

Drive-Through Facilities Review Standards

PART TWO (MODEL ZONING BY- LAWS AND RULES AND REGULATIONS)



SOUTHEASTERN REGIONAL PLANNING AND ECONOMIC DEVELOPMENT DISTRICT
SEPTEMBER 2001



Drive-Through Facilities

Part 2.A - Draft By-law Language

There are several different ways of drafting zoning amendments. When using an example from another town or a model by-law, consideration should be given to the structure of the existing by-law, ease of reading and community goals. The amendment can either be worked into the existing regulations (Version 1) or written as a freestanding article (Version 2). While free standing are often easier to package for a town meeting or city council vote, over time they can lead to a fragmented zoning by-law which is not easy to read.

Version 1 Integrated Example:

Article 1A: *To add the following definitions to the existing definitions section of the zoning by-law.*

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Connection: Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

Best Management Practices (BMP): For the purposes of storm-water management structural or nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce non-point source pollutants from entering receiving waters.

Cross Access: A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Directional Median Opening: An opening in a restrictive median, which provides for the specific movements and physically restricts other movements. Directional median opening for two opposing left or “U-turn” movements along a road segment are considered one directional median opening.

Drive-Through Facility: A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.

Driveway/ Curb Cut Spacing: The distance between connections, measured from the closet edge of pavement of the driveway or curb cut to the next closest edge of the pavement along the public/private roadway.

Fast Food Restaurant: Any restaurant serving the majority of its food in disposable containers, packages, or other similar wrapping, for consumption on or off the premises.

Joint Access (or Shared Access): A driveway connecting two or more contiguous sites to the public/private street systems.

Leveling Area: A level area (thirty (30) feet in depth at -1% grade) at the intersection of the access connection and the public way.

Lot, Corner: Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

Restrictive Median: A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

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

Stacking Space: An area within a stacking lane for vehicles waiting to order and/or finish a drive – through transaction.

Article 1B: *To modify the existing Use Regulations or Table of Use by adding the following requirement. Depending on the community the location of this change may be in either the principal or accessory use section. The community may also choose to treat fast-food facilities differently from banks or other drive-through facilities.*

	<i>Different Zoning Districts</i>						
	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>CB</i>	<i>HB</i>	<i>VB</i>	<i>I</i>
Drive-Through Facilities (Fast-food)	P	P	P	SP	SP	P	P

(Explanation) A = Allowed by right
 SP = Special Permit
 SPA = Site Plan Approval
 P = Prohibited

Note: The names of the Zoning Districts and way of identifying the status of use will vary by community. The boards/community needs to discuss the various zoning districts and whether drive-through facilities make sense in each particular district. For example, some communities may want drive-through facilities only in Highway Business districts while other communities may see both highway and central business districts as appropriate.

Article 1C: *To add the following standards to an existing site plan approval, review or special permit requirements. Please NOTE: numbering will need to be modified to match local zoning by-law.*

Drive-Through Facilities Standards:

1.1 Fast food restaurant drive-through facilities shall have the following minimum dimensional requirements:

- Lot area: 50,000 sq.ft.
- Lot frontage: 250 feet
- Lot depth: 200 feet

1.2 Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table:

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
20	140
30	210
40	280
50	350

1.3 The width of the access connections at the property line of the development shall not exceed 25 feet, unless the traffic impact study identifies and the SPGA agrees to the need for turning lanes from the development onto the adjacent public road.

1.4 For a site at an intersection where no alternatives exist, such as joint or cross access, the Board may allow construction of an access connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/or a restrictive median) as required by the Board.

