



Town of Huntington

Town Clerk

24 Russell Rd., PO Box 453

Huntington, MA 01050

Phone: (413) 512-5209 / email: townclerk@huntingma.us

CHECKLIST FOR OPENING A BUSINESS IN HUNTINGTON, MA

A Business Certificate is not a License to Operate a Business in Huntington. Before opening a business in Town, it is your responsibility to contact the following boards to ask if you need to meet with them in order to make sure that your business will comply with all local regulations:

1. Town Clerk (413) 512-5209
2. Planning Board and Zoning Board (413) 512-5214
3. Board of Health (413) 512-5211
4. Fire Department (413) 512-5212
5. Building Commissioner (413) 512-5210
6. Board of Selectmen (413) 512-5200
7. Conservation Commission (413) 512-5214
8. Police Department (413) 512-5213
9. Historical Commission (413) 667-3453
10. Water & Sewer Department (413) 512-5207

The Town Clerk must issue a Business Certificate per MGL 110:5 prior to any business being conducted. Prior to business being conducted, the other boards must also be contacted regarding any other permits or inspections that may be required and such required permits and inspections must be completed.

If you have any questions regarding this process, please contact the Town Clerk at the phone number or email above during regular business hours:

Monday and Wednesday 6-8 pm

Best of luck,

Linda Hamlin
Town Clerk

FILING A BUSINESS CERTIFICATE

A Business Certificate is also known as a “DBA” (Doing Business As).

WHO MUST FILE?

- 1) Any person, whether individually or as a partnership, conducting business under any title other than the complete legal name(s) of the owner(s).
- 2) Any corporation doing business in a name other than its corporate name. The certificate must be completed and filed by an officer of the corporation.

WHERE DOES ONE FILE?

File with the office of the Town or City Clerk in every city or town where an office of said business may be situated. If you file via mail, the Certificate must previously be notarized by a Notary. If you file in person, you do not need to see a Notary, as the Town Clerk will witness your signature. Please bring your Driver’s License for proof of your identity.

WHAT ABOUT A CHANGE?

Upon discontinuing, retiring, or withdrawing from such business, or in the case of a change of residence of principal, or of the location where the business is conducted, a form must be filed with the office of the Town Clerk.

DOES A BUSINESS CERTIFICATE EXPIRE?

A business certificate is in full force and effect for four (4) years from the date of issue in MA. A new filing must be made every four years as long as the business is being conducted.

DOES THE CERTIFICATE HAVE TO BE DISPLAYED?

No. However, you must provide a copy upon request.

PENALTIES

Violations of these provisions shall be subject to a fine of not more than three hundred (\$300.00) dollars for each month during which said violation continues.

FEES

Business Certificate Filing (Each municipality may be different)	\$ 15.00
Withdrawal, Discontinuance, Change, Etc.	\$ 7.00

FILING

Complete the upper portion of the form *with the exception of any dates and your signature*. You must sign the form in the presence of a **Notary Public OR the Town Clerk**. You do not need to sign in front of both. Mail or deliver the certificate, with a check for \$15 payable to Town of Huntington, to:

Town Clerk, PO Box 453, Huntington, MA 01050

If you would like your certificate mailed to you, you **must** include a self-addressed stamped envelope. The Town Clerk now has a black dropbox at the back of Town Hall which you may use to submit your materials.

Above from MGL Chapter 110, Section 5 (Also in this packet)

Some Instructions for filling out a Business Certificate Form

- Please fill out everything between "In conformity with the provisions..." and "The Commonwealth Of Massachusetts" section ***BUT do not sign on the signature line.*** Your signature must be witnessed by either the Town Clerk or a Notary (with your photo ID).
- Please ***DO NOT fill out ANY dates or anything in the "The Commonwealth Of Massachusetts" section.*** The Town Clerk needs to fill those out when the License has been approved. An exception would be if a Notary witnessed your signature, because you are not appearing in person in front of the Clerk. In that instance, the Notary would fill out the appropriate piece of "The Commonwealth Of Massachusetts" section. If you use a Notary, ***make sure that they do not use the "Town Seal" space for their Seal!***
- The form cannot be mailed in, unless you are having a Notary Public witness your signature, as the Town Clerk has to witness you signing the certificate. Please bring your Driver's License along. If you provide a check for \$15 made out to Town of Huntington, and a **self-addressed stamped envelope (SASE)**, the Clerk can mail the completed certificate back to you if that is more convenient. If you provide a Notarized Certificate, your check for \$15 (made out to Town of Huntington) and a SASE, you may mail, or put your materials in the Town Clerk's black dropbox, to process.
- The Town Clerk cannot mail back the completed form until receiving approval from the Treasurer (who confirms that all taxes owed to the Town are paid up to date.) That can take anywhere from two days to two weeks, so please plan accordingly.

Business Certificate

*The Commonwealth of Massachusetts
Town of Huntington*

20

Expires

In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of

is conducted at

in Huntington

by the following named person

Full Name

Signed:

Please fill out all
data between
"In conformity with..."
and
"the Commonwealth...
Hampshire County"
DO NOT FILL
IN ANY DATES!

Personally appeared before me the above-named
and made oath that the foregoing statement is true. This certificate shall be in force for four years from the date certified and shall be renewed every
four years so long as such business is conducted and shall lapse and be void unless so renewed. A statement under oath must be filed with the
Town Clerk upon discontinuing, retiring, or withdrawing from such business.

