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Middleton Zoning Bylaw Summary of Proposed Changes

Last Updated January 28, 2026

Topic	Section Number	Proposed Change
Boundaries of zoning districts	2.4.2	Replace section 2.4.2 to state that the boundary lines of zoning districts shall be based on the Town's GIS zoning map and parcel data.
Boundaries of zoning districts	2.4.5	Replace section 2.4.5 with the following language: "2.4.5 Lot split by district lines. Where a district boundary line divides any lot existing at the time such line is adopted, the regulations that apply to the larger part of the area of such lot may, at the option of the lot owner, apply in the smaller part beyond such district boundary for a distance not to exceed 30 linear feet, if the smaller part has frontage on a public way. Any discrepancies or ambiguities with respect to the location of the district boundary and the other dimensional components of this section may be resolved by reference to a certified survey or available GIS data."
Special Permit Granting Authority	3.1.3	Modify 3.1.3 to read as follows: Special permit: Board of Appeals. A use designated in the Table of Use Regulations by the letters "SP" may be permitted as a special permit only if the Board of Appeals so determines and grants a special permit therefor as provided in Section 9.4 of this bylaw subject to such restrictions as are set forth elsewhere in this bylaw, and such restrictions as said Board may establish. Delete sections 3.1.4 and 3.1.5
Multiple uses and structures	3.1	Update section 3.1, Principal Uses, to state that only one principal use is allowed on a lot, and multiple structures are allowed in all non-residential districts (in residential districts, only one principal structure is allowed on a lot).

Earth removal	3.2.1.3	<p>Modify section 3.2.1.3 to state, “Subject to receipt of approvals as required under Section 6.2 of this Bylaw, removal of sod, loam, sand, gravel or other earth product in connection with the construction of a building for which a building permit has been issued, subject to the Town bylaws, and further provided that the amount of such material removed does not exceed the amount contained, before construction, in the particular space to be occupied by the foundation of said building.”</p> <p>Modify Table of Use Regulations (row G.4) to clarify that earth removal requires a special permit by the ZBA.</p>
Accessory Uses and Structures	3.2.1.6	Modify Section 3.2.1.6 to state: “Renting of rooms to not more than two boarders.”
Setbacks for accessory structures	3.2.3	Modify section 3.2.3 to state: “Accessory building. An accessory building, including a detached garage, located on any lot shall have the same setback requirements as the primary structure. No accessory building shall be located closer than 20 feet to any dwelling or main structure on a lot unless both structures conform to regulations relative to fire safety.”
Alterations to nonconforming uses and structures	3.3.2	<p>Modify section 3.3.2 to read as follows: “Nonconforming uses. The Board of Appeals may award a special permit to change, alter or modify 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, and provided that such change, alteration or modification is not different in kind, character or degree. The following types of changes to nonconforming uses may be considered by the Board of Appeals:</p> <ol style="list-style-type: none"> 1. Change or substantial extension of the use; 2. Change from one nonconforming use to another, less detrimental, nonconforming use.”

Alterations to nonconforming uses and structures	3.3.4	<p>Modify section 3.3.4 to read as follows: “Nonconforming structures; variance required. (1) Except as provided in Subsection 3.3.5, below, the reconstruction, extension or structural change of a nonconforming single or two-family residential structure in such a manner as to create a new nonconformity shall require the issuance of a variance from the Board of Appeals; and (2) The reconstruction extension or structural change of all other structures in such a manner as to increase an existing nonconformity, or create a new nonconformity shall require the issuance of a variance from the Board of Appeals, provided, however, the extension of an exterior wall at or along the same nonconforming distance within a required yard shall require only the issuance of a special permit from the Board of Appeals.”</p>
Alterations to nonconforming uses and structures	3.3.5	<p>Modify section 3.3.5 to read as follows: “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. 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, provided that a variance will be required for all new non-conformities. The following circumstances may, at the Building Inspector’s reasonable discretion, not be deemed to increase the nonconforming nature of said structure:</p> <ol style="list-style-type: none"> 1.Alteration to a structure located on a lot with insufficient area which complies with all current setback, yard, building coverage, and building height requirements, 2.Alteration to a structure located on a lot with insufficient frontage which complies with all current setback, yard, building coverage, and building height requirements. 3.Alteration to a structure which encroaches upon one or more required yard or setback areas, where the alteration will comply with all current setback, yard, building coverage and building height requirements.”