- 1.5 A system of joint use driveways and cross access easements shall be established wherever feasible along (name road or overlay corridor) and the proposed development shall incorporate the following:
 - a) A service drive or cross access corridor extending the width of the parcel.
 - b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.
 - c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- 1.6 Developments that provide service drives between properties may be permitted a 10% reduction in the required number of parking spaces. If information can be provided to show that peak demand periods of development with shared parking or a service drive connection are not simultaneous, the number of required parking spaces may be reduced by 20%.
- 1.7 Drive-through facilities shall provide a minimum of (8) eight stacking spaces (within the site) before the order board. The facility shall provide another (4) four stacking spaces between the order board and the transaction window. If the facility has two transaction windows the (4) four stacking spaces may be split between each of the windows. An additional stacking space shall be provided after the last transaction window(s).
- 1.8 Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lanes shall be a minimum of twelve (12) feet in width along curved segments.
- 1.9 Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- 1.10 Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line along the street to the beginning of the entrance.
- 1.11 Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. Stacking lanes shall not interfere

with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. . If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.

- 1.12 Stacking lanes shall not enter or exit directly into a public right-of-way. Stacking lanes shall be integrated with the on-site circulation pattern.
- 1.13 The intersection of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from any access connections and/or transaction windows. Said intersections shall be provided with a crosswalk. These crosswalks shall use enriched paving and striping and include warning signage aimed at both the pedestrian and vehicle.
- 1.14 Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of one hundred (100) feet from the property line of residential uses.
- 1.15 Menu boards shall be a maximum of thirty square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.
- 1.16 A leveling area shall be provided having a minus one percent (-1%) grade for a distance of thirty (30) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

Additional Standards (If not covered by the existing zoning by-law):

- 1.17 A sign permit may be granted only in accordance with the following requirements:
 - a. No sign shall extend above the roof line of a building to which it is attached;
 - b. Roof signs shall not be permitted;
 - c. Flashing, shimmering and /or rotating lights shall not be permitted.

- d. All signs shall be limited to the identification of premises, their occupants or users, the placement or the business conducted therein.
 - e. No sign shall be placed which prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.
- 1.18 The display of one (1) free standing sign pertaining to the use or uses of the premises with a total area of not more than sixteen (16) square feet in surface area per side. Said free standing sign shall be limited to two (2) sides and not exceed eighteen (18) feet in height. In addition one (1) wall sign with a total area not to exceed nine (9) square feet in surface area shall be allowed per business. Window signs or displays shall not exceed twenty-five (25%) of the total window area of the building.
- 1.19 Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area.
- 1.20 The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area.
- 1.21 Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. The building's location shall be orientated parallel or perpendicular to the street. Where the minimum setback cannot be maintained by the building, the applicant shall provide adequate spatial definitions through the use of walls, fences and or other elements, which will maintain the street line.
- 1.22 The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
- 1.23 Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets.

- 1.24 When a drive-through is proposed on a property with an historic building, the architectural character defining exterior elements of historic building, shall be preserved. Signage should be compatible with the historic character of the building.



- 1.25 The luminaries/lighting fixtures shall be the shoe box type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and area lighting is unacceptable. All luminaries/lighting fixtures shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture shall only be visible from below.
- 1.26 Reflectors of proper distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.
- 1.27 The luminaries/lighting fixtures shall not exceed 20 feet in height. The luminaries/lighting fixtures for sidewalks/paths shall not exceed 12 feet in height.

- 1.28 Where wall-pack type luminaries/lighting fixtures are utilized for outdoor lighting fixtures, the fixture shall be equipped with a prismatic lens to reduce glare. Wall-pack lighting shall be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of the wall-pack on the structure shall not exceed 20 feet in height.
- 1.29 All luminaries/lighting fixtures shall be restricted to a maximum horizontal foot-candle level of 8.0 (initial), as measured directly below the fixture at grade.
- 1.30 The landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal. Abrupt grade changes shall be avoided. Grade changes shall avoid straight lines and bended into existing topography. All open space shall be landscaped with a variety of plant material and maintained accordingly.
- 1.31 The removal of surface water shall not adversely affect adjoining properties, streets or storm drainage systems nor obstruct circulation of vehicles and pedestrians. For parking areas serving new buildings or expansions to existing parking areas, the performance of surface drainage shall be based on standards set forth in the Subdivision Rules and Regulations.
- 1.32 The following minimum landscaped buffer shall be provided between the exterior lot lines and any paved areas (except across access connections)
 - a. Frontage along public ways..... fifteen (15) feet
 - b. Side and rear yards abutting residential property.....twenty (20) feet