Notary Public

My commission expires:

OR

Town Clerk

Town Clerk

20

Date Certified

Town Seal

110:5 Certificates of persons conducting businesses; contents; filing; fees; index.

Section 5. Any person conducting business in the commonwealth under any title other than the real name of the person conducting the business, whether individually or as a partnership, shall file in the office of the clerk of every city or town where an office of any such person or partnership may be situated a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title under which, it is conducted, and pay the fee as provided by clause (20) of section thirty-four of chapter two hundred and sixty-two. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each such person in the presence of the city or town clerk or a person designated by him or in the presence of a person authorized to take oaths. The city or town clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, the clerk shall enter a notation of that fact on the face of the certificate. A person who has filed such a certificate shall, upon his discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or of the location where the business is conducted, file in the office of said clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership or of such change of his residence or change of the location of such business, and pay the fee required by clause (21) of said section thirty-four. In the case death of such a person, such statement may be filed by the executor or administrator of his estate. The clerk shall keep a suitable index of all certificates so filed with him which are currently in force and effect, setting forth the pertinent facts, including a reference to any statement of discontinuance retirement or withdrawal from, or change of location of, such business, or change of residence of such person. A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours, to any person who has purchased goods or services from such business. Violations of this section shall be punished by a fine of not more than three hundred dollars for each month during which such violation continues.

ZONING BY-LAWS OF THE TOWN OF HUNTINGTON

EXCERPTS ONLY-SEE FULL TEXT OF BYLAW BEFORE DETERMINING APPLICABILITY

SECTION I. GENERAL

A. Authority

Under authority granted by the Zoning Act, Massachusetts General Laws Chapter 40A, as amended (MGL 40A), the Town of Huntington hereby adopts this by-law, called the Zoning By-Law of the Town of Huntington.

B. Purpose

The purpose of the Zoning By-Law is to regulate the dimensions and uses of buildings, structures, and land within the Town of Huntington in a manner appropriate to the character of the Town and its various areas and activities, in order to provide for the general welfare, conserve, protect, and enhance the natural and cultural resources of the Town and the health and safety of its inhabitants, insure an adequate supply of light and air, and protect against the hazards of fire and flood.

C. Reference

For matters not covered by this By-Law, reference is made to Chapter 40A and Chapter 40, Section 32 of the Massachusetts General Laws and to such other State laws as may apply. Quotations, paraphrases, and summaries drawn from the General Laws have been placed within brackets: [...]. They are included for the convenience of those consulting this By-Law and are not officially a part thereof.

D. Application

No land shall be occupied or used, no lot dimensions, areas, or boundaries shall be altered, moved, or used, except as provided in this By-Law and other legally binding regulations, including the Mass. Building Code, Health Act, Wetlands Act, and the

By-Laws and other rules and regulations of the Town of Huntington. (2/11/87)

E. Mandated Provisions

This By-Law shall be deemed to include all provisions mandated by MGL 40A and other State laws.

F. Abbreviations and Definitions

ABBREVIATIONS:

MGL:	The Massachusetts General Laws currently in force, as amended.
MGL 40A:	MGL, Chapter 40A (The Zoning Act).
PGA:	Permit Granting Authority (usually the ZBA).
SPGA:	Special permit granting authority (usually the ZBA: see Sect. VA3.)
ZBA:	The Zoning Board of Appeals, Town of Huntington.
ZEO:	The Zoning Enforcement Officer, Town of Huntington.

DEFINITIONS

In this By-Law, the singular shall include the plural and the plural shall include the singular. Terms not defined in this section shall be defined as in the State Building Code, Article 2, as amended, or, if they are not defined there, they shall be defined as in the (Merriam) Webster's Third New International Dictionary.

Accessory building or structure: Any building or structure whose use is subordinate or incidental to the use of another building or structure on the same lot.

Accessory family dwelling unit: A minimal second dwelling unit created from and contained within a single family structure, which is owner-occupied and which maintains the outward appearance of a single family dwelling.(Added May 3, 2004)

Agriculture: The raising or production of plants or plant products (including horticulture, grape raising, forestry) and/or the raising or keeping of animals primarily for food, and the keeping and use of animals for such activities.

Animal husbandry: The raising or keeping of animals other than personal pets.

Aquifer; Hazardous material; Impervious surfaces; Leachable materials; Primary aquifer recharge areas; Secondary recharge areas: See Zoning Map, Aquifer Protection District.

Building: A structure with exterior walls and a roof, designed for the shelter of persons, animals, or property.

Building lot: A legal building lot, shall have the minimum frontage and dimensional requirements shown in “Appendix A: Table of Dimensional Requirements” of the Town of Huntington Zoning Bylaw for the Zoning District in which the lot is located. In the event there is a conflict between this definition and any other definition in any local regulations, the building lot definition in the Town of Huntington Subdivision Rules and Regulations shall supersede all others. (Adopted 6/1/2015)

Common driveway: A private way which serves as a common vehicular access to two (2) residential lots. No driveway or portion of a driveway’s length may be used as frontage to satisfy the requirements of Huntington’s Zoning By-Law. (Adopted ATM 5/02/2005)

Condominium: A multi-family house or houses in which the dwelling units are individually owned.

