



TOWN OF DOUGLAS
Adult Entertainment Overlay Districts
(AEOD)
SPECIAL PERMIT APPLICATION FORM
Pursuant to Section 8.2 & 9.3 of the Douglas Zoning Bylaw

Zoning Bylaw Section 8.2

OFFICE USE ONLY

APPL No. _____

SUBMITTED _____

FEE _____

I. Owner Information

Organization Name _____ Contact Person _____

Street Address _____ Additional Address _____

City/Town _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____ Email Address _____

Other Comments _____

II. Applicant Information

Organization Name _____ Contact Person _____

Street Address _____ Additional Address _____

City/Town _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____ Email Address _____

Other Comments _____

III. Representative Information

Organization Name _____ Contact Person _____

Street Address _____ Additional Address _____

City/Town _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____ Email Address _____

Other Comments _____

IV. Operator Information

Organization Name _____ Contact Person _____

Street Address _____ Additional Address _____

City/Town _____ State _____ Zip Code _____

Telephone Number _____ Fax Number _____ Email Address _____



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V. Site Information

Assessors Map Assessors Parcel Deed Book Deed Page

Street Address Additional Address

City/Town State Zip Code

Other Comments

VI. Adult Entertainment Overlay Districts (AEOD) 8.2 Zoning By-Law

8.2.1 Purpose and Authority

Its has been documented in numerous other towns and cities throughout the Commonwealth of Massachusetts and elsewhere in the United States that Adult Entertainment Establishments are distinguishable from other business uses and that the location of adult entertainment uses degrades the quality of life in the areas of a community where they are located. Studies have shown secondary impacts such as increased levels of crime, decreased tax based, and blight resulting from the clustering and concentration of adult entertainment uses. Late night noise and traffic also increase due to the late hours of operation of many of these establishments. This bylaw is enacted pursuant to Massachusetts General Law Chapter 40A, Section 9A and the Massachusetts Home Rule Amendment with the purpose and intent of regulating and limiting the location of Adult Entertainment Establishments (as defined herein) so as to prevent the secondary effects associated with these establishments, and to protect the health, safety, and general welfare of the present and future inhabitants of the Town of Douglas.

8.2.2 Intent

The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative matter or materials, including sexually oriented matter or materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented matter or materials protected by the Constitution of the United States or of the Commonwealth of Massachusetts, nor restrict nor deny rights that distributors or exhibitors of such matter or materials may have to sell, distribute, or exhibit such matter or materials. Nor is it the intent or effect of this Section to legalize the distribution of obscene matter or materials.

8.2.3 Applicability

This Section applies to all Adult Entertainment Establishments, as defined herein. Any existing Adult Entertainment Establishment shall apply for an Adult Entertainment Special Permit within 90 days of the effect of this bylaw.

8.2.4 Overlay District

The Adult Entertainment Overlay Districts (AEOD) are established as overlay districts, so that any parcel of land lying in an Adult Entertainment Overlay District shall also lie in one or more of the other zoning districts in which it was previously classified, as provided for in this Zoning By-law.



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8.2.5 Special Permit Grant Authority

The Special Permit granting authority shall be the Planning Board.

8.2.6 Special Permit Uses

The following uses shall required a Special Permit from the Planning Board

1. Adult Store;
2. Adult Motion Picture Theater;
3. Adult Live Entertainment Establishment.

These uses shall be known as Adult Entertainment Establishments.

8.2.7 Submittal Requirements

In addition to the submittal requirements for Site Plan Approval as detailed in Section 9.4 special permit applications for approval under this Section shall contain the following additional information:

1. Name and address of the legal owners of the establishment and the property, as well as the manager of the proposed establishment;
2. The total number of employees;
3. Proposed security precautions;
4. The external and internal physical layout of the premises;
5. Full description of the intended nature of the business.

8.2.8 Standards for Adult Entertainment

No special permit may be granted by the Planning Board for an Adult Entertainment Establishment unless the following conditions are satisfied:

1. Location Conditions. No Adult Entertainment Establishment may be located outside of an Adult Entertainment Overlay District and less than 300-feet from a residential zoning district, school, library, church or other religious use, child care facility, park, playground, recreational areas, any establishment licensed under the provisions of Massachusetts General Law Chapter 138, Section 12, or another Adult Entertainment Establishments. The 300-feet shall be measured from all property lines of the proposed use.
2. Display Conditions. No signs, graphics, pictures, publications, videtapes, movies, covers, merchandise or other implements, items or advertising, depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31 shall be displayed in the windows of , or on the building of, any adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such establishments.
3. Screening. All building openings, entries, and windows shall be screened in such a manner as to prevent visual access of the public to the interior of the Adult Entertainment Establishment. A five (5) foot high solid fence or a landscaped buffer of evergreen trees or shrubs five (5) foot high at the time of planting shall be provided and maintained along the side and rear property lines.



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4. Minors. No Adult Entertainment Establishment shall be allowed to disseminate adult matter to minors, cause Adult Entertainment Establishment displays to be viewed by minors, or allow minors to linger on the premises.
5. Applicant Conditions. No Special Permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c. 272, s28.
6. Parking. Parking for Adult Entertainment Establishment shall be provided only in side or rear yard areas. All parking areas shall be illuminated and such lighting shall be contained within the subject property lines.