Article 1D: To add the following *Traffic Impact Study* language to the (choose one of the following: *Special Permit section, Site Plan Review section* or _____ *of the zoning by-law. Please NOTE: numbering will need to be modified to match local zoning by-law.*

Traffic Impact Study:

1. A detailed traffic impact analysis shall be submitted for any special permit or site plan approval application containing a drive-through facility. A registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study. The traffic impact study shall contain the following information:
 - 1.1 Existing traffic conditions- average daily and peak hour volumes, average and peak speeds, sight distances, accident data for the previous 3 years, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1000 feet of the project boundaries, and shall be no more than 12 months old at the date of application, unless other data is specifically approved by the Board.
 - 1.2 Projected traffic conditions for design year of occupancy shall include: statement of design year of occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved, under construction and /or are pending before a town board.
 - 1.3 Projected impacts of the proposed development shall include: Projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed access connection and adjacent streets; existing and proposed traffic controls in the vicinity of the proposed development; and the projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in __a. above).
 - 1.4 Proposed mitigation shall include: A plan (with supporting text) to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means; and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems. Measures shall be proposed to achieve the following post-development standards:

(i). All streets and intersections to be impacted by the project shall have the same Level of Service or better than pre-development conditions.

2. The Board shall adopt rules relative to the issuance of a special permit and file a copy with the (*Town/City*) Clerk. The Board shall follow the procedural requirements for special permits as set forth in Chapter 40A, Section 9. The Board shall also impose, in addition to any applicable conditions specified in this by-law, such applicable conditions as it finds reasonably appropriate to improve traffic flow or conditions, safety, or otherwise serve the purposes of this bylaw. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the Board. After notice and public hearing, and after due consideration of the reports and recommendations of other (*town/city*) boards and departments, the Board may grant such a permit.

Version 2 Freestanding Example:

Article 2A: *To add the following language on drive-through regulations to section ___ of the zoning by-law.*

1. Purpose:

The purpose of this section is to protect the safety, public health, convenience and general welfare of the inhabitants of the (*City or Town*) of _____ by providing detailed review of the design and layout of drive-through facilities which have a substantial impact upon the character of the (*City / Town*) and upon traffic, utilities and services therein.

2. Powers and Administrative Procedures:

The (*Zoning Board of Appeals, Planning Board or Board of Selectmen*) is hereby designated the Special Permit Granting Authority (SPGA) for Drive-Through Plan Approval. The SPGA shall adopt rules relative to the issuance of special permits for Drive-Through Plan Approval and file a copy with the (City/Town) Clerk. The SPGA shall follow the procedural requirements for special permits as set forth in Section 9 of M.G.L. Chapter 40A. After notice and public hearing and after due consideration of the reports and recommendations of other town boards, commissions and or departments, the SPGA may grant such a permit. The SPGA shall also impose, in addition to any applicable conditions specified in this section, such applicable as the SPGA finds reasonably appropriate to improve the site design as based on Section ___ below, traffic flow, safety and or otherwise serve the purpose of this section. Such conditions shall be imposed in writing and the applicant may be required to post a bond or other surety for compliance with said conditions in an amount satisfactory to the SPGA.

3. Applicability:

This section applies to all uses as identified as requiring a Special Permit for Drive-Through Facilities in Article ____, Section ___ Table of Use Regulations.

4. Definitions:

The following definitions should be considered as possible amendments to the Zoning By-Laws:

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.

Access Connection: Any driveway, street, curb cut, turnout or other means of providing for the movement of vehicles to or from the public/private roadway network.