Driveway: A portion of a lot which is prepared for vehicular traffic and which provides access from a street to or towards a structure on a lot. (Adopted 5/02/1988)

Dwelling unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Frontage: The maximum continuous extent of a lot line along one approved, existing, constructed street. That street shall, in the opinion of the Permit Granting Authority, have sufficient width, suitable grades, and adequate construction for vehicular traffic in relation to the proposed uses of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected, or to be erected thereon. The frontage shall provide practical access to the buildable portion of each lot by connecting to the required frontage by a strip of land not narrower than the required frontage at any point, measured from that point to the nearest point of the opposite sideline. Frontage requirements shall be as shown in “Appendix A: Table of Dimensional Requirements” of the Town of Huntington Zoning Bylaw. In the event that there is a conflict between this and any other frontage definition in local regulation, the frontage definition in the Town of Huntington Subdivision Rules and Regulations shall supersede all others. (Adopted 05/01/2006, 6/1/2015)

Home occupation: The pursuit of an occupation on a lot by a resident of the lot. (Adopted 5/11/96)

House: A permanent building containing one or more dwelling units.

House, multi-family: A house containing more than two dwelling units.

House, single-family: A house containing one dwelling unit with not more than three lodgers or boarders.

House, two-family: A house containing two dwelling units with not more than three lodgers or boarders per dwelling unit.

House, boarding house or tourist house: A dwelling unit arranged or used for lodging, with or without meals, by more than three lodgers or boarders.

Junkyard: Storage in the open of used items offered for sale. Also any lot with more than three unregistered and ungaraged automotive vehicles or parts thereof, except that open storage for sale of unregistered automotive vehicles by a licensed dealership is not a junkyard.

Kennel: The raising or keeping of more than three dogs on a lot.

Lot: A measured parcel of land having fixed boundaries and designated on a plot or survey, all as described in a current deed of record, including all conveyances of record thereto. (A conveyance is a deed transferring land from one lot to another.)

Lot line: A line dividing one lot from another, or from a street or public place.

Lot front line: (See also “Frontage” or “Street frontage”) the portion or portions of a lot line that lie on the line of a street. (2/11/87)

Lot side line: That portion of a lot line or lines which is not a lot front line. Includes lot rear line.

Manufacture: The production for sale of articles by standardized methods, primarily by means of stationary or self actuated power driven machinery.

Manufactured home: With the definition as per M.G.L. Chapter 140, section 32Q which reads “a structure, built in conformance to the National Manufactured Home Construction and Safety Standards Act, [HUD Standards: CFR 3280] which is transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein and in conformance with MA state fire code. (Amended 5/03/1999)

Manufacture, small scale: Manufacture in which total production and assembly space is no more than 2,000 square feet.

Public way: A right-of-way that has been established by public authority as a Town or County Road, or State or Interstate Highway. (5/11/96)

Residence: A lot containing a house or manufactured home.

Riverbank: The upper bank boundary, defined as the mean annual flood level or the first observable break in the slope, whichever is lower, as specified in 310 CMR 10.5(2) (a & c).

Road: A right of way which has been prepared for vehicular traffic.

Satellite receiving system (includes dish antenna): An apparatus capable of receiving signals from a transmitter or transmitter relay located in planetary orbit.

Stable: Raising or keeping more than two horses on a lot for other than agricultural use.

Street: A road which is certified by the Town Clerk as a public way or which has been constructed as shown on an approved definitive plan of subdivision.

Street frontage: See "Frontage"

Structure: A combination of materials assembled at a fixed location to give support or shelter, such as a building, framework, retaining wall, tent, reviewing stand, platform, bin, fence, sign, flagpole, antenna mast, satellite receiving system, swimming pool, windmill, dam, or the like, including a part or parts thereof.

Use, accessory: A use which is subordinate or incidental to another use on the same lot.

Use, occasional: A use on a lot which is carried on no more than fourteen consecutive days and no more than thirty of days in all in any one year.

Use, principal: A use on a lot which is not accessory and is more than occasional. Where not otherwise indicated, the term 'use' in this By-Law shall mean 'principal use and uses accessory thereto'.

Use, variety: Two or more business uses combined in an integrated operation, e.g., grocery plus package store plus gasoline service. Possibly includes residential use by owners or proprietors.

Uses, compatible: Two or more uses on a lot such that no use interferes with, detracts from, or is inappropriate to any other use.

Uses, complimentary: Two or more uses on a lot which enhance each other or which fit together harmoniously and in such a way as to make it natural and appropriate that they be carried out on the same lot.

SECTION II. ZONING DISTRICTS

A. Types of Districts

The Town of Huntington is hereby divided into the following districts for the purposes of this By-Law: Residence 25, Residence 45, Residence 90, Residence 135, Business, Central Business, Industrial, Conservation, Aquifer Protection (5/17/86), Floodplain (5/9/88).

B. Location of Districts

The location and boundaries of the zoning districts are shown on the Zoning Map of Huntington, dated May 1985 (as amended 5/17/86 and 5/22/88), which shall be on file in the Office of the Town Clerk. The Zoning Map, with explanatory matter thereon, is hereby made part of this By-Law.

C. Interpretation of District Boundaries

1. For the purposes of determining district boundaries, the line of a right of way, street, railroad, or watercourse shall be the centerline.
2. District boundaries shown approximately parallel to the line of a right of way, street, railroad, waterway, or Town line shall be deemed parallel to said line at the distance indicated on the Zoning Map.
3. District boundaries which are defined by existing property or lot lines shall be fixed as of the date of their adoption, and unaffected by subsequent changes in such lines.

