

**USE REGULATION SCHEDULE<sup>1 2</sup>**

<b>Use</b>	<b>District</b>			
	<b>AR</b>	<b>B</b>	<b>C</b>	<b>MR</b>
<b>Agricultural Uses</b>				
Agriculture conducted on a parcel of five or more acres. See §125-7.	Y	Y	Y	Y
An accessory camp for seasonal farm labor, approved by the Board of Health. See §125-7A (1).	Y	Y	Y	Y
An accessory farm stand for sales of natural produce principally from the premises or from other premises that are part of the same principal agricultural use. See §125-7A (2).	Y	Y	Y	Y
Home farm. Agriculture conducted on a parcel of less than five acres in area, subject to the provisions of §125-20. See §125-7B.	Y	Y	Y	Y
<b>Residential Uses</b>				
Single residence use. On lots as they existed February 1, 1972. See §125-23.A (3)	Y	Y	N Y	N
A mobile home unit only as a temporary detached one-family dwelling. See §125-8A (2).	Y	Y	N	N
Renting of rooms or furnishing of board to non-transients in a dwelling by the resident family. See §125-8B (2). (Note: Applies only to detached one-family dwellings.) On lots as they existed February 1, 1972. See §125-23.A (3)	Y	Y	N Y	N
Multiple residence use. See §125-9. Includes a nursing or rest home but not a rooming house. See definition in §125-2.	N	N	N	Y
Conversion for multiple residence of pre-existing dwellings and their accessory barns. See §125-10.	ZBSP	ZBSP	ZBSP	N
Conversion of seasonal residence as a permitted year-round residence for which the lot is not conforming. See §125-11.	ZBSP	ZBSP	ZBSP	ZBSP

<sup>1</sup> Y: Use permitted by right; N: prohibited use; BSSP: Special permit issued by the Board of Selectmen; ZBSP: Special permit issued by the Zoning Board of Appeals; PBSP: Special permit issued by the Planning Board; SPA: Site plan approval issued by the Planning Board

<sup>2</sup> This table is for informational purposes only and is not part of the Harvard Protective Bylaw. Refer to the Bylaw for the official source.

Use	District			
	AR	B	C	MR
Accessory apartment. See §125-18.1	ZBSP	ZBSP	N	N
Affordable accessory apartment. See §125-18.2.	ZBSP	ZBSP	N	N
(In the C district only) Single Residence Use on lots as they existed February 1, 1972. See §125-23A (3). [Ed Note: By implication, residences built or modified after that date are nonconforming, and new single residence uses are prohibited.].	NA	NA	Y	NA
Mini Subdivision, to serve up to 3 lots. See §125-21.D (2) and §125-34. See also Type 5 lots, §125-29.G.	PBSP	PBSP	N	N
Open Space and Conservation - Planned Residential Development (OSC-PRD). See §125-21.D (3) and §125-35.	PBSP	PBSP	N	N
Shared (Common) Driveway, to serve up to 4 lots, of which no more than three shall be hammerhead or backland lots. See §125-31B.	PBSP	PBSP	PBSP	PBSP
Hammerhead Lot (Type 2 Lot) See §125-29A and §125-29D. Lot size greater than 4.5 acres Lot size between 2.5 and 4.5 acres – See §125-29D (1) (a)	PBSP	PBSP	PBSP	PBSP
Backland Lot (Type 4 Lot) See §125-29A and §125-29F. (Minimum lot size is 4.5 acres)	PBSP	PBSP	PBSP	PBSP
<b>Miscellaneous</b>				
The collection or open storage of junk or abandoned autos, the commercial raising of swine or fur animals, the manufacture or commercial storage of explosives, a fertilizer plant, a slaughterhouse, an airport, a heliport or a race track. See §125-20C.	N	N	N	N
Off-Site Uses: An off-site use, incidental to an activity being carried on as a matter of right (i.e., as a conforming use not requiring a special permit) at the primary site and not otherwise a permitted use at the proposed site. See §125-17 and §125-21C (1).	ZBSP	ZBSP	ZBSP	ZBSP
Golf course (not driving range, novelty or miniature). See §125-21D (1).	PBSP	PBSP	N	N
A nonresidential building proposed with a length of greater than 150 feet or greater than 10,000 square feet of gross floor area. See §125-37A (1).	PBSP	PBSP	PBSP	PBSP