Best Management Practices (BMP): For the purposes of storm-water management structural or nonstructural and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce non-point source pollutants from entering receiving waters.

Cross Access: A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

Directional Median Opening: An opening in a restrictive median which provides for the specific movements and physically restricts other movements. Directional median opening for two opposing left or “U-turn” movements along a road segment are considered one directional median opening.

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Leveling Area: A level area (thirty (30) feet in depth at -1% grade) at the intersection of the access connection and the public way.

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Restrictive Median: A physical barrier in the roadway that separates traffic traveling in opposite directions, such as a concrete barrier or landscaped island.

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

Stacking Space: An area within a stacking lane for vehicles waiting to order and/or finish a drive – through transaction.

5. Traffic Impact Study:

A detailed traffic impact analysis shall be submitted for any special permit or site plan approval application containing a drive-through facility. A registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study. The traffic impact study shall contain the following information:

5.1 Existing traffic conditions- average daily and peak hour volumes, average and peak speeds, sight distances, accident data for the previous 3 years, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within 1000 feet of the project boundaries, and shall be no more than 12 months old at the date of application, unless other data is specifically approved by the Board.

5.2 Projected traffic conditions for design year of occupancy shall include: statement of design year of occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved, under construction and /or are pending before a town board.

5.3 Projected impacts of the proposed development shall include: Projected peak hour and daily traffic generated by the development on roads and ways in the vicinity of the development; sight lines at the intersections of the proposed access connection and adjacent streets; existing and proposed traffic controls in the vicinity of the proposed development; and the projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in _a. above).

5.4 A Proposed mitigation plan shall include: A plan (with supporting text) to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, promoting use of public transit or carpooling, or other appropriate means; and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems. Measures shall be proposed to achieve the following post-development standards:

- (i). All streets and intersections to be impacted by the project shall have the same Level of Service or better than pre-development conditions.

6. Standards:

6.1 Fast food restaurant drive-through facilities shall have the following minimum dimensional requirements:

- Lot area: 50,000 sq.ft.
- Lot frontage: 250 feet
- Lot depth: 200 feet

6.2 Separation between access connections on all collector and arterials shall be based on the posted speed limit in accordance with the following table.

<i>Posted Speed Limit (MPH)</i>	<i>Access Connection Spacing (Feet)</i>
20	140
30	210
40	280
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- 6.3 The width of the access connections at the property line of the development shall not exceed 25 feet, unless the traffic impact study identifies and the SPGA agrees to the need for turning lanes from the development onto the adjacent public road.
- 6.4 For a site at an intersection where no alternatives exist, such as joint or cross access, the Board may allow construction of an access connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/or a restrictive median) as required by the Board
- 6.5 A system of joint use driveways and cross access easements shall be established wherever feasible along (name road or overlay corridor) and the proposed development shall incorporate the following:
- a) A service drive or cross access corridor extending the width of the parcel.
 - b) A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.
 - c) Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
- 6.6 Developments that provide service drives between properties may be permitted a 10% reduction in the required number of parking spaces. If information can be provided to show that peak demand periods of development with shared parking or a service drive connection are not simultaneous, the number of required parking spaces may be reduced by 20%.
- 6.7 Drive-through facilities shall provide a minimum of eight (8) stacking spaces (within the site) before the order board. The facility shall provide another four (4) stacking spaces between the order board and the transaction window. If the facility has two transaction windows the four (4) stacking spaces may be split between each of the windows. An additional stacking space shall be provided adjacent to the last transaction windows.
- 6.8 Each stacking space shall be a minimum of twenty (20) feet in length and ten (10) feet in width along straight portions. Stacking spaces and stacking lane shall be a minimum of twelve (12) feet in width along curved segments.