SECTION III. DIMENSIONAL REQUIREMENTS

A. General

1. Obstructions: No trees, fences, or other obstructions are allowed within street lines except mail and newspaper boxes.
2. Corner Clearance: Where street lines meet at an angle of less than 135° the intersection shall be kept clear to a distance of at least ten feet of anything which might impede the visibility of approaching vehicles.
3. Coverage Limit: Except for the central business district, no more than 25% of the area of a lot may be occupied by structures.
4. Setbacks: Setback requirements apply to swimming pools and all structures more than three feet high

which are installed for more than thirty days in any one year, except for mail and newspaper boxes, flagpoles, lawn ornaments, lampposts, permitted signs, fences, and walls. In residential districts, fences and walls more than four feet high must have a front setback of at least ten feet.

5. Application: Except as provided in III A 4 above and in Section IV U below, dimensional requirements apply to all buildings and structures.

B. District Requirements (see Appendix A) (Numbering changed 5/13/1995)

1. The dimensional requirements for uses and structures in each district shall be as shown on Appendix A, except as otherwise provided in this Section.
2. Special permit for conversion of a single-family house to a two-family house on lots which do not meet dimensional requirements for two-family houses may be granted, provided that:
 - a. The house has been in existence, and has contained at least eight rooms ever since January 1, 1930,
 - b. The lot, in its present dimensions, has been in existence ever since June 30, 1974, and
 - c. The general requirements set forth in Section V B are met.

SECTION IV: USE REGULATIONS

See also Aquifer Protection District (Sec. IV L) Floodplain District (Sec. IVM), and River Protection District (Sec. IV P).

SECTION IV A: GENERAL

The following four categories are permitted in all districts.

IV A 1a Uses exempted from zoning regulations by MGL 40A, Sec. 3 and other State laws, to the extent of such exemption. Includes many agricultural, educational, public and religious uses.

IV A 1b Public uses under the authority of the Town of Huntington.

IV A 1c Non-commercial outdoor recreational uses.

IV A 1d Agricultural uses other than animal husbandry. (For which see S. IV G) Includes sale of agricultural goods the majority of which have been produced on premises by such uses.

The following three categories require special permit in all districts.

IV A 2a Any structure not a building (see definitions) and more than 25 feet high. For example: flagpole, antenna, wind mill.

IV A 2b Accessory scientific uses, as provided in MGL 40A, Sec.9.

IV A 2c Marijuana Establishments and Registered Marijuana Dispensaries (Medical Marijuana Treatment Centers [RMDs]). (Added 6/3/19)

The following two categories are prohibited in all districts.

IV A 3a Junkyard, commercial racetrack, radioactive waste disposal site, manufactured home park.

IV A 3b Any use which results in the production of noises, odors, or emissions which are unsuitable or inappropriate to the neighborhood.

SECTION IV B: RESIDENTIAL USES

All residential uses require two off-street parking spaces per dwelling unit except in the Central Business District, for which see Sec. IV F.

IV B 1a One single-family house. Permitted in all districts.

IV B 1b One two-family house. Requires special permit in all districts.

IV B 1c Multi-family house(s): for example, apartment building(s), condominium. Requires special permit in all districts.

IV B 1d Manufactured home. Requires special permit in residential districts. Prohibited elsewhere. Manufactured home installations must meet State health and building code standards as to sanitary facilities and permanent foundation (Includes so-called "tiny homes"). (Amended May 3, 1999; June 3, 2019) [MGL 40A Sec. 3 provides that the building inspector shall on request issue a temporary permit of no more than one year for a manufactured home to the owner of a residence which has been destroyed by fire or other disaster.]

IV B 1e Accessory Family Dwelling Unit: requires special permit in all districts. (See Sec. IV S) (Added May 3, 2004)

SECTION IV C: NON-RESIDENTIAL USES ON RESIDENTIAL LOTS

Category 1: No effect on the residential character of the neighborhood. The following two uses are permitted in all residences, provided conditions are met.

IV C 1a Any customary home occupation.

IV C 1b Pursuit of an occupation which is mainly carried on elsewhere.

Conditions for the above two uses:

- 1) No exterior indication of use, customers or clients may be received no more than occasionally. (See definition of occasional use.) (5/11/96)
- 2) No more than three non-residential vehicles may be parked regularly on the lot.
- 3) Employment of non-residents (2 maximum) shall not exceed a total of 35 hours a week.
- 4) All work and storage, including regular parking of non-residential vehicles, must be conducted within a building.

Category 2: Slight effect on the residential character of the neighborhood.

IV C 2a Renting space to lodgers, boarders, or tourists. Permitted in single and two-family houses only.

Conditions: No separate cooking facilities. No more than three persons accommodated per dwelling unit. One extra parking space for each room offered for rent. No non-resident employees. Sign permitted (see IV I).

IV C 2b Sale of foodstuffs cooked, baked, or otherwise prepared on premises for off-premises consumption.

Permitted on single-family residential lots only. See conditions below.

IV C 2c Professional services, except barbershop, beauty shop, medical or health services, veterinarian. Includes attorney broker, architect, consultant, computer services, and the like. Permitted on single-family residential lots only. See conditions below.