Reconstruction after catastrophe	3.3.7.3	Modify section 3.3.7.3 to read as follows: “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, provided however that a variance shall be required in the event that a new non-conformity is proposed.”
Temporary uses	3.4	Modify section 3.4 to state, “Temporary uses for amusement and recreation shall require the issuance of a special permit from the Board of Appeals, and may be subject to appropriate conditions.” Modify the Table of Use Regulations to replace Select Board with Board of Appeals for the special permit granting authority for temporary uses.
Lot width	4.1.2.1	Modify section 4.1.2.1 to state: “Lot width. Lot width shall be measured as the shortest distance between side lot lines. At no point shall the lot be narrower than 75% of the required lot frontage.”
Front setbacks	4.1.2.2	Modify section 4.1.2.2 to state: “Front yard. In the R-1a, R-1b, and RA Districts the required front yard is 25 feet to the lot line.”
Front setbacks	4.1.2.4	Modify the setback on North Main Street in the B and M-1 districts to 30 feet from the lot line to be consistent with setbacks elsewhere in town. To make the requirements for North Main Street consistent with the rest of town, remove section 5.1.3, which states that no parking shall be located in the required front yard along the frontage of North Main Street.
Landscaping	4.1.2.6	Modify section 4.1.2.6 to state: “Front yard; Business District. Front yards shall be suitably landscaped, be unbuilt upon, be unpaved and not parked on. Adequate entrances and exits shall be allowed in this front yard.”
Interstate Highway Business (IH) District	4.1.2.7	Remove section 4.2.1.7.

Shared parking	5.1.10 (new section)	Add a new section 5.1.10 on Shared Parking, to read as follows : Shared private parking facilities for different buildings or uses may be allowed by Special Permit, subject to the following provisions: (a) Up to fifty percent (50%) of the parking spaces serving a building may be used jointly for other uses not normally open, used or operated during similar hours. The applicant must show that the peak parking demand and principal operating hours for each use are suitable for a common parking facility. (b) A written agreement defining the joint use acceptable to the Zoning Board of Appeals of the common parking facility shall be executed by all parties concerned and approved by the Zoning Board of Appeals as part of the special permit process. Such agreement shall be recorded at the Essex County Registry of Deeds. (c) Any subsequent change in land uses for which the shared parking proposal was approved, and which results in the need for additional parking spaces, shall require a new special permit application under this subsection.
Electric vehicle ready spaces	5.1.11 (new section)	Add section 5.1.11 to state: "Electric vehicle ready spaces. Parking lots must comply with the Massachusetts Base Energy Code as amended or supplanted to provide complying spaces wired for electric vehicle supply equipment."
Pedestrian access	5.1.12 (new section)	Add section 5.1.12 as follows: "Pedestrian access: All parking areas or parking lots with five (5) or more spaces shall be designed to safely accommodate pedestrian access and circulation."
Table of Parking Requirements	5.1.2	<p>Make the following changes to the Table of Parking Requirements in section 5.1.2 of the zoning bylaw:</p> <ul style="list-style-type: none"> •Business or professional office - 1 space per 300 square feet gross floor area •Bank – remove (banks fall under retail sales/service and have the same requirement) •Restaurant - 1 space per 3 seats of seating capacity •Remove Restaurant, fast-food (see section on Definitions below for more information) •Add Schools and educational facilities – For pre-school through Grade 8: 1 space per employee plus 1 space per classroom; For High School: 1 space per employee and 1 space per 3 students •All other uses - 1 space per 300 square feet gross floor area or such number of spaces in accordance with anticipated needs as determined by the Board of Appeals with the advice of the Planning Board
Parking lot landscaping	5.1.4	Modify 5.1.4 to remove the reference to North Main Street frontage.

