater than 800 square feet, however a building permit shall be required and such material shall be subject testing and approval by the Board of Health. This regulation shall not be deemed to apply to filling of such loam, gravel, soil, clay, sand or stone when the total amount of loam, gravel, soil, clay, sand or stone to be used for fill is less than or equal to one hundred (100) yards, however a building permit shall be required and such material shall be subject to testing and approval by the Board of Health, and further in order to calculate the total fill the filling operation shall be calculated as a total project and shall not be divided into smaller deliveries. (Amended 10/29/2001)

8) Any person violating any of the provisions of this Section 5.21 shall be fined not more than Five Hundred ($500.00) nor less than Two Hundred ($200.00) dollars for each offense. Each day that willful violation continues shall constitute a separate offense.

5.6 Wireless Communication Link/Special Permit Application Requirements and Guidelines

1. Purpose:

To minimize the adverse impact of wireless communication links on adjacent properties and residential neighborhoods, and to minimize the overall number and height of such links to only what is essential and to promote shared use of proposed and existing links, thereby reducing the need for new facilities.

2. General Requirements:

a. No wireless communications links, which shall include monopoles, satellite dishes over three (3) feet in diameter or antennae shall be erected or installed, except in compliance with the provisions of this Section and other sections of this zoning ordinance that pertain to wireless communications links, i.e. Section 2, Section 5.1, Line 80 (a), (b) and (c), and Section 6.2.9.

b. Wireless communications links are prohibited from using conservation land as defined in M.G.L., CH 40, Sec. 8c.

c. Only free-standing monopoles, with associated antennae and/or panels are allowed as specified in Paragraph 4 below. Lattice style towers and similar facilities requiring three (3) or more legs and/or guy wires for support are not allowed.

d. Whenever possible, wireless communications links shall be located in non-residential zoning districts and shall be suitably screened from abutters and residential neighborhoods.

e. Structures shall be removed within six (6) months of cessation of use. If applicable, annual certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Commissioner by the Special Permit holder or the owner/petitioners of the subject property.

3. Application Process:

All applications for wireless communications links shall be completed in accordance with the following requirements. If a Special Permit is required, the application must further comply with Section 11 of the Zoning Ordinances:

a. A locus plan shall be submitted, at a scale of one (1) inch equal to one-hundred (100) feet, showing the exact location of the proposed wireless communications link, all property lines, zoning district lines, commercial and residential structures and streets within five-hundred (500) feet of the subject property. The petitioner must include a legend on the plan indicating dimensional requirements for the proposed use.

b. If a wireless communications link includes the erection of a monopole, a color photograph or rendition of the proposed monopole, with its associated antennae and/or panels shall be submitted, together with a site plan showing associated equipment shelters, parking, fencing and landscaping. For satellite dishes and residential antennae, a color photograph or rendition illustrating these items at their respective locations shall be submitted, together with a plot plan showing dishes, antennae, and other structures on the lot. A rendition shall also be prepared illustrating a view of the monopole, dish or antenna from the nearest street or streets. The fore mentioned site and plot plans shall be drawn at one (1) inch equal forty (40) feet.

c. In regard to wireless communications links that include the erection of monopoles, the following information shall be prepared by the project engineer:

1. A description of the monopole and the technical, economic and other reasons for the proposed location, height and design.

2. Confirmation that the monopole complies with all applicable Federal and State Standards.

3. A description of the co-location capacity of the monopole, including the number and type of panels, antennae and/or transmitter receivers and equipment shelters that it can accommodate, together with the basis for these calculations. To the extent technologically practicable, the applicant shall also provide information concerning the foreseeable industry growth needs for the proposed monopole use for the succeeding ten (10) years.