Use	District			
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<b>Earthmoving</b> See §125-15.				
Removal of soil and stone from the premises or landfilling from off the premises if the gross amount removed is less than 2,000 cubic yards in total but not more than more than 15 cubic yards per year if the removal is from the site of, and incidental to, grading required for permitted construction of a structure, way or fire pond.	Y	Y	Y	Y
Soil removal other than above.	BSSP	BSSP	Y	BSSP
<b>Institutional Uses.</b> §125-16.				
A. Parks, conservation, water supply areas, or other open space.	Y	Y	Y	Y
B. Church or other religious purpose.	Y	Y	Y	Y
C. Educational purposes on land owned or leased by the Commonwealth or its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by a nonprofit educational corporation.	Y	Y	Y	Y
D. Town uses including: Way, as provided in §125-41I, Off-site signs on Town ways; Town library, Town museum, Town office or Town hall; or Town protective services.	Y	Y	Y	Y
Other use by the Town of Harvard.	BSSP	BSSP	BSSP	BSSP
E. Public service corporation with no service yard or garage.	ZBSP	ZBSP	ZBSP	ZBSP
F. Charitable institution, or a social and recreation club not including living quarters, tax exempt under the U.S. Internal Revenue Code.	ZBSP	ZBSP	ZBSP	ZBSP
G. Burial places or cemeteries on and under land owned by religious institutions, the Town or a cemetery corporation.	Y	Y	Y	Y
H. Museums, as defined in §125-2. See §125-16.H.	Y	Y	Y	Y

Use	District			
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<b>Municipal Exemptions and Exemptions from Zoning by MGL c. 40A §3</b>				
Alteration, repair, etc. to a non-conforming structure, and construction of new accessory structures, owned or leased by the Town of Harvard, for a library, Town Hall, police station or other use, located on a parcel within 2,500 feet of the intersection of Rt. 110/111 is exempt from all provisions of the Bylaw, except for § 125-39, Site Standards. See §125-3C (3).	Y	Y	Y	Y
Note: Relief from <u>dimensional</u> requirements exists for municipal uses within 2,500 feet of the Route 110/111 intersection. §125-30B allows a greater floor area ratio, 20%, than the 10% otherwise required. §125-30E (4) allows a reduced front setback, 75 feet, than the 125-foot front setback otherwise required. §125-37A (2) (a) exempts institutional uses by the Town from the Major Building requirement.				
MGL c. 40A §3 exempts educational, religious and child care uses from zoning regulation, except for those provisions concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements, unless the applicant shows that such provisions are unreasonable and unrelated to a legitimate municipal concern, and that such provisions substantially detract or diminish the applicant's ability to conduct the exempt use. See §125-38A (3).	SPA	SPA	SPA	SPA
<b>Telecommunications</b>				
Wireless communications equipment in any permanent structure existing prior to June 1, 1999. See §125-21D (4).	PBSP	PBSP	N	N
Wireless communications towers.	PBSP in Wireless Communications Towers Overlay District			
An amateur radio tower, a tower erected for educational or religious purposes, a tower erected to serve communication between farm vehicles and/or farm units, or a tower or antenna erected by the Town of Harvard for municipal public safety communications purposes See §125-27I.	Y	Y	Y	Y
<b>Communal Disposal</b>				
Communal or central sewage or wastewater disposal or treatment plants or systems constructed, owned, operated, monitored, maintained, repaired, and replaced by the Town. See §125-32D.	Y	Y	Y	Y