IV C 2d Dressmaker; alteration, maintenance, or renovation of consumer goods, for example upholstery, furniture refinishing; repair of appliances, including lawnmowers, chainsaws, and snowblowers. Permitted on single family residential lots only. See conditions below.

Conditions for the above three uses (IV C 2b, 2c, & 2d).

- 1) No more than three non-residential vehicles may be parked regularly on the lot.
- 2) Employment of non-residents (2 maximum) shall not exceed a total of 35 hrs/wk.
- 3) No exterior indication of use except for permitted sign. (see IV I).
- 4) No exterior display of merchandise.
- 5) Two extra parking spaces shall be provided, plus a third extra space if there is employment of non-resident(s).
- 6) All work and storage, including regular parking of non-residential vehicles, must be conducted within a building.

Category 3: Moderate effect on the residential character of the neighborhood. The following four uses require special permit in all districts and are restricted to single family residential lots only. See below for conditions.

IV C 3a Gift shop, antique shop, bookstore, art gallery.

IV C 3b Medical or health services, barber shop, beauty shop, veterinarian, day care center.

IV C 3c Sale of handicraft items or fine art produced or restored on the premises by residents. For example, woodwork, metal work, leatherwork, clothwork, jewelry, pottery, ceramics, and furniture, but not manufactured items.

IV C 3d Professional services which employ non-residents.

Conditions for the above four uses:

- 1) No exterior indication of use except for permitted sign. (see IV I).
- 2) No more than two full time (or equivalent part time) non-resident employees. Three extra parking spaces, plus one for each full-time (or equivalent part time) employee, unless otherwise provided by the SPGA.
- 3) All work and storage, including regular parking of non-residential vehicles, must be conducted

within a building.

4) Required findings for special permit (in addition to those set forth elsewhere): The non-residential use must be complementary to the residential use and not inappropriate to the neighborhood. In making its findings, the SPGA shall take into account the size, character, and number of buildings to be employed in the proposed use, or if within a residence the amount of space to be used; the nature of the goods or services sold or offered; the suitability of the use for the neighborhood; the intensity of the use in relation to that generally prevailing in the neighborhood; and the availability of adequate off-street parking (may be waived in the Central Business District.)

SECTION IV D: NON-RESIDENTIAL USES ON LOTS NOT ALSO USED FOR RESIDENCE

For the four following categories, if there are three (3) or less full-time (or equivalent part time) employees, special permit is required in residential districts and the use is permitted without special permit in all other districts. A special permit is required in all districts if there are four (4) or more full-time (or equivalent part-time) employees. See Sect. IV H for off-street parking requirements and IV I for permitted signs. (ATM 05/01/2006)

IV D 1a Any office, retail business, trade, bank, or non-professional service establishment except those covered under IV D 3d, 3e, 3f, & 3g.

IV D 1b Any professional service, including but not limited to medical and health offices, barber or beauty shop, veterinarian, attorney, broker, architect, consultant, computer services.

IV D 1c Dressmaker, repair, alteration, maintenance or renovation of consumer goods, including but not limited to furniture refinishing, upholstery, repair of appliances including lawnmowers, chainsaws, and snow blowers.

IV D 1d Production or restoration, for on or off premises, sale, of handicraft or art items, including but not limited to wood work, metalwork, clothwork, jewelry-work, pottery, ceramics, handcrafted furniture. Does not include manufactured items.

IV D 1e Commercial telephone facility.

For the five following categories, special permit is required in all districts. See Sec. IV H for off-street parking requirements and IV I for permitted signs.

IV D 2a Restaurant, motel, inn, resort, hotel, cafe, bar, boarding house. These uses may be combined with single-family residential use by owners or employees, via special permit. A required finding for such permit (in addition to those under V B) is that the uses would be complementary. Special permit under this category shall contain provisions for adequate off-street parking (may be waived for central business district.)

IV D 2b Utility use except telephone; power facility except hydroelectric; railroad or bus station.

IV D 2c Schools (including nursery) not exempted under IV A 1a; day care center retirement home, medical or health care facility such as hospital, sanitarium, clinic, nursing home.

IV D 2d Camp for children or adults, camping area, cemetery, marina, zoo, any outdoor recreational or amusement facility which charges a fee for admission or use.

IV D 2e Private club or association, place of assembly, any indoor amusement, recreational, or educational facility not exempt under IV A 1a.

For the following category, the use is prohibited in residential districts, permitted in business and industrial districts, and requires special permit in the central business district.

IV D 3a Production for on or off premises sale of items other than handicraft, fine arts, or manufacturing, with no more than four full-time (or equivalent part time) employees.

The following categories are prohibited in residential districts and require special permit elsewhere.

IV D 3b Same as IV D 3a, but with more than four full-time (or equivalent part time) employees.

IV D 3c Small scale manufacturing (see definitions).

IV D 3d Any automotive sales, service, or repair. Includes body shop, sales, service or repair of trucks, tractors, motorcycles, trail bikes, snowmobiles, powerboats, and outboard motors.

IV D 3e Sales, service, or repair of firearms, ammunition, or explosives.

IV D 3f Variety use (see definitions). The special permit shall state explicitly which uses are allowed without further special permit. The provisions of IV E and V B shall apply.