4. In all cases, other than indoor wireless communications links allowed by right, a written statement shall be included with the application, indicating that the proposed wireless communications link complies with applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

4. Design Guidelines:

The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications links:

a. All monopoles shall be constructed at the minimum height necessary to accommodate the anticipated and future use(s). For abutting residential lot lines, the setback of a monopole shall be at least equal to the height of the monopole. For all other zoning districts, monopoles and their associated structures shall comply with structural setback requirements for the respective zoning districts.

b. No monopole shall be constructed which requires guy wires. Also, monopoles shall not be located on buildings.

c. Antennae or dishes located on non-residential buildings shall not exceed fifteen (15) feet in height above the roof top of the structures, exclusive of a parapet.

d. All wireless communications links shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighbors and other areas of the city shall be as limited as possible. All antenna systems and dishes shall be painted or otherwise colored so they will blend in with the landscape of the structure on which they are located. Monopoles shall also be painted, or otherwise colored, so they blend in with the surrounding landscape. A different coloring scheme shall be used to blend the link structure (s) with the landscape below and above the tree or building line. Any antenna or dishes must be fifteen (15) feet set back from sides of all buildings.

e. Satellite dishes and/or antennae shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes or antennae shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and/or installed to blend into the structure and/or the landscape.

f. Wireless communications links shall be designed to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities which will be required to locate within the community.

g. An applicant proposing to locate a wireless communications link allowed by right "X" in a residential zoning district shall prove to the Building Commissioner's satisfaction, that the visual, economic and aesthetic impacts of the facility on residential abutters will be minimal, and that the facility must be located on the proposed site due to technical or other unique circumstances. The foregoing siting and design requirements shall also pertain to wireless communications links requiring a Special Permit, except that the jurisdiction of determining the satisfaction of same shall be by two-thirds (2/3) affirmative vote of the City Council.

Further, a monopole shall not be setback closer than its height relative to any abutting residential lot line.

h. A fence, a minimum of six (6) feet in height, shall be provided around the perimeter of stand alone wireless communication links.

5. Criteria for Granting Wireless Communications Links Requiring a Special Permit:

a. Applications for Special Permits shall be approved as submitted or approved with modifications and/or conditions, if the petitioner can fulfill the requirements of these regulations and those contained in Section 11.5 of the zoning ordinance. In addition, the petitioner must also receive a two-thirds (2/3) affirmative majority vote of the City Council.

b. Applications for Special Permit may be denied if the petitioner can not fulfill or address the requirements of these regulations and those of said Section 11.5.

c. When considering a Special Permit application for a wireless communications link, the City Council shall place great emphasis on the proximity of the link to residential dwellings and its impact on these residences. New facilities shall only be considered after a finding that existing (or previously approved) facilities can not accommodate the proposed use(s).

(added 7/15/97)

5.7 Buffer Requirements

1. Along each boundary of a Mixed Use or Business district other than Business Interstate which adjoins any Residential district in the City of Woburn there shall be a buffer zone of twenty (20) feet in addition to the minimum side and rear yard setbacks.

2. Along each boundary of an Industrial (I), Office Park (OP), or Business Interstate (BI) district which adjoins any Residential district in the City of Woburn there shall be a buffer zone of seventy (70) feet in addition to the minimum side and rear yard setbacks.

3. If the buffer zone requirement in Section 5.7.1 or 5.7.2 above is triggered by a rezoning of Industrial (I), Office Park (OP), or Business Interstate (BI) to Residential (R-1, R-2, R-3 or R-4) that occurs after (September 25, 2015), the burden of providing the buffer zone shall be imposed on the property rezoned. The City Council may waive or vary the imposed buffer zone requirement by special permit if it determines that:

    1. Existing or proposed alternative screening devices such as fences, evergreen plantings and earthen berms will provide a reasonable buffer between incompatible land uses;

    2. Waiving or varying the buffer zone requirement will not substantially impact the comfort, privacy, quiet enjoyment and standard of living of residents in the property rezoned; and

    3. The nature or circumstances of the particular lot, project or neighborhood justifies a different buffer requirement, including but not limited to topography, soils, or other site conditions which make the planting or maintenance of the buffer impractical.

    Alternative screening devices authorized under this Section shall not be subject to the provisions of Sections 5.3.2, 5.3.4, or 5.7.7., except that the City Council shall insure that any plantings required by this Section do not interfere with or encroach upon sight lines or violate other provisions of the Woburn Municipal Code, Woburn Zoning Code or the Woburn Land Subdivision Rules and Regulations.