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Privately constructed or privately owned, operated, or maintained communal sewage or wastewater disposal or treatment systems, facilities, or plants serving two or more main buildings for commercial or residential use. See §125-32D (1).	N	N	N	N
Privately owned and maintained on-site sewage disposal or treatment systems to serve buildings and lots in an ARV-SP development, if maintained and operated by an owner, notwithstanding the provisions of §125-32D of this Bylaw. See §125-52E.	Permitted in an Ayer Road Village Special Permit			
Privately owned and maintained on-site sewage disposal or treatment systems may be approved to serve buildings and lots in an OSC-PRD, if owned, maintained, operated, and monitored by a residents association. See §125-35N (2).	Permitted in an Open Space Conservation – Planned Residential Development			
<b>§125-53 Large-Scale Ground-Mounted Solar Photovoltaic Facilities Overlay District §125-53</b>	Applies to the following lots: Map 17A, Parcel 14, and Map 4, Parcels 25 and 27			
Ground-mounted solar photovoltaic facilities (SPFs) with a nameplate capacity of 250 kW DC or greater.	Y			
<b>Permitted Uses in B District §125-22</b>				
Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, a florist's, gift, stationery, or antiques shop, a photographer's studio.	NA	Y	NA	NA
Personal service establishment such as a barbershop or beauty parlor, collection agency for utilities, pickup for laundry or dry cleaning	NA	Y	NA	NA
Indoor eating establishment	NA	Y	NA	NA
Bank or similar financial institution	NA	Y	NA	NA
Real estate, professional, or similar offices	NA	Y	NA	NA
<b>Small Scale Commercial Uses §125-12</b>				
A. Legal, accounting, consulting, architectural, engineering, surveying, real estate, insurance or similar professional office	N	N	Y	N
B. Offices for agents for industrial, distributing, and wholesale companies	N	N	Y	N

Use	District			
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C. Travel agency or office	N	N	Y	N
D. Secretarial services; telephone answering service	N	N	Y	N
E. Photocopying service	N	N	Y	N
F. Photo studio; artist's, craftsman's, locksmith's, or other artisan's studio	N	N	Y	N
G. Florist, gift, stationery, or antiques shop	N	N	Y	N
H. Repair and alteration of wearing apparel and accessories	N	N	Y	N
I. Repair shop for musical instruments	N	N	Y	N
<b>Medium-scale commercial uses §125-13</b>				
A. Medical or dental office	N	N	Y	N
B. Automated teller machine	N	N	Y	N
C. Barber or beauty shop	N	N	Y	N
D. Repair of household furnishings, including appliances and upholstery	N	N	Y	N
E. Repair and rental of non-motorized bicycles	N	N	Y	N
F. An inn or bed-and-breakfast establishment (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N
G. Collection agency for utilities; pickup for laundry or dry cleaning	N	N	Y	N
H. Nursery school, kindergarten, or day-care center for preschool children	N	N	Y	N
I. Sales and service for outboard motors, lawn mowers, snow-throwers, garden tractors, snowmobiles, and similar small engine equipment for off-street use only and not including rental for drive-away operation	N	N	Y	N

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J. Store, showroom, salesroom for the conduct of retail business, including a grocery, hardware, clothing, drug, or general store, not including auto sales, which uses shall not exceed 15,000 square feet of gross floor area of building space	N	N	Y	N
K. Sales and distribution of medical supplies and equipment, but not storage of toxic or virulent substances	N	N	Y	N
L. Catering service, delicatessen or other food market or a permitted eating establishment	N	N	Y	N
M. Laboratory for engineering, research, experimental, or testing activities (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N
N. Accessory farm stand for sales of natural produce	N	N	Y	N
O. Bank or equivalent financial institution, or automated teller facility	N	N	Y	N
P. Eating establishment not furnishing mechanical or live entertainment Eating establishments with live musical entertainment (Note: §125-23B (1) requires a special permit for this use in the C district.)	N N	N N	Y PBSP	N N
Q. Broadcast station, newspaper, publishing, printing	N	N	Y	N
R. Commercial entertainment and recreation: daylight hours only; golf, swimming, tennis, or similar sports, but not a golf driving range (Note: See Large Scale Commercial Uses, §125-14D.)	N	N	Y	N
S. Shops and sales of supplies for plumbing, electrical, carpentry, cabinetmaking, plastering, masonry, glass, and similar work (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N
T. Landscaping services involving equipment parking (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N
U. Kennel and/or veterinary services (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N
V. Mortuary (Note: §125-23B (1) requires a special permit for this use in the C district.)	N	N	PBSP	N