IV D 3g Multiple non-residential use with more than one proprietor or tenant on a lot, e.g. office building, shopping center. The special permit shall state explicitly the uses and categories of uses and the maximum number of uses allowed without further special permit. The special permit may provide for a combination of residential and non-residential uses: for example an apartment building with a storefront on the ground floor. Uses under this category which are exempted under MGL 40A, Sec. 6 (preexisting non-conforming uses) nevertheless require special permit for substantial extension or alteration of use, for example an increased number or units or uses, or initiating a use, which ordinarily require special permit.

IV D 3h Lumber yard. Sale of feed or fuel. (amended 5/13/1995)

The following four categories require special permit in industrial districts and are prohibited in all other districts. A required condition is that there shall be no adverse effect on existing or expectable uses on adjacent lots.

IV D 4a Any manufacturing, warehouse, or service use not covered under IV D 3a-3h or prohibited elsewhere in this By-Law. Includes processing, fabrication, assembly and storage. A required condition is that there shall be no adverse effect on existing or expectable uses on adjacent lots.

IV D 4b Permanent sawmill. A required condition is that there shall be no adverse effect on existing or expected uses on adjacent lots.

IV D 4c Self-Service Storage Facility. Requires special permit in Industrial District. Self-Service Storage Facilities are prohibited in all other districts. See Section IV U for further requirements.

IV D 4d Independent Marijuana Testing Laboratories and Marijuana Research Facilities. Requires special permit in Industrial District. Independent Marijuana Testing Laboratories and Marijuana Research Facilities are prohibited in all other districts. See Section IV.V: Adult Use Marijuana, Section V: Special Permits and Section VII: Site Plan Review for further requirements. (Added 6/3/19)

IV D 5a Portable sawmill. Requires special permit in residential districts, prohibited in all other districts. Special permit may be issued for no more than one year and no more than once in any ten-year period. Only lumber cut from the lot or abutting lots may be processed. Sawmill must be operated at least 500 feet from any dwelling unit of an abutter, or more if the SPGA so provides.

IV D 5b Hydroelectric power facility. Requires special permit in all districts.

SECTION IV E: MULTIPLE USES ON A LOT

1. More than one use on a lot in a business, central business, or industrial district is permitted via special permit if requirements are met, and provided that the uses are separately permitted or permitted under special permit in the district. The required findings, in addition to those set forth in V B and elsewhere in this By-Law, are that the uses are compatible with each other and do not involve an intensity of use inappropriate to the neighborhood or the lot. Where dimensional requirements for the proposed uses differ, the more restrictive dimension(s) shall apply.
2. Any substantial change in an existing conforming multiple use for which special permit has been granted requires another special permit. Required findings shall be as in IV E 1 above.
3. Multiple uses in residential districts are permitted only as specifically provided elsewhere in this By-Law.

SECTION IV F: CENTRAL BUSINESS DISTRICT.

1. In the central business district all construction, reconstruction, or exterior alteration of buildings requires a special permit, except for alterations to single-family houses, which require only a building permit. Interior alterations do not require special permit.(Last sentence added May 13, 1995)
2. In considering applications for special permit in the central business district, the SPGA shall take into account the following factors in addition to those set forth in V B and elsewhere:
 - a. The effect of the proposed structure or use on the development of the district.
 - b. The compatibility of the proposed structure or use with adjacent structures and uses.
 - c. The availability of adequate on or off street parking space for the proposed use. (See V H for the authority of the SPGA to waive off-street parking requirements.)

SECTION IV G: ANIMAL HUSBANDRY

1. Special permit is required for all non-agricultural animal husbandry (e.g., kennel, stable, mink farm), and one or two horses kept on lots of less than one acre.
2. On lots of five acres or more, agricultural animal husbandry is allowed without special permit.
3. On lots of less than five acres:
 - a. Agricultural animal husbandry where the majority of the animals are raised or kept for commercial purposes requires a Special Permit, with a finding by the SPGA that the proposed use would not endanger public health, be detrimental to the neighborhood, or create a nuisance.
 - b. Agricultural animal husbandry where the majority of the animals are not raised or kept for commercial purposes is allowed without special permit in all districts except business, central business, and industrial, where special permit is required.

SECTION IV H: OFF-STREET PARKING

1. The following regulations apply to uses for which off-street parking regulations are not provided in the Table of Use Requirements (IV A-D).
 - a. Uses which sell, dispense, or provide goods or services on the premises shall provide a parking area not less than twice the total floor area devoted to the service of customers or clients, except that at least three parking spaces plus one for each full-time (or equivalent part-time) employee shall be provided.
 - b. Non-residential uses which do not sell, dispense, or provide goods or services on the premises shall provide parking spaces not less in number than one and a half times the maximum number of persons employed or otherwise regularly occupied on the premises simultaneously.
2. Where more than three parking spaces are required on a lot, an access lane shall be provided to the parking area, which shall otherwise be bounded by a curb or other barrier.
3. The minimum size for a parking space shall be 9 x 12 feet.
4. In granting special permit for any use, the SPGA may require off-street parking spaces, standards, or conditions in addition to those set forth in this By-Law, if it deems these needed for the use.
5. In granting special permit for uses in the central business district, the SPGA may waive off-street parking requirements in those cases where it seems their application to be unfeasible and not in the public interest.