4. The buffer zones required by this section 5.7 shall, except to the extent provided in Section 5.7.3 or 5.7.5, extend from the zoning district boundary line into the mixed use, Business, Industrial or Office Park district, whichever the case may be.

5. If the boundary line between an "I" or "OP" district and an "R" district falls within or along a Road (as defined below) which is located either in the "R" district or in both the "R" district and the "I" or "OP" districts, that portion of any such Road in the "R" district from the centerline of the Road to the zoning district boundary line shall be

included to meet this seventy (70) foot buffer zone requirement. For purposes of this Section 5.7, Road means any road, street, highway or other public way or way devoted to public use including the untraveled portion of any layout for any such road, street, highway or other way, but shall not include a "paper' street.

6. The buffer zone may be used for the following purposes:

    1. To calculate the Minimum Usable Open Space percentages required in Section 6.1;

    2. For driveways, useable open space, walkways and landscaped areas;

    3. Overnight parking of passenger vehicles, except that no portion of the buffer area within fifty (50) feet of the boundary line of a Residential district may be used for such purposes.

7. The buffer zone shall contain a screen of evergreen plantings along the full extent of its border with the residential district and at least ten (10) feet from such border. In the case of a buffer along a Road, the plantings must be at least ten (10) feet from the edge of the Road. Such evergreen plantings shall be not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year round. Other alternative screening devices may be permitted by Special Permit where topography, soils, or other conditions make the planting or maintenance of such a hedge impracticable.

(Added 2/23/2001; amended 11/12/2015)

5.8 Interim Regulations for Medical Marijuana Treatment Centers

1) Purpose - At the November 6, 2012 state election, the voters of the Commonwealth approved legislation regulating the cultivation, distribution, possession and use of marijuana for medical purposes, which legislation became effective on January 1, 2013. The legislation requires the state Department of Public Health to issue regulations regarding implementation of the legislation by May 1, 2013 which are expected to provide guidance in regulating medical marijuana, including medical marijuana treatment centers. As the regulation of medical marijuana raises novel and complex legal and planning issues, the City requires adequate time to consider whether to allow facilities associated with the medical use of marijuana, to the extent that such facilities are permitted under state laws and regulations, and, if so, where and under what conditions should such facilities be located in the City of Woburn. Therefore, the City adopts this temporary moratorium on the use of land and structures in the City for medical marijuana treatment centers in order to allow the City sufficient time to engage in a planning process to address the potential impacts on adjacent

uses and on general public health, safety and welfare, and to develop and enact zoning ordinances and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures, and in a manner consistent with sound land use planning goals and objectives.

2) Definition - A “Medical Marijuana Treatment Center” as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health.

3) Exclusion of Other Marijuana Uses - Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana or products containing marijuana and/or related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly licensed and registered by the Massachusetts Department of Public Health, or is not operated as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

4) Exclusion of Accessory Uses - In no case shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

5) Interim Restriction/Moratorium - Medical Marijuana Treatment Centers shall not be permitted in any zoning district in the City of Woburn so long as this section remains in effect, as set forth below. Use variances are strictly prohibited. During this moratorium period, the City will undertake a planning process to address the potential impacts of medical marijuana in Woburn, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and enact zoning ordinances to address the impact and operation of medical marijuana treatment centers and their related uses.

6) Expiration - This section shall be effective until December 31, 2014, or until such future time as when the Woburn City Council enacts superseding zoning ordinances that set forth the allowed zoning districts, dimensional, parking and other requirements applicable to medical marijuana treatment centers and their related uses. (amended 12/31/2013)

(Added 2/21/2013)

5.9 Marijuana Establishments Forbidden

The operation of any marijuana establishment, as defined in G.L. c. 94G, § 1, including, without limitation, a marijuana cultivator, marijuana testing facility, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business, is prohibited in all zoning districts of the City. This prohibition shall not apply to the sale, distribution or cultivation of marijuana for medical purposes licensed under Chapter 369 of the Acts of 2012. (added 9/21/2017)

****

[This page intentionally left blank]