Use	District			
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W. Nursing home; extended or intermediate-care facility licensed or approved to provide full-time convalescent or chronic care	N	N	Y	N
X. Mobile storage, transfer, and distribution of fuel and petroleum products, not to exceed 5,000 gallons	N	N	Y	N
Y. Warehousing and storage of common household goods, personal property, office equipment supplies and records, inventory and equipment owned by a municipality or any type of business allowed under §125-12, Small-scale commercial uses, and this §125-13, Medium-scale commercial uses. Stored/warehoused motorized vehicles and equipment shall contain no more than 3/4 of a tank of petroleum-based fuel per vehicle or piece of equipment, and while stored/warehoused shall remain disconnected from all electrical sources, including batteries. All propane tanks/cylinders not physically mounted on, or in, a stored/warehoused vehicle/piece of equipment shall be stored in one securely caged location per building. However, the following uses are specifically prohibited: warehousing or storage of toxic or virulent materials, hazardous or medical wastes, and self-storage facilities.	N	N	Y	N
Z. Mixed-use village development (MUVd). See §125-13 Z. (1) Multifamily residential use, where such use is integrated with a commercial use constituting 30% or more of the proposed development or total gross floor area. (2) Grocery store greater than 15,000 square feet of gross floor area, subject to the issuance of an Ayer Road Village Special Permit, §125-52 (3) Eating establishments with live musical entertainment (4) Small screen arts theatre with not more than one screen	N	N	PBSP	N
AA. Assisted Living Facility, in an ARV-SP only. See §125-52.I.	N	N	PBSP	N
<b>Large-Scale Commercial Uses §125-14</b>				
A. Commercial greenhouse	N	N	PBSP	N
B. Light manufacturing in which no more than 12 persons are engaged at any one time in forming, assembly, processing, and similar actual manufacturing operations, and in which all raw materials and finished products are stored inside the structure	N	N	PBSP	N
C. Machine, welding, brazing or similar shop	N	N	PBSP	N



Use	District			
	AR	B	C	MR
D. Commercial entertainment and recreation: indoor with sound isolation from other premises; bowling alley, skating rink, theater, swimming pool, racquet sports, fitness center (Note: See Medium Scale Commercial Uses, §125-13R.)	N	N	PBSP	N
E. Farm machinery sales and service.	N	N	PBSP	N
F. Auto repair garage or body shop; sales of auto accessories with installation on the premises. For purposes of this subsection "auto" includes cars, trucks up to 7,500 pounds gross vehicle weight, buses, motorcycles, and other vehicles for on-street use. [Ed. Note: §125-23.B (2) prohibits auto body shops.]	N	N	PBSP excluding auto body shop	N
G. Medical Marijuana Treatment Center. See §125-14G.	N	N	SP	N
H. Adult Entertainment. See §125-14H.	N	N	SP	N
Ayer Road Village Special Permit (ARVSP) §125-52 (Ed. Note: An ARVSP allows mixed use village development (MUV) pursuant to §125-13Z, Medium Scale Commercial Uses.)	N	N	PBSP	N
<b>Accessory Uses</b>				
Driveway with a centerline length exceeding 300 feet. See §125-31.	SPA	SPA	SPA	SPA
Home occupations, but not including retail or wholesale trade or showroom on the premises, conducted in a dwelling or building accessory thereto by the resident family. See §125-9B-1.	Y	Y	Y	Y
Renting of rooms or furnishing of board to non-transients in a dwelling by the resident family. §125-8B (2)	Y	Y	Y	Y
Access for the physically handicapped - Addition for ramp or elevator to an existing public building where the addition produces or increases a dimensional violation. See §125-5.	ZBSP	ZBSP	ZBSP	ZBSP
Drive-through facilities, only if accessory to banks or financial institutions or pharmacies. See §125-20E.	PBSP	PBSP	PBSP	PBSP