- 6.9 Stacking lanes shall be delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians.
- 6.10 Entrances to stacking lane(s) shall be clearly marked and a minimum of sixty (60) feet from the intersection with the access connection. The distance shall be measured from the property line along the street to the beginning of the entrance.
- 6.11 Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall: (a) separate drive-through traffic from site circulation, (b) not impede or impair access into or out of parking spaces, (c) not impede or impair vehicle or pedestrian traffic movement, and (d) minimize conflicts between pedestrian and vehicular traffic by physical and visual separation between pedestrian ways and stacking lanes and driveways, or at the crossing of the two. Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement within stacking lanes. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided.
- 6.12 The intersect of stacking lanes and walk-in customer access shall be a minimum of fifty (50) feet from any access connections and/or transaction windows. Said intersections shall be provided with a crosswalk. These crosswalks must be emphasized by enriched paving and striping and include warning signage aimed at both the pedestrian and vehicle.
- 6.13 Stacking lanes shall not enter or exit directly into a public right-of-way. Stacking lanes shall be integrated with the on-site circulation pattern.
- 6.14 Any outdoor service facilities (including menu boards, speakers, etc.) shall be a minimum of one hundred (100) feet from the property line of a residential use.
- 6.15 Menu boards shall be a maximum of thirty square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties.
- 6.16 A leveling area shall be provided having a minus one percent (-1%) grade for a distance of thirty (30) feet measured from the nearest exterior line of the intersecting street, to the point of vertical curvature.

Additional Standards (If not covered by the existing zoning by-law):

6.17 A sign permit may be granted only in accordance with the following requirements:

- a. No sign shall extend above the roof line of a building to which it is attached;
- b. Roof signs shall not be permitted;
- c. Flashing, shimmering and /or rotating lights shall not be permitted.
- d. All signs shall be limited to the identification of premises, their occupants or users, the placement or the business conducted therein.
- e. No sign shall be placed which prevents the driver of a vehicle from having a clear and unobstructed view of approaching or merging traffic.

6.18 The display of one (1) free standing sign pertaining to the use or uses of the premises with a total area of not more than sixteen (16) square feet in surface area per side. Said free standing sign shall be limited to two (2) sides and not exceed eighteen (18) feet in height. In addition one (1) wall sign with a total area not to exceed nine (9) square feet in surface area shall be allowed per business. Window signs or displays shall not exceed twenty-five (25%) of the total window area of the building.

6.19 Architectural details of new buildings and additions, textures of wall and roof materials, should be harmonious with the building's overall architectural style and should preserve and enhance the character of the surrounding area.

6.20 The mass, proportion and scale of the building, roof shape, roof pitch, and proportions and relationships between doors and windows should be harmonious among themselves and with those of the surrounding area.

6.21 Proposed buildings and structures shall be integrated as much as possible within the existing building locations, landscape and terrain. The building's location shall be orientated parallel or perpendicular to the street. Where the minimum setback cannot be maintained by the building, the applicant shall provide adequate spatial definitions through the use of walls, fences and or other elements, which will maintain the street line.

- 6.22 The design of proposed buildings, structures and additions shall complement, whenever feasible, the general setback, roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing buildings in the vicinity.
- 6.23 Exposed machinery, utility structures and areas for parking, loading, storage, service and disposal shall be screened from adjoining properties and streets.
- 6.24 When a drive-through is proposed on a property with an historic building, the architectural character defining exterior elements of historic building, shall be preserved. Signage should be compatible with the historic character of the building.



- 6.25 The luminaries/lighting fixtures shall be the shoe box type or decorative in nature (with interior directional shields), consistent with the architectural theme of the development. Flood and area lighting is unacceptable. All luminaries/lighting fixtures shall have a total cutoff of all light at less than ninety (90) degrees from vertical. The lighting fixture shall only be visible from below.
- 6.26 Reflectors of proper distribution shall be selected for maximum efficiency. Reflectors and shielding shall provide total cutoff of all light at the property lines of the parcel to be developed.