SECTION IV I: SIGNS. (5/11/96; Amended 6/4/2018)

1. This section pertains to sign uses on a lot which may be allowed by Special Permit. It does not pertain to signs protected by Federal or State law. Signs shall be flat, not flashing and non-rotating. On premises signs may be illuminated from the top or bottom, but lighting shall not spill over to abutting lots.
2. A reasonable number of direction signs of no more than four square feet on each face may be placed off-premises with the permission of the owner of the parcel the sign is on. All other signs shall pertain to uses on the lot on which the sign is placed.
3. No signs or illumination of signs that are a hazard or impediment to pedestrians or vehicular traffic shall be installed or maintained.
4. Special Permit shall contain provisions for signs appropriate to the neighborhood and the use. Including, but not limited to the following standards, or where a special permit has not set standards, they are as follows:
 - a. Signs for residential use shall consist of a nameplate of no more than two square feet per face affixed to a mailbox or a building. Home occupations under IV C 1a and 1b above may also be indicated on this sign, which in that case may be no more than four square feet per face.
 - b. Non-residential uses other than home occupations under IV 1a and 1b are permitted one sign, which may be free standing or affixed to a building. The sign shall not exceed six square feet per face in residential, aquifer protection and river protection districts, and sixteen square feet per face elsewhere.
 - c. Signs unattached to buildings shall be no more than four feet high. Signs affixed to buildings shall be no higher than the building at any point. Neon signs are prohibited with the exception of one "Open" sign inside of a window or door. No sign, neon or otherwise, shall have flashing, blinking, or any otherwise moving elements.
 - d. Signs that do not conform to the provisions of a., b., or c. above, require a Special Permit from the ZBA or Huntington Site Plan Review Authority (HSPRA) as provided in these Bylaws, issued by the affirmative vote of all three members (or alternates) after a Public Hearing of which notice has been given by regular mail at least ten days in advance to all those owning property within 300 feet of the sign, notwithstanding roads, streets or ways. Such permit shall be granted only if in the judgement of the ZBA or HSPRA, the proposed sign or signs are appropriate to the use and the character of the

neighborhood.

5. In granting permits or Special Permits for signs on or within 300 feet of the Jacob's Ladder Trail Scenic Byway (Route #20), or any other designated scenic byway or historic district, the ZBA or HSPRA shall set such reasonable conditions as it deems needed to preserve and enhance the traditional, scenic and aesthetic values associated with any designated scenic byways or historic districts.
6. Commercial or use signs not provided for above are prohibited.

SECTION V: SPECIAL PERMITS

A. Authority

1. As authorized by MGL 40A, Section 9, this By-Law provides that certain structures and uses require a special permit, to be issued only after a public hearing and a finding by the Special Permit Granting Authority (SPGA) that the proposed structure and/or use complies with the general provisions set forth below and the special provisions set forth elsewhere in this By-Law.
2. Special permits may, and where so provided in this By-Law shall, impose such conditions, safeguards, and limitations on time or use as in the judgement of the SPGA will serve to insure compliance with the general and specific provisions for special permit set forth in this By-Law. Where appropriate to the use and in accord with the purposes of this By-Law, the SPGA may provide that a special permit is non-transferable.
3. The Planning Board shall be the SPGA for common driveways under VI K and VI A, wireless communications facilities under IV Q, context-sensitive developments under IV N and marijuana establishments under Adult Use Marijuana. For all other special permits, the SPGA shall be the Zoning Board of Appeals. (1/24/90, amended 5/6/95, 6/3/2019)
4. The Selectboard shall appoint an associate member to the Planning Board, who shall sit on the Planning Board at the request of its Chair for the purposes of acting on a special permit application in the case of absence, inability to act, or conflict of interest on the part of any member of the Board or in the event of a vacancy on the Board. The term of the first such appointment shall expire on July 1, 1992, and the term of appointment thereafter shall be three years.(1/24/90)

B. General Provisions for Special Permit

1. The proposed structures and uses shall be in harmony with the general purpose and intent of this By-Law and the public interest and shall conform to the provisions of this By-Law and all other applicable laws and legally binding regulations.
2. No substantial grievance, nuisance, or hazard shall be created for any person owning or residing on an abutting lot or an abutting-to-abutting lot within 300 feet of the lot-site of the special permit.
3. The appearance of the proposed structures shall be in substantial harmony with the general character of the neighborhood.
4. The proposed use shall be in substantial harmony with the uses prevailing in the neighborhood and for which the site is zoned.
5. Existing public facilities shall be adequate for the proposed use.
6. Existing streets shall be adequate in width and design for the traffic which would be created by the proposed use.
7. The proposed use shall not be such as to create traffic on access streets to the site which would be a hazard or substantial nuisance to those owning property on or using such streets.
8. Provisions shall be made for adequate off-street parking, as provided in Sec. IV H.
9. The proposed structures and uses shall not involve a density of population or intensity of use substantially beyond what is generally characteristic of and appropriate to the neighborhood.
10. The proposed structures, facilities, and uses shall not have a significant adverse environmental impact.
11. Special permit shall not be issued for a lot on which there is an existing violation .(Amended May 14, 2001)
12. Special Permit Approvals are not transferable. Should ownership and/or occupancy or the business location change, a new Special Permit Application is required with no guarantee of approval. (Added 6/3/19)

C. Procedures for Special Permit

1. Procedures for special permit shall be as provided in MGL 40A, Sections 9 & 11, and the rules and regulation of the SPGA. [Some of these provisions are: Applications shall be filed with the Town Clerk and then the SPGA. An advertised public hearing must be held within 65 days of the filing of the application. Parties in interest must be notified. These include petitioner, abutters, and abutters to abutters within 300 feet, (without regard to street or road lines), the Planning Board, and others. Applicant is charged a fee sufficient to cover the cost of advertisement and notice. The Planning Board must submit a report within 35 days of receipt of a copy of the application. The SPGA may not act on the application until

this report has been received, or until 35 days have passed. Decision on the application must be made and filed with the Town Clerk within 90 days of the public hearing on the application. Applicant and parties of interest must be notified of the decision and informed of their right to appeal. For full details see MGL 40A, Sections 9 & 11 and ZBA rules and regulations.]