Parking lot design	5.1.5 (new section)	Add a new subsection 5.1.5 to specify parking space dimensions for angled and parallel parking, and aisle widths for one- and two-way traffic for different parking lot configurations,
Parking space dimensions	5.1.6 (new section)	Parking space dimensions. Each parking space, except for the allowable percentage for compact cars, shall measure at least 9 feet in width and 18 feet in length; however, parallel parking spaces shall be at least 20 feet in length. The required parking space dimensions, including those for compact car spaces, shall not be reduced by obstructions, including, but not limited to, light poles and columns.
Compact parking spaces	5.1.7 (new section)	Compact parking spaces. Off-street parking areas may be designed to allow up to a maximum of 15% of the total number of parking spaces to be used by compact cars. Compact car spaces shall not be less than 8.5 feet by 16 feet.
Reserve Parking	5.1.9 (new section)	<p>Add section 5.1.9 on “Reserve Parking” as follows : “a. The Zoning Board of Appeals may require the establishment of a reserve area where a reduction in the number of spaces is authorized.</p> <p>b. The spaces that are not intended for construction immediately shall be labeled “Reserve Parking” on the site plan and shall be properly designed as an integral part of the overall parking layout, located on land suitable for parking development and in no case located within area counted as buffer, setback, or open space under other provisions of this Bylaw.</p> <p>c. No more than fifty (50) percent of the total number of required spaces may be reserved for later construction.</p> <p>d. At the request of the Board of Appeals, the applicant may be required to provide a parking monitoring program in order to determine if and when the land-banked parking spaces are needed.</p> <p>e. If, after the issuance of a certificate of occupancy, the Board of Appeals or the applicant finds that all or a portion of the reserve parking spaces are needed, the applicant shall submit a written request for a minor modification to the site plan, stating such need and, if approved, denote the revision on the site plan.</p>
Activities requiring a special permit	5.2.10.2	Revise Section 5.2.10.2, Nonaccessory signs, to remove the special permit requirement (allow by-right).
Signage	5.2.11	Minor wording and formatting changes to add clarity
Activities requiring a special permit	5.2.11.4	Revise Section 5.2.11.3. Canopy signs, to remove the special permit requirement (allow by-right).
Signage - unenforceable requirements	5.2.12	Delete Section 5.2.12
Signage - unenforceable requirements	5.2.14	Delete Section 5.2.14

Performance standards	5.4	Rename section 5.4 “Performance Standards for Nonresidential and Multi-family Residential Development.” Replace Section 5.4.1 with the following: “Purpose. The following performance standards have been adopted in order to control the size, scale, and impacts of nonresidential and multi-family residential developments. The Board of Appeals and Planning Board shall ensure that such standards are met during the course of any special permit application or site plan review for a nonresidential or multi-family use.”
Searchlights	5.4.2	Modify section 5.4.2 to read as follows: Searchlights. The operation of laser shows or searchlights for advertising purposes is prohibited.
Pedestrian access and sidewalks	5.4.5.10 (new section)	Add section 5.4.5.10 that states, “Each development must demonstrate that it provides adequate on-site pedestrian amenities, and construction of new sidewalks and/or rehabilitation of an existing sidewalk along the frontage of the subject property.”
Traffic study	5.4.5.7	Modify section 5.4.5.7 to reference the ZBA regulations, as follows: “The Board of Appeals may require a traffic study, prepared by a qualified traffic engineer, detailing the expected traffic impacts, as specified in the Town of Middleton Zoning Board of Appeals Rules, section 260-4.B.2.c.
Maximum driveway distance	6.3.3	Modify 6.3.3 to state: “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 500 feet.”
Driveway access	6.3.6.1	Modify 6.3.6.1 to state: “The radius of the driveway where it intersects with the street right-of-way (ROW) must be sufficient to enable emergency vehicles to exit and enter the common driveway without leaving the surface of the common driveway. Moreover, the center line intersection with the street center line shall not be less than 45 degrees.”
Minimum lot size	6.6.1	Replace section 6.6.1 with the following language: “General. An industrial park shall have a minimum lot size of at least 320,000 square feet (7.346 acres). This requirement does not prohibit the construction of more than one building on a lot of less than 320,000 square feet in the M-1 District or applicable Business districts, provided that the lot meets all other requirements of the M-1 District or applicable Business district.”
Approved street plan	6.7.1	Modify section 6.7.1 to state, “General. No building permit shall be issued unless the lot to be built upon has frontage on a street, as defined in this Zoning Bylaw, or, if it is on an unconstructed way, such way shall be constructed in accordance with the Planning Board Subdivision rules and regulations providing adequate access to existing lots, with said plan being subject to receipt of Special Permit approval.”