8.2.9 Permit Conditions

A special permit issued under this Section shall lapse upon any one of the following occurrences:

1. There is a change in the location of the adult use; or
2. There is a sale, transfer or assignment of the business or the license; or
3. There is any change in ownership or management of the applicant.

8.2.10 Lapse

Failure to begin a permitted Adult Entertainment Establishment within two years of the granting of such permit, except for "good cause", including the time necessary to await a court appeal to establish an Adult entertainment Establishment shall result in the lapse thereof.

VII. AEOD Submittal Requirements 8.2.7 Zoning By-Law
Does the proposed project meet the following conditions?

- | | | |
|--|------------------------------|-----------------------------|
| 1) Name and address of the legal owners of the establishment and the property, as well as the manager of the proposed establishment; (section 8.2.7.1) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 2) The total number of employees; (section 8.2.7.1) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 3) Proposed security precautions; (section 8.2.7.3) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 4) The external and internal physical layout of the premises; (section 8.2.7.4) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| 5) Full description of the intended nature of the business. (section 8.2.7.1) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |



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VIII. AEOD Standards for Adult Entertainment 8.2.8 Zoning By-Law

No special permit may be granted by the Planning Board for an Adult Entertainment Establishment unless the following conditions are satisfied:

Does the proposed project meet the following conditions?

1) Location Conditions. No Adult Entertainment Establishment may be located outside of an Adult Entertainment Overlay District and less than 300-feet from a residential zoning district, school, library, church or other religious use, child care facility, park, playground, recreational areas, any establishment licensed under the provisions of Massachusetts General Law Chapter 138, Section 12, or another Adult Entertainment Establishments. The 300-feet shall be measured from all property lines of the proposed use. (section 8.2.8.1) YES NO

2) Display Conditions. No signs, graphics, pictures, publications, videotapes, movies, covers, merchandise or other implements, items or advertising, depicting, describing or relating to sexual conduct or sexual excitement as defined in G.L. c. 272, s. 31 shall be displayed in the windows of , or on the building of, any adult Entertainment Establishment, or be visible to the public from the pedestrian sidewalks or walkways or from other areas outside such establishments. (section 8.2.8.2) YES NO

3) Screening. All building openings, entries, and windows shall be screened in such a manner as to prevent visual access of the public to the interior of the Adult Entertainment Establishment. A five (5) foot high solid fence or a landscaped buffer of evergreen trees or shrubs five (5) foot high at the time of planting shall be provided and maintained along the side and rear property lines. (section 8.2.8.3) YES NO

4) Minors. No Adult Entertainment Establishment shall be allowed to disseminate adult matter to minors, cause Adult Entertainment Establishment displays to be viewed by minors, or allow minors to linger on the premises. (section 8.2.8.4) YES NO

5) Applicant Conditions. No Special Permit shall be issued to any person convicted of violating the provisions of G.L. c. 119, s. 63 or G.L. c. 272, s28. (section 8.2.8.5) YES NO

6) Parking. Parking for Adult Entertainment Establishment shall be provided only in side or rear yard areas. All parking areas shall be illuminated and such lighting shall be contained within the subject property lines. (section 8.2.8.6) YES NO

7) Are taxes current on the property? YES NO



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Section 9.3 Special Permits of the Zoning Bylaws

Section 9.3.2 Criteria

Special permits shall be granted by the Special Permit Granting Authority, unless otherwise specified herein, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

Has a narrative describing the items below been submitted ?

- 1) Traffic flow and safety, including parking and loading; (section 9.3.2.1) YES NO
- 2) Social, economic, or community needs which are served by the proposal; (section 9.3.2.2) YES NO
- 3) Adequacy of utilities and other public structures; (section 9.3.2.3) YES NO
- 4) Neighborhood character and social structures; (section 9.3.2.4) YES NO
- 5) Impacts on the natural environment; (section 9.3.2.5) YES NO
- 6) Potential fiscal impact, including impact on town services, tax base, and employment. (section 9.3.2.6) YES NO



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IX. FEES

The fees for work proposed under this Special Permit Application shall be in accordance with the Town of Douglas Fee Schedule for Special Permit Applications.

Applicants must submit the following information with fee payment:

Fee Calculations

Check Number

Check date

Payor name on check

Applicant name (if different from payor)

Administrative Filing Fee:

Base: \$250

No. of property Abutters: _____ x \$5.00/EA = _____

TOTAL ADMIN FEE: _____

Project Review & Inspection Fee:

III) Total Application Fee:

I) ADMIN TOTAL: \$

II) REVIEW TOTAL: \$

TOTAL FEE: \$

** Please make all checks payable to the Town of Douglas **

Note: Any fees determined to be refundable by the Board having jurisdiction over these fees and the Town Accountant will be returned to the ORIGINAL APPLICANT ONLY- regardless of who funded the application or whose name is on the check.



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X. SIGNATURES

I hereby certify under the penalties of perjury that the foregoing Special Permit Application and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Planning Board will place notification of this Submittal in a local newspaper at the expense of the applicant in accordance with the requirements of the State Zoning Act.

I further certify under penalties of perjury that a current list of all abutters and other relevant parties of interest were provided to the Planning Board office with current mailing addresses. These parties will be notified by the Douglas Planning Board pursuant to the requirements of the State Zoning Act. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 300 feet of the property line of the project location.

Signature of Applicant

Date

Signature of Property Owner (if different)

Date

Signature of Representative (if any)

Date