2. A special permit shall lapse if a substantial use thereof has not occurred within two years of issuance, subject to the provisions of MGL 40A, Sec. 9.

D. Time Periods of Special Permits, Renewals, Violations, Failure to Apply, Penalties (Added 6/3/19)

1. Special Permits shall be valid for a period of one (1) year, unless stipulated otherwise in the conditions of the specific permit. After the first year without any violation, the SPGA may renew the Special Permit for a period of two (2) years or longer, depending on the permitted location and its effect on the neighborhood. No Special Permit may be valid for a period longer than five (5) years. However, Special Permits may be renewed for up to five (5) year periods numerous times if they qualify.
2. No Special Permit renewal shall be approved when there are unrectified violations on this Special Permit statute, or conditions of the existing Special Permit, or unpaid taxes owed to the Town of Huntington on the parcel. The owner of the parcel holding the Special Permit shall have 30 days after notification (by the appropriate entity) of the violation or unpaid taxes to rectify the violation or unpaid taxes or make accommodations to do so which are satisfactory to the SPGA and/or Town Treasurer, as applicable. Should the violation(s) continue after 30 days without satisfactory efforts to be rectified, the appropriate Town Official may use any lawful procedure to suspend the Special Permit in violation until such time (within the remaining time period of the permit) as the permit is in accordance with its conditions. Additionally, the appropriate Town Official may assess penalties as stated below.

3. Failure to Apply

Should a person or entity commence an action which requires a Special Permit or Variance under this Zoning Bylaw without applying for said Special Permit or Variance and receiving approval from the appropriate SPGA, that person or entity shall be considered in violation of this Zoning Bylaw. That person or entity, as well as the owner of the property, is subject to assessed penalties as stated below.

4. Penalties

Penalties for violations of this Zoning Bylaw may be assessed as deemed necessary. Penalties are as follows:

- a. First violations are subject to a Warning with 30 days to rectify the violation with the SPGA without financial consequences.
- b. Second violations are subject to a fine of \$100 per offense. Each day the violation continues constitutes a separate offense and is therefore, an additional fine. After thirty (30) additional days, a subsequent violation is considered a third violation.
- c. Third and subsequent violations are subject to a fine of \$300 per offense. Each day the violation continues constitutes a separate offense and is therefore, an additional fine.

SECTION VII: SITE PLAN REVIEW



Town of Huntington
Town Clerk
24 Russell Rd., PO Box 453
Huntington, MA 01050
413-512-5209

June 7, 2021

Closing Your Business

It is the responsibility of the business owner, not the Town Clerk, to discontinue the business. (The Town Clerk is legally unable to do this.) However, the Town Clerk needs to be notified in order to remove the discontinued business from the list of businesses.

When you close your business you must cancel your registration with both the Federal government and the Commonwealth of Massachusetts by following the procedures below.

Visit [MassTaxConnect](https://mass.gov/masstaxconnect) (mass.gov/masstaxconnect) to see if your business is registered. You must file the final tax return for the business that you plan to discontinue even if you are not registered.

If you are unable to use MassTaxConnect to cancel your registration, contact the Customer Service Bureau at 617-887-6367 > Select "2" (You will then speak to "Sal" at the Business Division of MA DOR to help you to discontinue the business.)

Other Requirements

If you or your company are filing Chapter 7 bankruptcy, you must also contact DOR's Bankruptcy Unit at 617-626-3875.

IRS Requirements

For additional information call IRS Customer Service at 617-536-1040 or 800-829-1040 or visit the [IRS' website](https://www.irs.gov).

Secretary of the Commonwealth Requirements

Call 617-727-9640 (corporations), or visit the Secretary of the Commonwealth.

Sincerely,

Linda Hamlin, Town Clerk

Business Certificate

The Commonwealth of Massachusetts
Town of Huntington

_____ 20____ Expires _____
In conformity with the provisions of Chapter one hundred and ten, Section five of the General Laws,
as amended, the undersigned hereby declare(s) that a business under the title of

is conducted at _____

in Huntington

by the following named person(s)

full name

Residence

Signed

Print

The Commonwealth of Massachusetts
Hampshire County

_____ 20____
Personally appeared before me the above-named _____

And made oath that the foregoing statement is true: This certificate shall be in force for four years from the date certified and shall be renewed every four years so long as such business is conducted and shall lapse and be void unless so renewed. A statement under oath must be filed with the Town Clerk upon discontinuing, retiring, or withdrawing from such business,

Town clerk

Date

Notary Public
My commission expires: _____

OR

Town Seal

Town Clerk