Outdated section	6.8	Delete Sections 6.8, Marijuana establishment temporary moratorium
Village Residential District	7.1	Modify Section 7.1 and the Table of Dimensional Requirements to state that dimensional requirements for single-family and two-family dwellings in the R-2 District align with the requirements in the R-1a District.
Flexible Development	7.3	[Modifications under consideration - see proposed changes in draft redline version of Middleton Zoning Bylaw]
Outdated section	7.4	Delete Section 7.4, Development Schedule
Institutional Overlay District	8.3	Remove Section 8.3, Institutional Overlay District (IOD). Remove mentions of the IOD in Sections 2.2, 6.5, and 9.5, and the zoning districts map.
Board of Appeals	9.3.1	Modify section 9.3.1 to read as follow: “Establishment. There shall be a Board of Appeals under these bylaws which shall be appointed by the Select Board of Selectmen. The Select Board may appoint two associate members to the Board of Appeals.”
Activities requiring a special permit	9.4	Add table summarizing activities requiring a special permit as an attachment to Section 9.4 of the zoning bylaw.
Lapse of special permits	9.4.8	Modify section 9.4.8 to state, “Lapse. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 36 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. c. 40A, § 17, from the grant thereof) with the Town Clerk.”
Site plan review - screening	9.5.11	Add to the list of site plan approval considerations listed in section 9.5.11 language stating: “Where a lot in the Business or Light Industrial District abuts a Residential District, compliance with requirements for setbacks and screening.”
Site plan review	9.5.2	Add the following uses requiring site plan review to Section 9.5.2.: 3. An addition to or alteration of an existing building for commercial or industrial use 4. Any changes to commercial uses in residentially zoned districts 5. Childcare or adult day care facility (not including family day care operating in a private residence). 6. Any educational use, as defined under G.L. c. 40A, §3. 7. Accessory Dwelling Units, as described in Section 7.5.5 of this Zoning Bylaw. 8. Any other use or structure for which Site Plan Approval is prescribed under these Zoning Bylaws.
Site plan review - screening	9.5.5.7 (new section)	Add a new Section 9.5.5.f that states: “The Board may adopt regulations requiring additional information consistent with this Bylaw, and may require filing via electronic means.”

Affordable Housing Trust	9.5.9 (new section)	Add section 9.5.9 as follows: "Review by Affordable Housing Trust. For all Multifamily Housing and Flexible Development projects, the Board of Appeals shall refer site plans to the Affordable Housing Trust for their advisory review and recommendations. The Affordable Housing Trust shall have 45 days to render such recommendations. Failure to respond within such period shall be deemed a lack of opposition thereto. The Affordable Housing Trust shall make recommendations with regard to Affordable Housing Units included in the project, including the number, affordability levels, unit type, and location of such units."
Definitions	10.1	Remove "Restaurant, Fast-Food" from Section 10.1 (Definitions), as well as the Table of Use Regulations and Table of Parking Requirements. Fast-food restaurants will now have the same requirements as conventional restaurants.
Definitions	10.1	Modify the definition of Restaurant to state: "A commercial establishment where food and beverages are prepared, served, and consumed. Take-out and delivery are allowed."
Setbacks	Table of Use Regulations	Remove the * and ** and associated key from the Table of Use Regulations.
Special Permit Granting Authority	Table of Use Regulations	Modify the Table of Use Regulations to note that the Zoning Board of Appeals is the special permit granting authority for all uses.