- 6.27 The luminaries/lighting fixtures shall not exceed 20 feet in height. The luminaries/lighting fixtures for sidewalks/paths shall not exceed 12 feet in height.
- 6.28 Where wall-pack type luminaries/lighting fixtures are utilized for outdoor lighting fixtures, the fixture shall be equipped with a prismatic lens to reduce glare. Wall-pack lighting shall be designed to a maximum cutoff of seventy (70) degrees from vertical. The location of the wall-pack on the structure shall not exceed 20 feet in height.
- 6.29 All luminaries/lighting fixtures shall be restricted to a maximum horizontal foot-candle level of 8.0 (initial), as measured directly below the fixture at grade.
- 6.30 The landscape shall be preserved in its natural state as much as possible by minimizing tree and soil removal. Abrupt grade changes shall be avoided. Grade changes shall avoid straight lines and bended into existing topography. All open space shall be landscaped with a variety of plant material and maintained accordingly.
- 6.31 The removal of surface water shall not adversely affect adjoining properties, streets or storm drainage systems nor obstruct circulation of vehicles and pedestrians. For parking areas serving new buildings or expansions to existing parking areas, the performance of surface drainage shall be based on standards set forth in the Subdivision Rules and Regulations.
- 6.32 The following minimum landscaped buffer shall be provided between the exterior lot lines and any paved areas (except across access connections):
 - a. Frontage along public ways..... fifteen (15) feet
 - b. Side and rear yards abutting residential property.....twenty (20) feet

7. Compliance:

- 7.1 No building permit shall be issued by the Building Inspector for any development subject to this section and no construction or site preparation shall be started, until a decision of the Planning Board approving a drive-through plan has been filed with the Town Clerk and a Special Permit has been issued by the SPGA.

7.2 An as-built, certified by a registered professional land surveyor or engineer shall be submitted to the SPGA and Building Inspector before the issuance of a permanent occupancy permit. The as-built plan shall attest to a development's conformity to its approved site/drive-through plan by indicating landscaping, buildings, drainage flow, number of parking stalls, and limits of parking areas and drives.

7.3 No permanent occupancy permit shall be issued for any building subject to this section unless such building and all its related facilities have been completed according to the approved site/drive-through plan. No permanent occupancy permit shall be issued for more than eighty percent (80%) of the structures or units within a multiple unit development unless the development has been completed according to the approved site/drive-through plan. No activity subject to drive-through plan approval shall be conducted on the site unless, in the opinion of the Building Inspector, the development or approved phase thereof has been substantially completed according to the approved site/drive-through plan, and unless the proposed activity was reviewed by the SPGA pursuant to the Drive-Through Plan Approval procedure.

7.4 Any changes in the approved site/drive-through plan, or in the activity to be conducted on the site shall be submitted to the SPGA for review and approval.

8. Appeals:

Any person aggrieved by a decision of the SPGA under Section 15 may appeal to the Superior Court, the Land Court or the District Court pursuant to Chapter 40A of the Massachusetts General Laws.

9. Invalidity:

The invalidity of any section, sentence or provision of this by-law shall not affect the validity of any other section, sentence or provision of this zoning by-law.

Article 2B: *To modify the existing Use Regulations or Table of Use by adding the following requirement. Depending on the community the location of this change may be in either the principal or accessory use section. The community may also choose to treat fast-food facilities differently from bank or other drive-through facilities.*

	<i>Different Zoning Districts</i>						
	<i>R1</i>	<i>R2</i>	<i>R3</i>	<i>CB</i>	<i>HB</i>	<i>VB</i>	<i>I</i>
Drive-Through Facilities (Fast-food)	P	P	P	SP	SP	P	P

- (Explanation) A = Allowed by right
 SP = Special Permit
 SPA = Site Plan Approval
 P = Prohibited

Note: The names of the Zoning Districts and way of identifying the status of use will vary by community. The boards/community needs to discuss the various zoning districts and whether drive-through facilities make sense in each particular district. For example some communities may want drive-through facilities only in Highway Business districts, while other communities may permit drive-through developments in both Highway Business and Central Business (downtown) districts.